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Annexes

**FOURTH REPORT SUBMITTED BY ROMANIA
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THE PROTECTION OF NATIONAL MINORITIES**

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ANNEX 1

Relocation and eviction situations affecting the Roma

Eforie Sud. The demolition of the houses built illegally on the town's public and private domain was conducted under the Mayor's Decision no. 296/2013 (issued in accordance with Law no. 50/1991 on the authorization of constructions and certain measures on housing, and Law no.215/2001). The decision was taken, according to the local authorities, with a view to sanitizing and clearing the area occupied illegally by 68 people. The administrative decision to demolish the illegal houses was communicated in due time, so that the summoned persons could move to the locations provided by the municipality in a former boarding school and a former school, where beds, sleeping bags, clothing and food were distributed. The National Agency for Roma however challenged the legality of the evacuation and complained about what it considered improper living conditions provided by the municipality.

Baia Mare – Craica. The shelters of the 120 Roma families had been built illegally on public as well as private land. The eviction decision was also motivated by the fact that the respective area was not easily accessible, had a precarious infrastructure and no utilities, being a health hazard for the community.

The municipality provided a temporary housing solution in the CUPROM buildings, and informed the members of the Roma community about it. The renovated buildings were connected to electricity, water and sewerage, and had bathrooms, central heating, cable television and internet. The evicted persons could inspect the buildings in advance in order to decide whether to move in, and a written agreement was drafted for those who accepted the offer. The electricity and water supply were charged to the local budget. The location is close to a bus and a trolleybus stop, to several schools, a hospital and the ROMANII Community Centre, a social centre providing a wide range of services: personal hygiene, laundry, social canteen, recreational and educational services for pre-school children, school children and illiterate children, pre-kindergarten services, counselling services, health services, mediators and a community nurse for the new community. At the time of reporting, there were no recorded cases of dropping-out or non-schooling among the children, due to the social assistance provided by the local authorities.

The Baia Mare local authorities took measures to improve the housing conditions by upgrading and expanding the existing blocks and by building new housing units. The City Council established a negotiating committee tasked to lease land for the building of social neighbourhoods for the disadvantaged communities in the municipality of Baia Mare. Such plans are designed on a long term, and the results will materialize in time, given the legal and administrative procedures.

However, the National Council for Combating Discrimination was notified on alleged discriminatory practices against the Roma community in this case. In July 2012, the Council decided that it was a case of discrimination, and the Mayor of Baia Mare received a warning and was requested to improve the living conditions of the Roma in the CUPROM buildings.

The National Agency for Roma organized through its County Office for Roma within the Baia Mare County Prefecture working meetings with all the parties involved in the eviction/relocation cases, in an effort to consolidate the dialogue between the formal and informal Roma leaders and the local and central public authorities.

Fourth report of Romania on the implementation of the
Framework Convention for the Protection of National Minorities

Piatra Neamț. The process of moving out the Roma families was not technically a forced eviction and unfolded relatively slowly, over a week. A number of 262 persons were moved to Văleni district, in 96 residential units consisting of 24 two-room apartments and 72 one-room apartments, in better living conditions than the previous ones (bathrooms, tiled kitchens, floored bedrooms, access to utilities). Housing was granted on social – not ethnic – grounds. In the area there is a school and the municipality has taken measures provide adequate public transportation.

Cluj-Napoca. The National Council for Combating Discrimination was notified in 2011 with regard to the relocation of 56 Roma families from Coastei Street to Pata Rat, a chemical waste station of the city, close to a garbage dump and a toxic waste dump. As a result, the Mayor of Cluj-Napoca received a fine of 6000 RON (approximately 1500 euros) and was recommended to ensure the minimum living standards for the relocated persons.

The local authorities informed that the situation was supervised by the Directorate of Social and Medical Assistance, which carried out weekly field visits to assess the needs of this community, and provided counselling services and information, assisted in obtaining identity document and in enrolling children in school and day centres. Within the Directorate of Social and Medical Assistance, the "Wonderland" Day Care Centre functions, with a capacity of 30 seats for Roma children, aged 3 to 6 years. It provides social and educational services and prevents the separation of children from their families. The IT equipment was provided by the National Agency for Roma in cooperation with Roma NGOs.

Given the complexity of the situation, the local authorities considered that a concerted intervention of several institutions was needed. As a result, a \$ 60,000 contract was concluded for funding the technical project "Making the most of EU Fund for Sustainable Housing and Inclusion of Disadvantaged Roma in Cluj Metropolitan Area". The contributors are the Open Society Institute – 50,000 dollars, the United Nations Development Program – 5,000 dollars and Cluj-Napoca City Hall, the project implementation unit – 5,000 dollars. The project is monitored by the North-West Development Agency, the faculty of the Babes-Bolyai University and the Civil Society Working Group – gLoc. The project is part of the 2014 – 2020 long-term strategic planning for the benefit of disadvantaged communities, especially the communities of Pata Rat, and is centred on three areas: research into the housing needs of the Roma communities; a community facilitation component, focused on empowering community members to actively engage in planning and implementing long-term projects; the development of a portfolio of projects on housing, employment, health services and education needs.

An action plan was developed for the implementation of this project, which includes identification of the urgent needs of the Roma community, possible solutions and financial resources to ensure minimum hygiene conditions, access to education, identity documents, health care, and public services (public lighting, public transport and a temporary social service). At the same time, the Directorate for Social and Medical Assistance, organized as a public service subordinated to the Local Council of Cluj-Napoca, is open to consultations and constructive partnerships with a view to improving the living conditions of people who risk social marginalization. The local authorities continue to work on finding solutions for improving the situation of the vulnerable groups by involving communities in decision making and in finding sustainable solutions.

ANNEX 2

Selection of relevant decisions of the National Council for Combating Discrimination (CNCD), addressing discrimination on grounds of ethnicity

- File no. 374/2011, decision no. 244 of 1 August 2012 – discrimination on grounds of omission to display the name of public institutions and other public information in the Hungarian language for 18 public institutions; a recommendation was issued to remedy the situation; the CNCD referred to the Charter provisions in the decision’s argumentation.
- File no. 114/2012, decision no. 465 of 7 November 2012 – discrimination on grounds of omission to display the name of the Miercurea Ciuc Fire Department in the Hungarian language; a recommendation was issued to remedy the situation; the CNCD referred to the Charter provisions in the decision’s argumentation.
- File no. 443/2012, decision no. 528 of 26 November 2012 – discrimination on grounds of omission to display the name of the Mures County Consumer Office in the Hungarian language; a recommendation was issued to remedy the situation; the CNCD referred to the Charter provisions in the decision’s argumentation.
- Decision no. 104/2013 – discrimination on grounds racist and discriminatory remarks with regard to the Roma community from Baia Mare in a newspaper article; a warning was issued; CNCD referred to GD no. 137/2000 regarding discrimination and the right to dignity.
- Decision no. 451/2013 – discrimination on grounds of degrading and discriminatory remarks with regard to two Roma ethnics expressed during a dispute with neighbors; CNCD fined the guilty party with 400 RON each.
- Decision no. 65/2013 – discrimination on grounds of omission to display the content of the electronic version of the Hungarian language paper *Kereszturi Kisvaros* also in Romanian on the webpage of Cristuru Secuiesc Townhall; a recommendation to also post a Romanian version was issued.
- Decision no. 171/2013 – discrimination on grounds of racist and discriminatory remarks related to the Roma community expressed during a TV program; a warning was issued, and the recommendation to abstain from such language in the future.
- Decision no. 381/2013 – discrimination on grounds of discriminatory remarks related to the Hungarian national minority posted on the Facebook page of the mayor of Satu Mare; the fact that the author was a public person (a well-known sportsman) was considered an aggravating circumstance; the author received a fine of 600 RON.
- Decision no. 566/2013 – discrimination on grounds displaying information of public interest exclusively in the Hungarian language on the webpage of the Joseni Townhall; a fine of 600 RON was applied.

Activity report 2011



CONSILIUL NAȚIONAL PENTRU COMBATerea DISCRIMINĂRII

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FOREWORD

The National Council for Combating Discrimination is the authority having an important role to play in ensuring a non-discriminatory background for each Romanian person, irrespective of his/her ethnic, religious affiliation. In this regard, the legislation and institutional mechanisms in the field of discrimination are just a few of the essential elements to be considered in the creation of a democratic society.

In 2011, the Council continued to fulfill its powers and prerogatives in terms of challenges related to the settling of petitions, drawing-up of opinions requested by courts in pending discrimination cases, the implementation of specific activities in the field of prevention and combating of discrimination and of what arises as a consequence of Romania's representation at international level in the human rights field.

NCCD continued to consolidate its standing in the Romanian institutional network and to affirm its social role, as the authority in the field of combating discrimination, through the implementation of programs and projects in harmonization with the „National strategy implementing measures to prevent and combat discrimination (2007 – 2013)”. However, it has to be mentioned that, for objective reasons related to the socio-economic crisis at national, European and international level, CNCD had to adjust and re-arrange certain priorities within the initially proposed objectives and to postpone certain projects or actions, on the background of the lack of personnel and financial resources. Thus, continuing its activity of prevention and raising awareness of social issues facing various vulnerable groups and of change of negative attitudes in their regard, NCCD along with representatives of the civil society, central government, the diplomatic institutions and mass-media, etc, through the organization of various events promoted once more its aptitude of „moderator” of diversity and equality of opportunities, through the mitigation of discriminatory manifestations and at the same contributed to the development and promotion of social dialogue.

With respect to the activity of settling petitions and the observance of deadlines, these remained fundamental priorities of the institution and their effectiveness is also indicated by the high percentage of decisions maintained by the courts.

In 2011, we acknowledge an increasing trend in the number of petitions as in previous years, no special aspects being noticed in relation to the last years. Thus, after the clarification of the institution's prerogatives, the yearly maximum numbers of petitions remained within the margin of the value of 400 – 500. However, the total number of petitions, which is approximately constant reveals that certain issues within the society persist, which have been identified by those who appealed to NCCD as inequities. In this regard it has to be mentioned that for the petitions received for the criterion „disadvantaged category” there is an increasing trend, both in terms of percentage and absolute number. This evolution can be explained through the fact that, in the last years, on the background of the economic crisis, the situations identified by various persons and presented to NCCD for settlement were at least in their perception correlated to discrimination.

The market research intended to clarify the discrimination phenomenon in the Romanian society was carried out this year also by NCCD in collaboration with specialists in public opinions surveys. Therefore, in the respondent's opinions, in 2011, the most discriminated social categories were Roma, persons with physical or mental disabilities, persons infected with HIV/AIDS. The poll tried to collect the perceptions of Romanian citizens as regards discrimination, in correlation with the perception of our affiliation to the community space of the European Union, the impact of Romania's accession on the attitudes in the society regarding the discrimination phenomenon.

NCCD also continued in 2011 to consolidate its cooperation with similar bodies and external institutions within bilateral dialogues. The international presence of the institution's representatives at conferences, meetings, symposia, debates and international meetings contributed to broadcasting NCCD's activity and its visibility, to the improvement of relations with specialized institutions from European states and to establishing new collaboration relations.

NCCD paid increased attention to dialogue and cooperation with the civil society.

This report may represent a tool of presentation and communication at national and European level in order to ensure institutional transparency and report the most important activities, projects, policies, legal norms, decisions and programs that NCCD, as the national authority in the field of prevention and fight against discrimination, adopts and implements in the Romanian society in order to maintain intercultural dialogue, affirm equality of opportunity and expression of diversity.

CHAPTER 1

THE ISSUES RELATED TO DISCRIMINATION AS REFLECTED IN INTERNATIONAL REPORTS

1. FRA - Legal protection of persons with mental health problems within the anti-discrimination legislation¹

The European Union Agency for Fundamental Rights published in October 2011, the Report on „**The legal protection of persons with mental health problems within the anti-discrimination legislation**“. The report analyzes the way the term „disability“ is defined in international and European law and the obligation to ensure the existence of „reasonable accommodation“, as stipulated in international and European standards. The report shows that in almost all EU member states, anti-discrimination legislation protects persons with mental health problems. In most cases, in the context of employment, these persons are provided reasonable accommodation or other protection measures.

- The report emphasizes that in most Member States, the modifications brought to the legal terminology also reflected changes in addressing persons with mental health problems. Thus, in Romania, the Civil Code refers to „mental alienation or debilitation“, the Mental Health Law uses the term „persons with mental disorders“ and the Law on the protection and promotion of the rights of persons with disabilities refers to the International classification of the functioning, disability and health in order to define disabled persons.
- In Romania, as in other member states (Italy, Bulgaria, Latvia, Luxembourg, Poland, Slovenia) the transposition of legislation does not contain a common understanding of the term „disability“ and the definitions can also be found in other non-discrimination laws. Generally, these definitions can be interpreted so as to include persons with mental health problems.

2. FRA - Homophobia, transphobia and discrimination on sexual orientation and gender identity grounds on the European Union member states²

¹ The report “Legal protection of persons with mental health problems in anti-discrimination legislation” available on the official internet page of the Agency, at the address http://fra.europa.eu/fraWebsite/attachments/FRA-2011-Legal-protection-persons-mental-health-problems-report_EN.pdf

² The report „Homophobia, transphobia and discrimination on sexual orientation and gender identity grounds in Member States of the European Union“ available on the official internet page of the Agency, at the address: http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2011/fra_homophobia_synthesis_en.htm

In June 2011, the European Union Agency for Fundamental Rights published the report concerning „**Homophobia, transphobia and discrimination on sexual identity and gender identity grounds in the European Union member states**”. This report emphasizes three underlying issues LGBT persons in the European Union face: the fact that they are forced to live in silence and invisibility, that they are victims of violent attacks and are not treated equally at work or by house owners and when they travel across the territory of the European Union.

- The report retains the fact that in some member states the public authorities did not succeed to ensure the protection of participants at LGBT demonstrations. However, Romania along with Poland and Bulgaria are mentioned as the countries in which LGBT Parades in the last two years took place without incidents.
- In the field of health services, especially the domain of the health services of reproduction for LGBT persons, Romania is mentioned as a positive example, because the MPs and courts have progressed in removing barriers which did not allow individuals to have to access these services , irrespective of the civil status or sexual orientation.
- With regard to the freedom of movement and family reintegration for same-sex couples, Romania consolidated and amended internal legislation in order to provide the fact that a marriage is reserved only to opposite sex couples and that the recognition of partnerships and marriages between same sex couples concluded abroad is rejected.

3. FRA – The access to justice in Europe: an overview of challenges and opportunities³

In March 2011, the European Union Agency for Fundamental Rights published the report regarding „**The access to justice in Europe: an overview of challenges and opportunities**”. In accordance with the European Union legislation, each person is entitled to an effective resort in the enforcement of the rights granted by the EU legislation. Legislation in the field of non-discrimination is given special importance, as the EU law prohibits discrimination on grounds of sex, racial or ethnic origin, sexual orientation, age, disability and religion or convictions. This report contains information regarding the access to justice, focusing on anti-discrimination legislation, excluding criminal law.

- Romania is mentioned as one of the member states that has enforced the provisions of article 14 (2) of the international Convention on the elimination of all forms of racial discrimination (ICERD) which stipulates the appointment of a national body to receive complaints referring to any of the rights guaranteed by ICERD.

³ The report “The access to justice in Europe: an overview of challenges and opportunities” available on the official internet page of the Agency at the address: http://fra.europa.eu/fraWebsite/attachments/report-access-to-justice_EN.pdf

- In the context of non-discrimination law, the alternative principle of mechanisms of settling conflicts operates through the equality bodies appointed by member states in accordance with Directives regarding racial and gender equality. While member states are not compelled to authorize these bodies with a quasi-judicial role, some of them have chosen to do so. The prerogatives of these institutions are not identical in all member states. Thus, the report retains that the decisions of the institution of equality of opportunities in Romania, namely the National Council for Combating Discrimination are mandatory and in the case of finding discrimination, this can require the cessation of the situation of discrimination and the application of a fine.
- Another important aspect mentioned in the report is that in Romania, the victim of discrimination can choose between filing a petition with NCCD, which may issue administrative sanctions (warnings and sanctions) or may lodge a civil complaint before the court, which may grant moral and/or material damage and re-establish/cancel the situation occurred as a result of discrimination, according to the Civil Code. Also, courts may settle the withdrawal or suspension of the official recognition of legal persons, which have caused a significant damage as a result of the discriminatory action or the fact that they have repeatedly breached the provisions of anti-discrimination legislation. The two ways do not exclude each other and the claimant can choose to use them simultaneously or only one of them.
- Romania is mentioned among the member states in which the procedures, i.e. administrative complaints are usually free/exempt from the legal stamp duty.
- Romania, along with other 2 member states is represented as a country with a system problem as regards the non-enforcement of definitive court decisions.

ROMANIA'S REPRESENTATION AT INTERNATIONAL LEVEL

The group of governmental experts on non-discrimination at the level of the European Commission

■ In the year 2011 also, the National Council for Combating Discrimination continued its activity of representing Romania within the group of governmental experts on non-discrimination at the level of the European Commission.

Thus, in April 2011, a meeting of the group of experts took place. On the side of Romania participated Mr. Dezideriu Gergely, member of the Steering Board of NCCD. The Commission representatives presented the results of the workshop organized in Vienna in 2010, on the topic of exchange of good practices regarding governmental

policies to combat discrimination on age grounds. The works were focused on the analysis of public policies in the Member States in the field of access and promotion in the field of labour. In the context of the organisation of another good practices workshop in the autumn, the Commission requested the members of the groups of experts to convey information on the LGBT issues in terms of difficulties encountered in initiating policies to combat discrimination, the implementation of these policies, of the results and progress at national and regional level.

The European Network of Equality Bodies in the European Union (Equinet)

The National Council for Combating Discrimination continued its activity of representing Romania at the level of the European network of equality Equinet. Thus, along with the other 30 member bodies, NCCD facilitates an exchange of information and good practices for an equal, non-discriminatory treatment. In 2011, NCCD obtained for a second time a member mandate in the Executive Board.

■ **In November 2011, in Brussels took place the „The high level Equinet meeting between the heads of national equality bodies and European institutions”.** The leaders of the national equality bodies throughout Europe met in Brussels for special-interest talks with high-level representatives of the Council of Europe (Thomas Hammarberg, Human Rights Commissioner), European Commission, the European Group of national institutions of human rights and other stakeholders. The purpose of the meeting was to discuss and decide on the most relevant aspects for the activity of national equality bodies and on the future annual work program of the Equinet network. In the second part of the meeting were voted the new members of the Equinet Executive Board. The votes offer to the new candidates a two years mandate (with maximum 3 consecutive mandates for each member). On the side of NCCD, was elected the president of the institution, Mr. Asztalos Csaba Ferenc.

The activity of representation of the National Council for Combating Discrimination through participation in conferences, debates and international meetings in the field of combating discrimination.

The National Council for Combating Discrimination continued in the course of the year 2011 to consolidate cooperation with similar bodies and authorities within bilateral, regional and international dialogues. The international presence of the representative of the institutions at meetings, conferences, symposia, debates and international meetings played a role in making public NCCD's activity and visibility, improving relations with similar institutions in the European countries and to establishing new collaboration relations. From the events organized in 2011 at international level, we present below a few of them:

■ In May, a representative of NCCD participated in the workshop addressed to independent national authorities for combating discrimination in the field of employment, organized by the **European Commission against Racism and Intolerance (ECRI)**. The topic of the seminar, as decided following consultations with specialized bodies in the fight against racism and racial discrimination in the 47 member states consisted in debating racism and racial discrimination in employment, the last matter also being the topic of the next general policy recommendation of ECRI. The specific objectives of the seminar consisted in the analysis of the most recent legislative progress in the field, at national and European level and in examining existing needs of the legislative framework and identifying specific problems in the application of appropriate standards.

■ In June, NCCD was included in the program „**The United States external policy and human rights**” organized by the **State Department of the USA** which was implemented in the following cities: Washington DC, Des Moines – Iowa, Minneapolis – Minnesota, Denver – Colorado, New York. The program was conceived to study the components of the human rights field in the context of the external policy of the USA. The project included meetings with the organizations which monitor or are preoccupied by international issues on human rights. During the meetings the discussions focused on how local organizations try to influence the field of human rights at national and international level.

■ In June 2011 also, President Asztalos Csaba was invited as expert in the „**Workshop on anti-discrimination**” which took place in Chisinau, Republic of Moldova. The event was organized by the Enlargement Directorate General of the European Commission, within the TAIEX instrument in collaboration with the Ministry of Justice of the Republic of Moldova. Within the workshop, the intervention on the side of the NCCD representative included a dissertation regarding the implementation of Directives 43/2000 and 78/2000 in Romania, in the context of the complementary system of preventing and combating discrimination. Also, detailed discussions which set forth concrete cases of our institution’s case-law were held. A session of questions was held at the end of the workshop, during which participants requested additional information or explanations related to the issues debated.

■ In September, two NCCD representatives participated in the **EQUINET seminar** on the legal topic „**Conflicts between rights, the right to equal treatment and other fundamental rights**” which took place in Vienna, Austria. The objective of the meeting was to discuss potential conflicts between the right to equal treatment and other fundamental rights, especially religious freedom and beliefs, the freedom of expression and the presentation of concrete cases from the case-law of equality bodies in the EQUINET member states.

■ In **September** also, a representative of NCCD participated in the second annual meeting of the working group for strategic development organized by **EQUINET**. The purpose of the meeting, held in **Belfast, Northern Ireland** was to discuss the draft report on the provision of specialized assistance to the victims of discrimination, prepared by the group members as a result of the previous meeting in Budapest, in which were established the deadlines for concluding the report, i.e. the end of the current year.

■ In **October 2011**, a representative of NCCD participated in Brussels in the seminar on combating discrimination and equality of opportunities organized by the **European Commission** in collaboration with the European Network of Equality Institutions in the EU and the European Network of Legal Experts in the field of gender equality. The purpose of the seminar was to inform participants on the stage of implementation of European directives in the field of non-discrimination and gender equality, to assess the level of involved countries and to perform some forecasts in this field. Representatives of the government, of national equality of opportunities bodies, independent experts, representatives of non-governmental organizations, Commission officials were invited.

■ In **October** also, NCCD's President participated in the **Meeting with the Delegation of the Council of Europe** in the framework of the third monitoring visit on how Romania enforces the provisions of the framework Convention for the protection of national minorities. The purpose of the visit was to assess measures taken in order to follow COE recommendations formulated within the previous monitoring and to analyze the current situation and the most recent evolutions related to national minorities in Romania. The topics discussed correspond to the fields of application indicated in the framework Convention: equality and non-discrimination, preservation and development of culture, tolerance and intercultural dialogue, freedom of association, religion and belief, access to mass-media, use of ethnic languages in administration, justice and to indicate traditional designations, the multicultural and intercultural dimension of education, access to education and training, learning of ethnic languages and their teaching, effective participation in public life, contacts at the international level. The monitoring process will continue its course through the analysis of data by the Advisory Committee of the framework Convention, probably until April 2012, afterwards the documents issued by international experts will be subject of analysis and approval of decision-making bodies of the Council of Europe. In approximately one year, it is possible that the 11th Resolution on Romania should be approved.

■ In **November 2011**, a representative of NCCD participated in the **Equality Summit** organized by the Polish Presidency of the European Union and the European Commission. The topic of debate was „**Promoting equality at local and regional level**” and it gathered a series of actors active in promoting equality concepts in an European context, such as local and regional authorities, business networks, trade union representatives and local NGO's. A series of good practice examples in the field were presented in this Summit, meant to be considered to be enforced in other countries of the Union. Three workshops took place within the Summit which featured various issues: *equality as a factor of regional development, strengthening partnership at local and regional level, implementing non-discrimination policies at local and regional level through a more efficient use of European funds*. The President of the Commission for economic and social policies of the Committee of the Regions presented at the end of the Summit an international outlook on equality, as a regional development factor.

At the beginning of 2011, NCCD transmitted to the European Commission the Reports on the implementation of the framework directive (2000/78/EC) in Romania.

According to art. 19 par. 1 of Directive 2000/78/EC the EU member states shall communicate to the European Commission every five years information on the application of this Directive.

The report on the implementation of the framework Directive in Romania summarizes the activity of the National Council for Combating Discrimination during 2003-2010, from the perspective of actions, programs and discrimination cases relevant under the provisions of Directive 2000/78/EC.

The report emphasizes the measures of transposition of European legislation at national level, legislative measures which required successive and substantial modifications (2002 – 2006) with a view to ensuring conformity between national law and the European Directive. The analysis of the status of the National Council for Combating Discrimination, as brought up by the European Commission represents a special chapter.

At the same time, is presented an analysis of petitions registered by NCCD which report possible discrimination deeds and implicitly an analysis of discrimination cases ascertained by NCCD in the reporting period from the perspective of the provisions of Directive 2000/78/EC.

Of the total of 4453 complaints filed with the National Council for Combating Discrimination in the reported period, 2002-2010, approximately 651 complaints concerned discrimination on religion or convictions grounds, disability, age and sexual orientation. 305 complaints concerned discrimination on disability grounds, 185 on religious affiliation or convictions grounds, 111 complaints on age grounds and approximately 50 complaints on sexual orientation grounds.

In 123 cases, NCCD ascertained discrimination on religion or convictions grounds (27 cases), age (54 cases), disability (31 cases) and sexual orientation (11 cases).

Besides NCCD's case-law, the report contains a detailed analysis of activities of preventing discrimination, conducted by NCCD or in partnership with other institutions and non-governmental organisations.

CHAPTER 2

THE ACTIVITY OF THE NATIONAL COUNCIL FOR COMBATING DISCRIMINATION OF SETTLING NOTIFIED DISCRIMINATION DEEDS

In 2011, the National Council for Combating Discrimination registered 465 petitions, a total which is very close to the one of the previous years (478).

GROUND	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Non-contagious chronic disease	0	0	6	2	3	2	4	2	0	1
Sexual orientation	1	5	6	9	6	7	6	6	4	8
HIV infection	0	1	15	10	5	3	7	1	3	1
Language	0	2	1	2	2	7	11	13	16	10
Convictions	4	12	23	19	8	10	14	13	4	2
Religion	2	9	9	11	8	12	15	6	6	5
Disadvantaged category	2	0	10	6	4	26	22	9	7	14
Age	6	11	14	17	10	10	24	10	9	16
Gender	3	14	13	9	11	22	32	9	18	15
Nationality	1	12	21	39	20	39	54	28	42	33
Disability	3	31	18	21	20	70	55	49	38	42
Ethnicity	34	66	45	85	69	82	62	62	54	62
Others	52	184	108	61	132	32	159	96	83	81
Race	0	0	1	1	2	0	0	2	1	0
Social category	26	126	63	90	132	514	372	222	193	175
TOTAL	134	473	353	382	432	836	837	528	478	465

In 2011, we find the same evolving trend as in previous years, no special aspects in relation to last years being noticed. Thus, after the clarification of the prerogatives⁴ of the institution, the annual maximums of petitions became stable within the margin of the value 400 – 500. The maximums of 836.837 petitions registered in 2007 and 2008 were not reached anymore. However, the total number of petitions, approximately constant reveals that certain problems at the level of society persist, identified as inequities by those who appealed to NCCD.

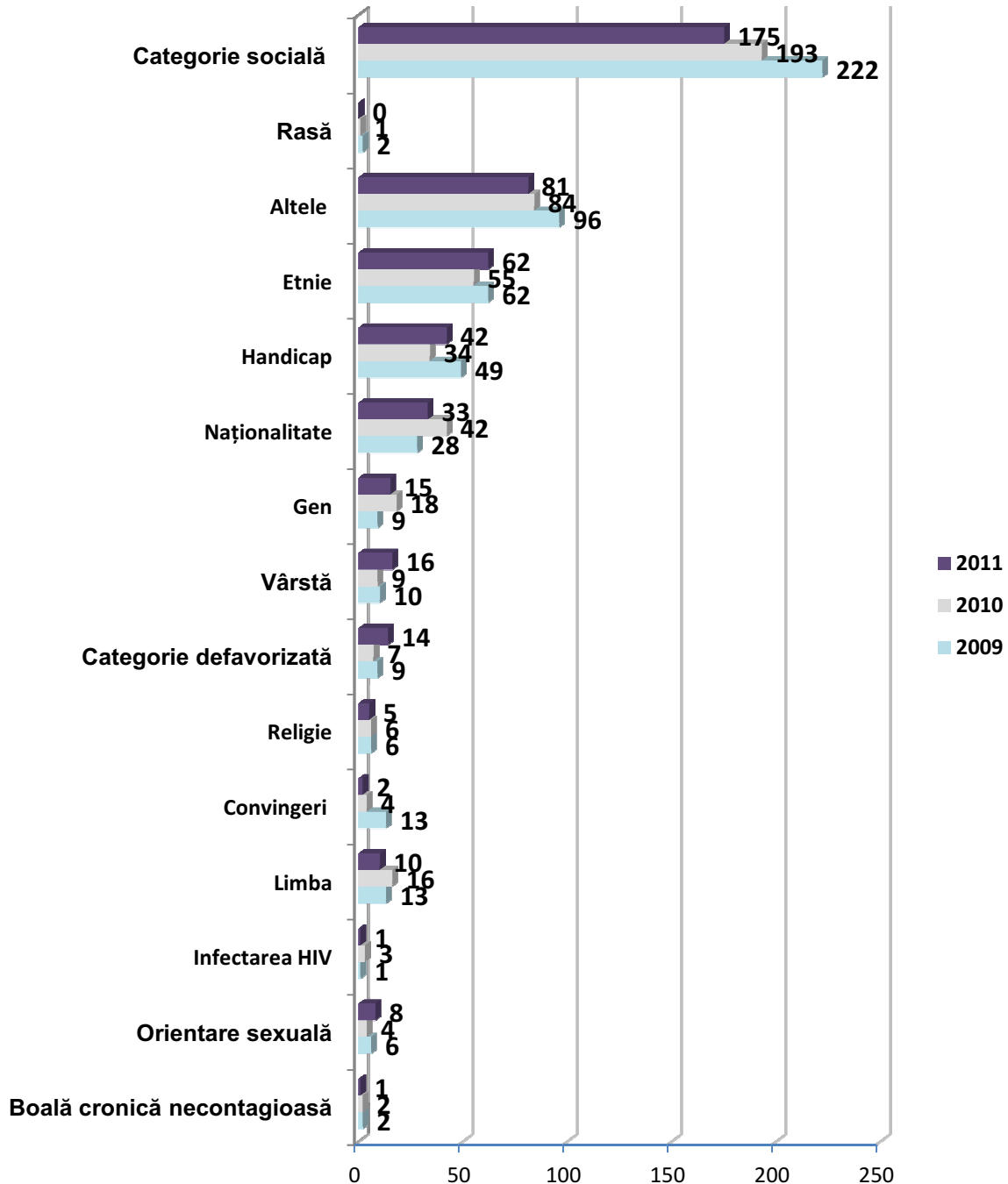
GROUND	2009		2010		2011	
	total	%	total	%	total	%
Non-contagious chronic disease	2	0.38%	2	0.42%	1	0.22%
Sexual orientation	6	1.14%	4	0.84%	8	1.72%
HIV infection	1	0.19%	3	0.63%	1	0.22%
Language	13	2.46%	16	3.35%	10	2.15%
Convictions	13	2.46%	4	0.84%	2	0.43%

⁴ Law 79/2009 approving G.E.O no. 75/2008 for establishing measures to settle certain financial aspects in the system of justice, published in the Official Journal no. 231/08.04.2009 and the Judgment of the Constitutional Court no. 997 of 07.11.2008, published in the Official Journal no. 774 of 18.11.2008

Religion	6	1.14%	6	1.26%	5	1.08%
Disadvantaged category	9	1.70%	7	1.46%	14	3.01%
Age	10	1.89%	9	1.88%	16	3.44%
Gender	9	1.70%	18	3.77%	15	3.23%
Nationality	28	5.30%	42	8.79%	33	7.10%
Disability	49	9.28%	34	7.11%	42	9.03%
Ethnicity	62	11.74%	55	11.51%	62	13.33%
Others	96	18.18%	84	17.57%	81	17.42%
Race	2	0.38%	1	0.21%	0	0.00%
Social category	222	42.05%	193	40.38%	175	37.63%
TOTAL	528	100.00%	478	100.00%	465	100.00%

- A dynamic is observed in the last three years of NCCD activity for a few grounds. Thus, in 2011 for the petitions related to the „sexual orientation” ground a double number of petitions compared to last year was received (in a relative number, there is no spectacular increase: 1,72% in 2011 compared to 0,84% in 2010). This significant increase of petitions for this ground can be explained through the greater visibility of public policies conducted in 2011. For the petitions corresponding to the ground „convictions” there can be found a constant decrease in the last three years (2,46, 0,84, 0,43 in 2011).
- Also for the petitions received in the relation to the grounds „disadvantaged category” there is an increasing trend, both in terms of percentage and in absolute number. This can be explained also through the fact that, in the last years, in an economic crisis setting, the situations identified by various persons and presented to NCCD for settling were, at least in their perception correlated to discrimination.
- As regards the situation of petitions registered for the other grounds stipulated in legislation, a constancy is noticed both in terms of percentage and in absolute number. We can thus talk about a persistency of the issues of discrimination at the level of society.
- It is observed that of the total of petitions received in 2011, almost all discrimination grounds can be found (except for the „race” ground, petitions which can be cumulated to the „ethnicity” ground). In all years, since the beginning of the activity of the institution, petitions can be found for most grounds stipulated in legislation.

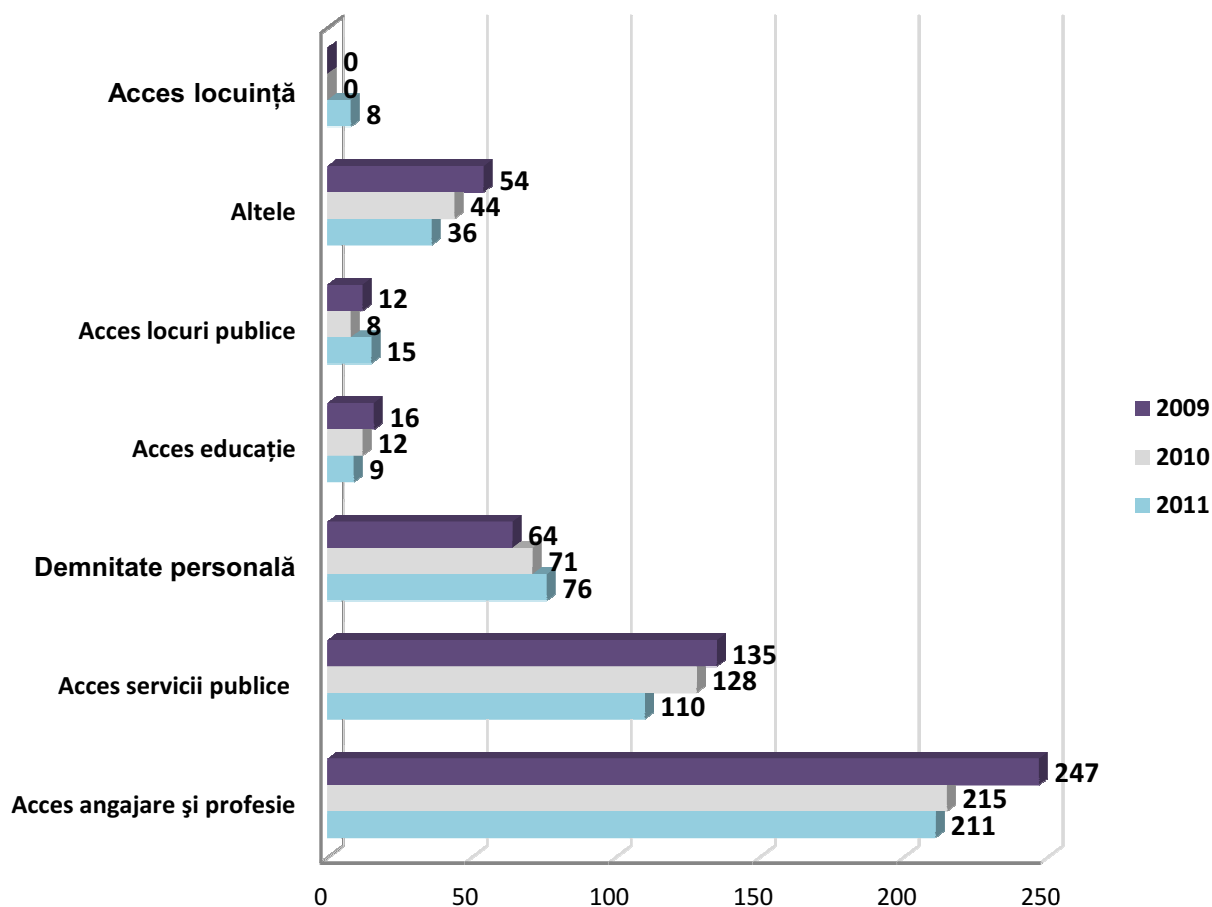
Repartizarea petițiilor pe criterii în perioada 2009-2011



- It is observed that in 2011, of the total petitions received, i.e. 465, most of them refer to issues related to the social category grounds (175 petitions). This trend can also be noticed in previous years, when the prevalence of this ground is predominantly found on the first place in the total annual of petitions. However, it is observed, from year to year that there is a decrease trend for petitions registered on the social category ground.

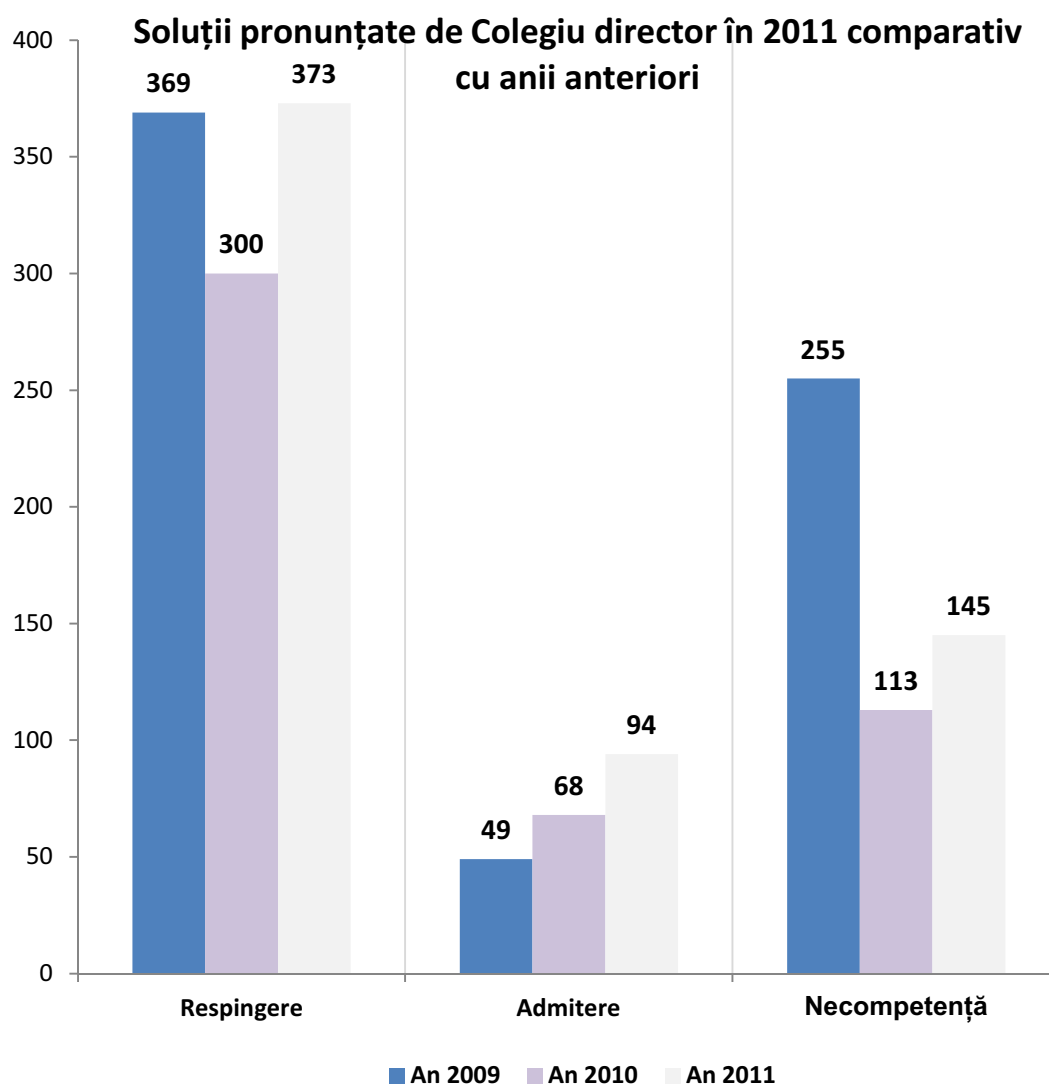
- Compared to the previous years, in 2011, there is an increase trend for the petitions related to the grounds of disability, age, disadvantaged category and sexual orientation.
- In 2011, there is a decrease of petitions corresponding to the grounds of affiliation with a nationality, gender, religion, convictions, language and others.
- Also in 2011, there is a number of grounds registering a weak dynamic from year to year, therefore we can consider that these remain approximately constant: ethnicity, HIV infection, non-contagious chronic disease.

Obiectul dosarelor constituite în perioada 2009-2011



- In 2011, the fields in which most files were opened are those presenting for settling situations related to the access to employment and profession, access to public services, deeds which injure personal dignity.
- As regards the distribution of files opened in 2011, according to fields and as regards the dynamic of files in the last three years, the same trend as in previous years is found.
- The fields in which there is a slight decrease trend of petitions: access to education, access to public services, access to employment and profession and „other” fields.

- The fields for which was found an increase trend of petitions: access to public places, personal dignity and access to housing, fields in which in the last years no petitions was registered.
- However, although there is a fluctuation of the dynamics within each field, in the analyzed period it can be observed that there is the same evolving trend.

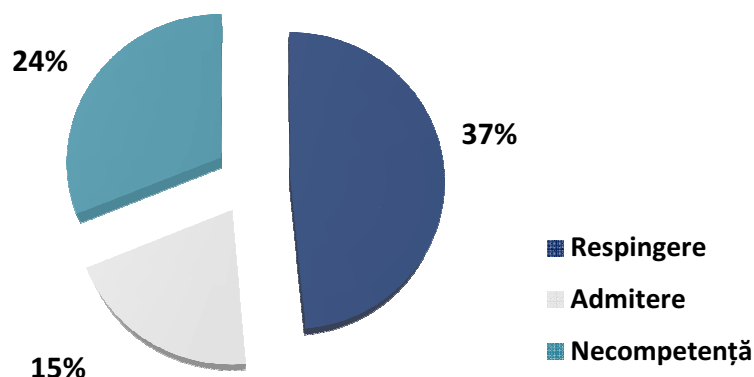


- The number of files settled by the Steering Board in 2011 is 612⁵.
- Compared to 2010, there is an increase of the number of settled files.
- It is found that in the total number of decisions drawn-up in 2011, most of them (373) were of rejection (145) of non-jurisdiction. 94 decisions were admission solutions in 2011.

⁵ In 2011 and in the previous years. Besides the 612 settled files, there are 3 decisions drawn-up for correcting a clerical error.

- In percentages, it is found that 15% are admission solutions, 24% are non-jurisdiction solutions and 37% rejection solutions.

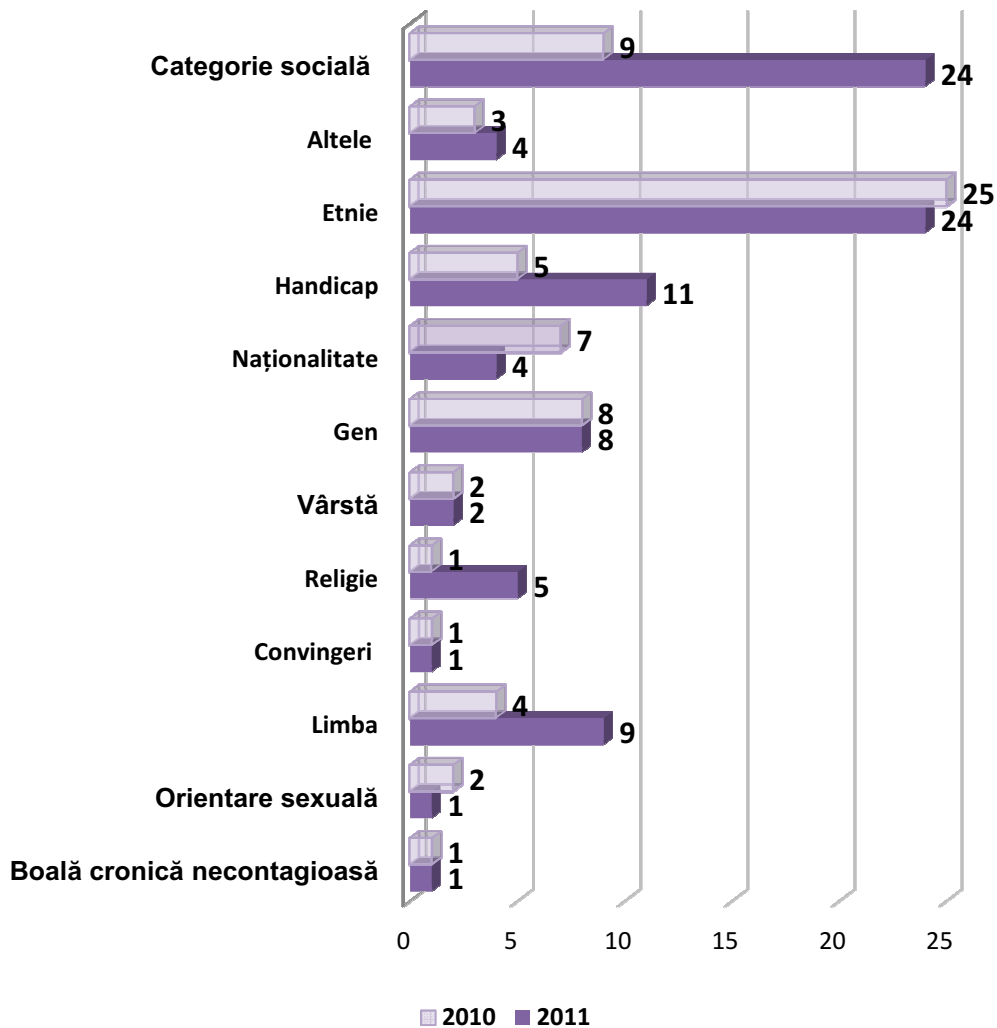
Soluții pronunțate în anul 2011



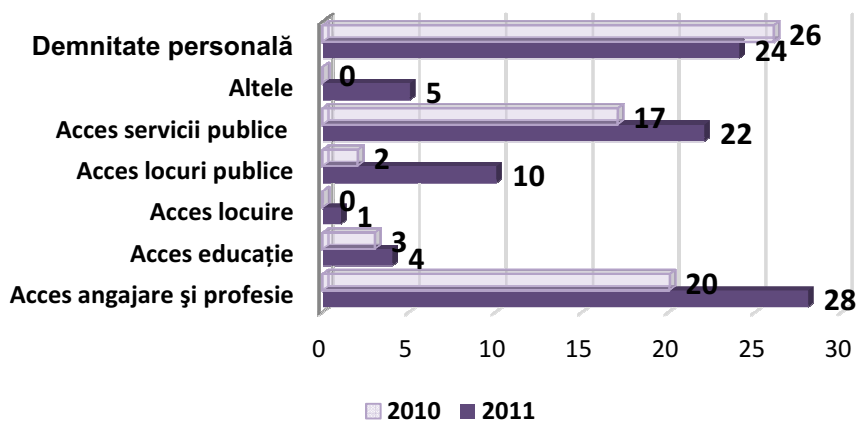
- If in 2009 the admission solutions found represented 7% of all settled files and in 2010 these doubled, reaching 14%, in 2011 these represent 15% of the total.
- In the activity of settling notifications filed with the National Council for Combating Discrimination, the Steering Board through its decisions applies contraventional sanctions in the form of warnings or fines⁶ and offers recommendations in order to avoid future discrimination deeds and restore certain situations.

⁶ According to art. 26 par. (1) of G.O. 137/2000 republished, „from 400 lei to 4.000 lei, if discrimination targets an individual, and with fine from 600 lei to 8.000 lei if discrimination targets a group of persons or a community”

Soluțiile de admitere în perioada 2010-2011 în funcție de criteriile vizate



Soluțiile de admitere în perioada 2010-2011 în funcție de domeniile vizate



● In the case of the 94 admission solutions, besides ascertaining discrimination deeds, the Steering

Board applied 22 contraventional fines, 55 warnings and drew-up 38 recommendations.

- As regards the distribution of admission solutions, compared to the previous year, a certain dynamic can be found at the level of each ground and field, but the reason of fluctuations is not necessarily related to easily detectable factors, but rather to a combination of factors and also to the social characteristics found every year.

We present in the attached table the situation of decisions which ascertained the existence of discrimination deeds both from the perspective of discrimination grounds concerned and that of fields:

Ascertainment	Social category	Age	Ethnicity	Convictions	Gender	Nationality	Sexual orientation	Chronic disease	Disability	Religion
28	21	2	1		2			1		
4			3						1	
1			1							
10			5						4	
17			1						3	5
1									1	
3			1		2					
1	1									
5	1		1	1						
24	1		11		4	4	1		2	
94	24	2	24	1	8	4	1	1	11	5

As regards the activity of the Steering Board of sanctioning ascertained discrimination deeds, we

present attached the distribution of contraventional fines and recommendations applied in 2011:

● according to the discrimination grounds specified in the object of settled files

7	Fine	Recommendation	Warning
Non-contagious chronic disease		1	
Sexual orientation			1
Language		9	7
Convictions			1
Age		1	1
Religion		1	4
Gender	4 ⁸	3	1
Nationality	1 ⁹	1	2
Disability	5 ¹⁰	3	6
Ethnicity	2 ¹¹	11	20
Others	1 ¹²	2	2
Social category	9 ¹³	6	10
TOTAL	22	38	55

● according to the fields stipulated in legislation

14	Fine	Recommendation	Warning
Access to employment and profession	10 ¹⁵	6	13
Access to education		1	3
Access to housing	1 ¹⁶	1	1
Access to public places	4 ¹⁷	3	6
Access to public services (TOTAL)			
<i>administrative</i>	2 ¹⁸	11	13
<i>banking</i>			1

⁷ It has to be mentioned that in certain analyzed cases there were several heads of claim and several sanctions were applied

⁸ The amount of fines in lei: 600+2000+400+1000

⁹ idem: 600

¹⁰ Idem: 1000+500+5000+2000+3000

¹¹ Idem: 2000+8000

¹² Idem: 1000

¹³ Idem: 4000+400+1200+1000+1000+1000+1000+5000+2000

¹⁴ See note no. 7

¹⁵ The amount of fines in lei: 600+1000+1000+1000+1000+4000+1200+1000+2000+5000

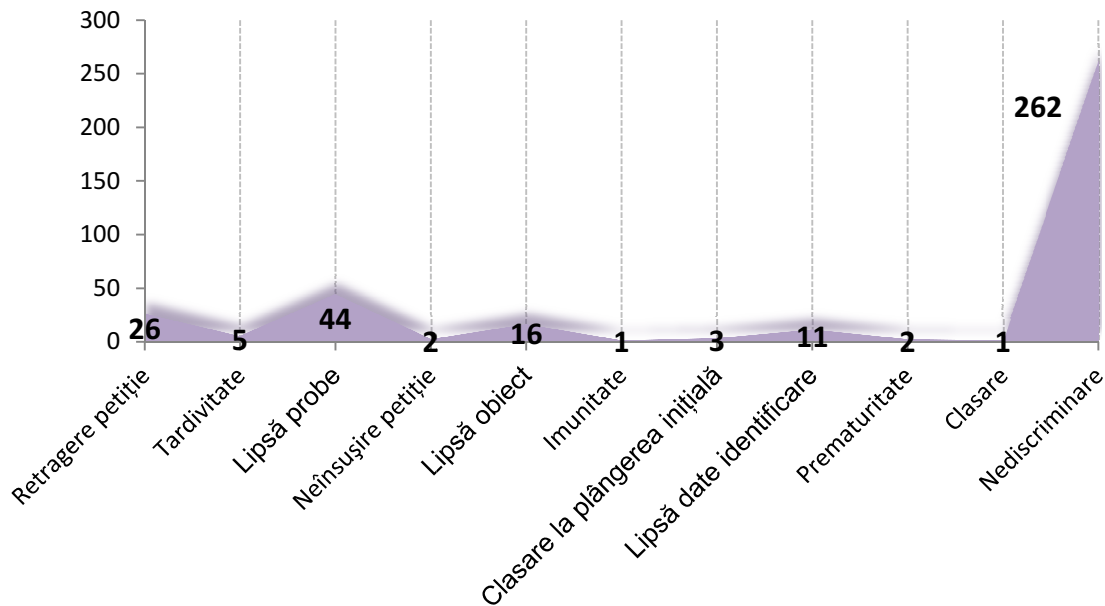
¹⁶ Idem: 8000

¹⁷ Idem: 5000+2000+3000+1000

¹⁸ Idem: 1000+500

<i>health</i>		2	1
<i>Telephony</i>			
<i>transport</i>	1 ¹⁹	1	
<i>legal</i>			
Others		2	3
Personal dignity	4 ²⁰	11	14
TOTAL		22	38
			55

● In 2011, of all 612 decisions adopted by the Steering Board, 373 were rejection solutions. These include 262 non-discrimination solutions and besides these there are 111 files classified for various reasons (the complaint was withdrawn, tardiness, lack of evidence, non-recognition of the petition, lack of object or of data, etc).



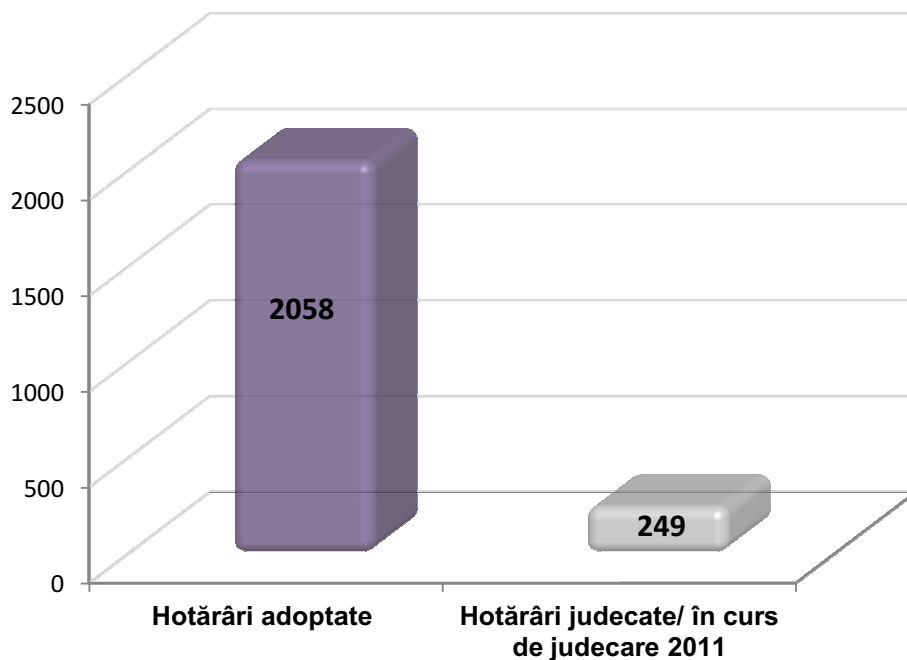
THE CONTROL OF LEGALITY OF THE STEERING BOARD DECISIONS TAKEN IN 2011

¹⁹ Idem: 400

²⁰ Idem: 2000+400+600+2000

In the course of 2011, appeals for annulment were heard (in the current year, or as the case may be, in previous years) against the decisions of the Steering Board, filed with the Courts of Appeal which are competent *ratione materiae* and which subsequently reached the stage of second appeal before the High Court of Cassation and Justice. According to the number of decisions adopted by the Steering Board during 2008-2010, namely 2058 decisions, in 2011 were heard approximately 249 cases at the Courts of Appeal and the High Court of Cassation and Justice. Therefore, it is held that around 11% of the decisions adopted within the administrative procedure (in the previously indicated period) were, in 2011 the object of appeals for annulment heard or in the hearing stage pending with the contentious courts.

AS regards the legality control carried out by courts, NCCD won in 100 cases (both on the merits and appeal), and in 9 of the cases the actions filed against decisions were admitted. Basically, in approximately 92% of the cases, the courts maintained the Steering Board decision as legal and grounded. In the current year, 140 cases are pending with the courts (merits/appeal).



DISCRIMINATION CASES FILED DIRECTLY BEFORE COURTS

According to G.O. no. 137/2000, republished, the Council is responsible for the enforcement of non-discrimination legislation on the Romanian territory, it ascertains and sanctions contraventions stipulated by G.O. no. 137/2000 on the prevention and sanctioning of all forms of discrimination, being competent *ratione materiae* in the fields of preventing and combating all forms of discrimination, in all fields of activity and on the entire Romanian territory.

Pursuant to art. 27 of G.O. no. 137/2000 republished, the person who considers himself/herself to be discriminated may file before the court an application for compensations and the reinstatement of the situation previous to discrimination or annulment of the situation created through discrimination, according to ordinary law. The concerned person has the obligation to prove the existence of deeds allowing to assume the existence of a direct or indirect discrimination and the person against which the notification was filed has to prove that the deeds are not discrimination.

The hearing of such cases having as object, besides the „application for compensations” implicitly the ascertainment/setting down of the discrimination deed according to tort/civil legislation shall take place by compulsorily summoning the Council, as: *participant in the trial, monitor of discrimination cases, advisory authority or expert in the non-discrimination field.*

NCCD’s participation in the trial in such cases is based on its function of guarantor of the observance and enforcement of the non-discrimination principle, according to internal legislation in force and the international documents to which Romania adhered, and the status of specialized body – owner of fundamental (legal) knowledge in the non-discrimination field, according to art. 16 and 18, par. 1, 1st thesis of G.O. no. 137/2000 republished.

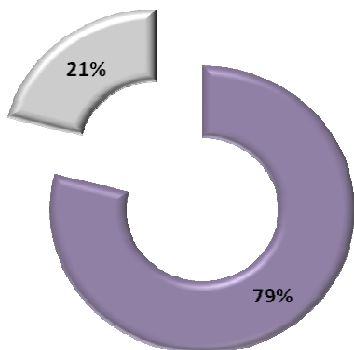
In 2011, pursuant to art. 27 of G.O. no. 137/2000 republished, NCCD was sued in 916 civil cases and it elaborated through the Legal, Contentious and Contracts Department of the Legal Division opinions and „legal specialized opinions”, in essence trial works in the field, which had the role to perform a legal expertise of the courts. In this regard, it has to be mentioned that in all cases in which the Council elaborated „specialized legal opinions”, the courts decisions were delivered in accordance with these, NCCD’s trial works having the value of „legal expertise” and were evaluated at the highest professional level – for instance Civil Sentence no. 175/F/2011 delivered by the Court of Appeal Brasov, by which the court sets down in substantiating the solution: *„This conclusion is relevant all the more as the legal reasoning is very complex and of high academic level, substantiated, formulated in the specialized legal opinion issued in this case by the National Council for Combating Discrimination...”*.

The classification of actions heard in 2011, according to art. 27 par. 3 of G.O. no. 137/2000, according to their object:

In approximately 871 of the cases the actions filed directly with the courts concerned labour conflicts, annulment of administrative acts, contracts termination, the refusal to settle certain applications

or other claims and in 226 cases the civil actions have as object financial entitlements. Thus, unlike the past years, in 2011 there is a sudden decrease of the number of civil actions filed directly with the courts having as object financial entitlements, actions which did not exceed 20% of the total number of cases.

Acțiunile judecate în anul 2011 în funcție de obiect

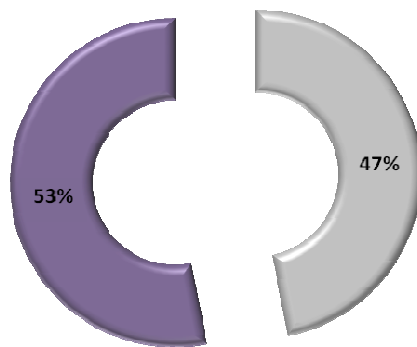


- Acțiuni cu obiect conflicte de muncă, anulare de acte administrative, reziliere de contracte, refuzul de soluționare a unor cereri sau alte pretenții
- Acțiuni civile cu obiect drepturi bănești

Solutions delivered by courts in 2011

In 2011, the courts empowered to settle certain discrimination cases admitted approximately 678 cases (the solutions being also delivered in respect to actions previously filed with the courts, in 2008-2010, but heard on the merits/second appeal in 2011). At the same time, approximately 768 cases were rejected.

Soluțiile instanțelor în anul 2011



- Hotărâri admise
- Hotărâri respinse

Specialized assistance and territorial offices

In 2011, at the territorial offices of the National Council for Combating Discrimination approximately 53 persons turned up who notified to the legal advisers of our institution possible discrimination cases. Approximately half of these expressed their intention of formulating concrete notifications regarding the aspects presented during the hearings.

Thus, we mention the fact the petitions from areas in which there are territorial offices concerned grounds such as „social category”, „age”, „religion” and fields such as access to public, administrative and legal services, the right to personal dignity, the property right, the right to equal treatment before the courts, the right to equal pay for equal work, the right to equal treatment before judicial bodies.

Also, besides the activity of offering specialized assistance, the legal advisers in the territory monitored the regional press and transmitted to the central office the articles that addressed the issues regarding the infringement of the non-discrimination principle. Thus, as a result of monitoring the local press in Mureş county and the regional press (Cluj, Sibiu, Hunedoara, Bistriţa, Harghita, Covasna, Braşov) and some of the national representative publications, were identified 1343 articles related to discrimination, which notified possible discrimination cases or the violation of rights according to the criteria stipulated in G.O. no. 137/2000, republished.

Following the activity of press monitoring in Buzău, Brăila, Călăraşi, Giurgiu, Dâmboviţa, Ialomiţa, Prahova, Vrancea, Galaţi, Bacău, Vaslui, Neamţ, Iaşi, Suceava, Botoşani counties 861 articles were identified which were related to discrimination, notified possible discrimination cases or the violation of rights according to the criteria stipulated in G.O. no. 137/2000 republished.

Also, 15 articles directly referring to NCCD were reported. More precisely, 8 articles addressed the issue of introducing the pejorative terms of „kike” and „gypsy” in the new DEX, on this occasion the NCCD president being frequently quoted. 7 articles presented cases in which publicly known persons were sanctioned/quoted by NCCD (Traian Basescu, Gigi Becali, Funeriu, the head of county police inspectorate Valcea).

In 2011, we notice a concrete involvement of the territorial offices representatives in the activity of preventing the discrimination phenomenon and promoting the institution, through their participation in actions organized by the local authorities or various entities with prerogatives in the field of respect for human rights.

Thus, in Buzau county, the territorial representative participated in the actions organized by Buzau Prefecture in collaboration with the School Inspectorate, the County Gendarmes Inspectorate Buzau, Buzau Police and the Center for Prevention, Evaluation and Anti-Drug Counselling Buzau.

In Mures county, the NCCD representative participated in events such as: the scientific symposium „World theory and practice of conflict mediation”, conducted in the university campus „Dimitrie Cantemir” from Targu-Mures, she disseminated information materials on combating discrimination to the CHAKRA Foundation in Targu-Mures, with prerogatives in the education, social insertion of Roma, the promotion of

the Roma language and culture and it had discussions with a view to concluding possible partnerships for the future.

Concluding, as regards the activity conducted by the National Council for Combating Discrimination at territorial level we would like to mention a few aspects:

- In 2011, there was an increase in the number of persons who requested specialized assistance at territorial level. Basically, there can be inferred that there is an increase of interest to appeal to the territorial offices, thus is it fulfilled a more efficient and direct communication between the petitioners and the central office;
- It can be ascertained that NCCD's stages of action secured their visibility in the national and local mass-media, through specific measures conducted by the local representative and the extension of the institution's partnerships with local representatives and the local civil society with a view to carrying out projects with the common goal of combating discrimination. This is reflected through the increase of the number of press articles at local level which cover the discrimination phenomenon from different perspectives.

Approximately 2575 persons benefitted from specialized assistance at the head office of the National Council for Combating Discrimination. Of all of them, 1700 were counselled by phone, 325 of them through e-mail and 550 chose to come to the offices of the institution.

Specialized assistance	2011	
Method	Number of persons	Activity
Phone assistance	1700	<i>Counselling</i>
Assistance at the head office of the institution	550	<i>Counselling</i>
E-mail assistance	325	<i>Counselling</i>
TOTAL	2575	

CHAPTER 3

PREVENTION OF DISCRIMINATION FORMS

As the National Council for Combating Discrimination secures its standing in the Romanian institutional network and affirms its social role, as the authority in the field of combating discrimination, the public perceives it as a more and more credible and reliable partner as regards the fulfillment of its prerogatives, as opinion polls of the last five years reveal. One of its significant roles is emphasized by the analyses conducted as a result of implementing programs and projects through its specialized department, the Programs and International Relations Department (PIRD). Thus, it has to be mentioned that, from year to year, the target public has shown a trend to increase the information need through the public activities conducted by NCCD.

In the course of 2011 NCCD benefitted from a grant from the European Commission through the implementation of the project „Persons with mental disabilities have rights!” in partnership with the Institute for Public Policies, the total value of the financing contract being 113,013.4 Euro.

The purpose of the project was to support the development of coherent policies to combat discrimination and promote the equality of opportunities of persons with intellectual disabilities in Romania, by increasing awareness among the public over the abusive restrictions of the labour right and self-determination of these persons, through the analysis of the current situation in our country from this perspective and identify tools for the relevant actors in the society (responsible authorities, NGO’s active in the field of disability and human rights, employers, target groups representatives).

The project started with the analysis of access opportunities of persons with disabilities on the labour market in general and those with intellectual disabilities in special, in the context of the situation of disadvantaged category of this important part of the Romanian population and it aimed on one hand to identify solutions to improve the existing legal and institutional framework and on the other hand to draw attention on still persisting shortcomings these persons are subjected to. Its key results aimed:

1. To make an objective and comprehensive evaluation of the situation of the persons with disabilities in general and those with intellectual disabilities from the perspective of the employment environment in Romania.

- this assessment has highlighted the weight of persons with disabilities employed in the public sector in Romania, both at the level of central government and at regional (local) level

- the analysis conducted has examined the existing legal framework regarding the access of persons with disabilities on the labour market and it formulated a series of proposals and recommendations, especially in respect of active measures to stimulate labour force, in order to attract persons with disabilities to employment

- the study carried out also presents the perspective of private employers and it identified the most widespread causes why they do not employ persons with disabilities, the main reasons and the level of appreciation regarding legal and fiscal facilities offered by the state for employing persons in this disadvantaged category

2. To achieve and implement an awareness campaign, among the population in Romania on the rights of persons with intellectual disabilities, starting from situations of rejection, marginalization and discrimination these

persons are subjected to, taking into account their difficulties in the effective participation to the economic, social and cultural life.

3. To identify the main obstacles facing locally both authorities with prerogatives in enforcing legislation regarding the rights of persons with disabilities in general and those with intellectual disabilities in special and the non-governmental organizations active in this field and formulate proposals of public and legislative policies.

4. To include, as a result of activities conducted by project partners some significant proposals in the new social assistance law adopted by the Romanian Parliament at the end of last year, which could harmonize this law with European and international legislation and to initiate public consultations procedures regarding the amendment of the framework-law on the protection of persons with disabilities.

In order to establish certain action guidelines in the field of combating and preventing discrimination, was adopted „**The national strategy implementing measures to prevent and combat discrimination**” for 2007 – 2013 and thus, the specialized department, PIRD implemented programs of information, protection, prevention, education and training in all fields. Courses, workshops, cultural events or information campaigns which pursued the five major objectives of the Strategy took place: OBJECTIVE 1 – Effective protection and remedy against discrimination; OBJECTIVE 2 – Ensuring inclusion and equality of opportunities in the economic field in employment and profession; OBJECTIVE 3 – Ensuring equality of access, participation and result as regards the public and private services designed for the public; OBJECTIVE 4 – Enhancing recognition and awareness of diversity targeting media, culture and sport; OBJECTIVE 5 – Focusing efforts towards the application of a zero tolerance policy with respect to any form of discrimination in the Romanian society.

Given that the Strategy, with its objectives and priorities was built and elaborated from the premise of progressively supplementing the number of employees from 2007 until 2012 in order to create new departments and the perspective of developing at regional level the territorial control and monitoring structures, the lack of obtaining this support for its complete implementation – for objective causes, represented by the socio-economic crisis at national, European and international level – compelled NCCD to adjust or re-orientate some priorities within the initially proposed objectives and to postpone certain projects or actions on the background of the lack of personnel and financial resources.

A scarce budget for certain large-scale projects – which also involved extensive and long-duration activities, such as monitoring, economic analysis, company profiles, surveys or going in the field, in order to implement efficient and credible projects regarding the economic field, the labour market and employment – resulted in the non-implementation of in 2011 certain components of the OBJECTIVE 2 programs.

In the mentioned context, a significant part of the projects was however carried out, for the information and prevention side, the activity of PIRD registering a satisfactory evolution, effective and even appreciated on certain directions, as it can be identified and analyzed through the statement of the main activities and actions carried out in 2011, including through the perception of those who at the end of the year took part in the last survey.

OBJECTIVE 1 –Effective protection and remedy for discrimination

Priority 1.4 –Strengthening cooperation in the fight against discrimination with other relevant institution in this field at national and international level:

“ Documentary movies festival dedicated to human rights – One World Romania”

In 2011, took place a new edition of the project, carried out by NCCD in partnership with One World Romania Association, the Czech Center Bucharest, Embassy of the Czech Republic, the French Institute, the Cultural Austrian Forum, Goethe Institute, British Council, the Israel Embassy, Cervantes Institute, the Dutch Embassy, the Polish Institute, the American Cultural Centre and the Swedish Embassy.

The activities and actions of the project counted on increasing the level of awareness regarding human-rights related issues in the world, NCCD’s intention being to offer to the general public the chance to see special-interest movies and to discuss them.

As conceived since its first edition, the festival also had two successive stages this year: a first one of projection and organization of related events (photo exhibitions, concerts, debates within a seminar) which took place in Bucharest and the second one itinerant, organized according to the Caravan model, offering projections in 8 cities in the country (Târgu-Mureş, Miercurea Ciuc, Iaşi, Cluj, Timișoara, Sibiu, Craiova and Bucureşti) and targeting young people aged 18 – 35.

At the end of the stage of movies watching, NCCD focused especially on free discussions with the public, drawing attention on the issues of the varied world we are forced to live in and we are obliged to make accessible for all categories.

OBJECTIVE 3 –Ensuring inclusion and equality of opportunities in the economic and employment and profession fields

Article15 – Promotion of equality in the field of health:

„FEG - Preventing and combating discrimination in the medical field”

NCCD implemented this project based on a partnership with Green Ecological Foundation – Post-Graduate school Bucharest (FEG).

The program was carried on in the course of a month and it consisted in the organization of a series of classes on issues such as preventing and combating discrimination for the FEG Ist and IInd year students, specializations of Pharmacy and General Medicine.

The 80 students who were selected to take part in courses received information and got acquainted with the terms and concepts regarding diversity, non-discrimination and equality of opportunities.

At the end of the training period, the students were evaluated and the final evaluation shown that they considered that all the topics addressed during the courses were useful and will have an impact in the occupation chosen by them, given that they will come into contact with all social categories.

Article 16 – Promoting equality in the field of education:

„Young and different”

The project was implemented by NCCD in partnership with the Association for Development and Social Inclusion (ADIS).

The project, partially financed through the program „Youth in action” – Action 1 – Youth for Europe – Sub-action 1.2 – Youth initiatives consisted in the organization of an *educational workshop* with 20 youngsters (10 Roma and 10 Non-Roma) from Ialomita county which benefitted from courses and information regarding the Roma culture, but also the diversity of global cultures and their impact on their own culture, under the name *information and training courses in the field of prevention and fight against discrimination*. As a result of knowledge building and the intercultural exchange, was initiated a *contest of essays and drawings* regarding cultural diversity. The best essays and drawings of youngsters were selected and published in the brochure „What being different means?”.

Upon the conclusion of activities, in Fetesti town was organized a conference in which the brochure was launched and in which the young people who presented the best essays and drawings received prizes. The discussion within the conference were also attended by teachers and directors of schools in the locality, lecturers who ran the workshops, journalists, representatives of the local Council, mediators and Roma representatives at local level.

During the debates, those present received additional information regarding the sanctioning actions which NCCD is empowered to conduct in order to combat discrimination, but the unanimous conclusion was that in the Romanian society there is a greater need for education and prevention actions, in order to change mentalities and establish a natural intercultural dialogue, without prejudices, and which reflects the true socio-cultural diversity.

„Diversity as a project”

NCCD implemented this project in partnership with the Ministry of Education, Research, Youth and Sport in order to prevent school absenteeism and drop-out, by initiating projects to build on and bring human diversity in the foreground.

Of the 42 teachers selected at the level of each county, including Bucharest, only 39 participated at the working meeting which took place in Brasov, those being the direct beneficiaries of the training program, the

number of indirect beneficiaries being estimated at 1000 teachers and around 20 000 pupils in the whole country. The participants selected were among the teachers that initiated and coordinated extra-curricular civic education activities, concluded partnerships with public authorities and the civil society and coordinated educational projects at national and/or international level.

The general objective was the training of teachers, but also the exchange of experience in order to improve their capacity to propose projects on the topic of human diversity, meant to facilitate the understanding of diversity for pupils, in order to eliminate their fears stemming from the exaggeration of differences and determine them to come in contact with the school with greater joy. Equally important was to give the due attention to diversity by adopting the aesthetic perspective; the support in building relevant projects for diversity; prevention of stereotypes and prejudices among the young people of the future generation; decreasing the level of intolerance and discrimination in schools.

The results obtained through the implementation of this program were: conclusion of new projects and partnerships, that will be monitored in 2012; obtaining financing for the needs identified in schools; a better understanding of fundamental human rights and awareness of the role education has in preventing intolerance and discrimination; training of 39 teachers, who will also train other instructors, teachers and school professors and the pupils of that school; assessment of information acquired by teachers and establishing their level of involvement.

„Young people debate”

There was the fourth edition of the project in 2011 and it was implemented in partnership with the Agency for Community Development „Împreună”, MEYS, ARDOR, Policy Center for Roma and Minorities, IRD, NAR, ANES and Roma Education Fund.

This multi-annual project has been structured since its beginning in successive series of debates sessions at county, regional and national level. This year’s activities were carried out at national level, during March – September and targeted a number of 700 high school pupils from IX – XI classes.

For the whole duration of this program were organized training sessions and debates at county/regional/national level that had the purpose to inform correctly, discuss with arguments and raise awareness over all forms in which social, ethnic, economic and health or gender issues may be barriers to communication and tolerance.

OBJECTIVE 4 –Strengthening recognition and raising awareness on diversity targeting media, culture and sport

Priority 4.1 –Consolidating anti-discrimination initiatives at national level and programs of intercultural awareness on diversity and non-discrimination:

„The International Day of People with Down Syndrome”

Events dedicated to this event took place over two days in a project coordinated by NCCD together with Down Syndrome Association Bucharest and Special Olympics Foundation Romania.

On the first day, on March 21, a series of sports competitions held by children and young people with the Down Syndrome and their friends were organized in a gym in School no. 20 of the 3rd district of Bucharest. Football, basketball, athletics and artistic gymnastics competitions have proven the resources and potential of people with the Down syndrome, raising society awareness on developing tolerance and openness towards their social inclusion. There was an opening ceremony and then the jury that awarded prizes to all participants was established, during which, children with the Down syndrome were able, through their sporting and artistic benefits, through their fair-play and innate tendency to avoid violence and aggression to reduce to zero the difference between them and the other children involved in the competition. Equally, they taught all spectators a lesson of total involvement, of unconditional cooperation and good humour, much needed by the entire Romanian society.

The event, included in the world series of actions dedicated to this day also continued the second day in Herastrau Park with a party for children, teenagers and young people with Down Syndrome and their families and friends.

„Google, my country!”

On the occasion of the International Day against racism, NCCD wished to gather several actors involved in the issue of combating discrimination (students, teachers, researchers, public figures, opinion builders, representatives of ministries, of public institutions and of NGOs, NCCD representatives, public in general) in order to watch certain theatre plays on the topic of racial discrimination.

The play was entitled „Google, my country” and was interpreted as a contemporary text of dramaturgist and theatre critic Mihaela Michailov.

The project, carried out in partnership with Teatrul foarte mic aimed at raising awareness on the negative effects of discriminatory behaviours exercised among the members of society. Through the theatre show, through the effect of emotions specific to this art, it was intended to get a more rapid and deeper understanding on the propagation of stereotypes, through the direct help given by the characters in the play and the empathy they release among spectators.

Following the view, the participants had the occasion to debate with actors and guests the topic of racial discrimination and its related issues. All the interventions were meant to bring additional information to participants, to secure the thematic elements of the play and facilitate understanding of the dynamics of the

discriminatory behaviour and its negative effects, to offer to the public legal solutions in case they face concrete discrimination situations, to guide them towards specialized and competent institutions to settle the cases.

This type of project, established according to the model of participatory art proved its efficiency by offering to the targeted public the two very important aspects in non-formal education: both the practical side, through concrete examples and the theoretical one, through discussions and questioning.

Priority 4.3 –Cooperation and consolidating relations with sporting institutions and entities, by promoting actions and programs in order to prevent and combat all forms of discrimination in sport:

„Diversity running – United through sport”

NCCD in partnership with Policy Center for Roma and Minorities, the Romanian Federation Sport for All, the Municipal Association Sport for All, National Authority for Sport and Youth, Bucharest City Hall, the School Inspectorate Bucharest, Romanian Basketball Federation and Municipal Department for Youth and Sport Bucharest organized in Bucharest a running of diversity „Vivicitta”, under the slogan „United through sport”.

At its second edition in Romania, the running was an action meant to draw public attention on the phenomenon of discrimination and the importance of promoting diversity and give a framework for citizens to interact and participate in transmitting a common message on the need for social dialogue and to extend the atmosphere of tolerance and raise awareness on diversity.

The route had 3 km and it included Charles de Gaulle Square (starting point) – Constantin Prezan avenue – Kiseleff Avenue – Piata Victoriei – Aviatorilor boulevard – Charles de Gaulle Square (arrival point). People of all ages, social and professional categories were present at the start.

„Friendly football game under the slogan– United against racism!”

On the occasion of the International Day of Fight for the elimination of racial discrimination, NCCD in partnership with Policy Center for Roma and Minorities, Ministry of Foreign Affairs, Policy Center for Roma and Minorities, Romanian Football Federation and the Dutch Embassy organized a friendly football game in order to increase the level of awareness on the issue of racism, discrimination and violence.

The project was part of the REACT campaign, supported by the European Commission and its objective was to increase the level of awareness regarding the social issues faced by Roma and change of negative attitudes towards this ethnic group.

The game took place at the coaching base of the national football team in Mogoşoaia and over 50 representatives of civil society, of central government and the diplomatic members accredited in Bucharest, of the mass-media, of Romanian politicians and the Romanian Football Federation which were joined by a group of eight children from School no. 136 from Ferentari.

For NCCD, this sporting event was an occasion to promote once more its calling of „referee” of diversity and equality of opportunity, by decreasing discriminatory and violent behaviours on stadiums, sporting fields but also outside them and promote social dialogue through sport.

OBJECTIVE 5 –Concentrating efforts towards the application of zero tolerance policy to any form of discrimination in the Romanian society

Priority 5.2 –Consolidating education of citizens in the field of discrimination through educational, formal and non-formal processes:

„Equality and non-discrimination”

NCCD carried out the fourth edition of the project, which was aimed at raising awareness of pupils in schools and high-schools from Bucharest over the importance of the non-discrimination principle and respect for human rights.

To the same extent, the aim was to consolidate a real partnership between public institutions and the civil society, through the pre-university and university institutions, the project activities being focused on modern teaching methods, based on interactivity, transdisciplinarity, debate and active participation of pupils.

The basic element, which gathered around all the activities was a contest and the elaboration of an essay on a given topic was the method chosen by the project for the participation in this competition of pupils aged 7 to 19 years.

The topic focused on human rights, on the right to non-discrimination and equality of opportunities and the pupils had the opportunity to enter into dialogue with NCCD representatives and understand the role of the institution in promoting the principle of equality of opportunities.

„What unites us”

This project was carried out by NCCD with the purpose of raising awareness of pupils in middle school and high schools of the National College Unirea in Focsani regarding the phenomenon of discrimination in the school environment.

The activities within the project aimed at promoting cultural diversity and equality of opportunities and the essays, photos and short films made by students within a contest of literary and artistic creation facilitated their information and the dissemination of their own attitudes and behaviour, in relation to the norms of human rights.

The interest shown by participants and the echo of the project resulted in NCCD’s decision to develop such a contest at local and county level in the years to come, by involving middle and high school units in order to increase the level of pupils’ awareness regarding the topic of non-discrimination.

„Non-discrimination and equality of opportunities conference”

Non-discrimination and equality of opportunities represent today basic principles of human rights. The research– development project – *Methods to promote the principles of non-discrimination and equality of opportunities in the current Romanian society* – was implemented by NCCD in partnership with Christian University “Dimitrie Cantemir”, through the organization of the Non-Discrimination and Equality of Opportunities Conference – NEDES 2011 – at the level of Bucharest Municipality.

The conference, organized with the purpose of advertising the principle of non-discrimination and equality of opportunities had three objectives: to develop knowledge and understanding of the principles of non-discrimination and equality of opportunities both between men and women and the various categories of persons; develop the capacity to understand and apply the objective right to non-discrimination and equality of opportunities; to stimulate interest for the involvement in eliminating discrimination of any kind.

The necessary information were published on the website of the University and on the www.juridice.ro website, launching invitations to students and teachers of other universities or those from the pre-university education in Bucharest. Also, invitations were launched towards several personalities of political and scientific life and non-governmental organisation in the field of defence and promotion of human rights, as a result of which were received 41 works titles, which were included in the Conference Agenda.

70 personalities of the academic, political and social life in Romania participated in these works and 23 of them presented thematic scientific papers, NCCD being represented at the highest level by the institution’s President. Also, international academic personalities sent messages, such as prof. Dr. Alfonso Roldan More, president of the International Diplomatic Academy or prof. Dr. Miljia Zecevic and prof. Dr. Bojana Rilke from Serbia, members of the Conference Scientific Committee. The materials presented led to debates on the topic of non-discrimination and equality of opportunities, in which both lectures and the other participants got involved (students, but mainly lawyers and legal counselors who found about the conference from the www.ucdc.ro site.

The magazine “*Lumea Justiției*” (World of Justice) reflected the Non-discrimination and Equality of Opportunities Conference – NEDES 2011 in its edition of 28 November 2011.

The conference volume was published by Prouniversitaria Publishing House (recognized by CNCS – National Council of Scientific Research), which was selected through a bid organized by the National Council for Combating Discrimination.

„Stand-up!”

The project was initiated by NCCD and carried out in partnership with S.C. Tudori Properties S.R.L. with the aim of training and attracting stand-up comedy actors in the field of diversity and non-discrimination, in order for these to convey to the public a message to strengthen dignity through culture and humour, as an aesthetic form of opposition to discrimination.

10 stand-up comedy actors from Bucharest and Bacău, Vaslui, Bihor, Alba, Buzău counties, from the theatrical companies *Aristocrații*, *Teo*, *Vio și Costel*, *Brigada 2 pe trei* și *Teatru de kartier* were direct beneficiaries of this campaign, the number of indirect beneficiaries of spectators reached by this message being of around 10.000 persons.

The general goal of the project was to train and inspire the 10 stand-up comedy actors in order to get the skill of interacting with the public, improvising on the discrimination theme. The training courses were structured on 5 modules and aimed to debate: resistance against discrimination through culture and adoption of an aesthetic perspective of diversity; humour as a weapon against discrimination; prevention of stereotypes and prejudices in the society; decreasing the level of intolerance and discrimination; warning the public over dangers discrimination brings to society.

The information acquired by the „actors” were checked on the scene of the Prometheus Club, where these presented a show and the evaluation of the quality of improvisations and information acquired was made by a jury made-up of 6 NCCD representatives, of relevant NGOs and of other cultural entities. 4 actors were awarded prizes: Viorel Dragu, Radu Isac, Costel Bojog and Sorin Pârcălab and they received specialized books, comic literature and comedy theatre.

„Training of specialists within the Divisions for adoption and post-adoption on the non-discrimination of children hard to adopt”

The project was carried out by NCCD in a partnership with the Romanian Office for Adoptions with the aim of increasing the number of adoptions of children from the category „hard to adopt” through the prevention of discriminatory attitudes in their regard.

The program activities were addressed to specialists within the Division for adoptions and post-adoptions of the General Divisions of Social Assistance and Child Protection of the six districts of Bucharest and Ilfov (social workers, pshychologists, legal counselors, who enter into contact directly with the families who wish to adopt), responsible for the information, counseling, preparing families throughout the evaluation process.

The implementation of this project aimed to inform and train this professional category, so that their attitudes should be correct, moral, honest and especially so that they do not bring about or favour discriminatory attitudes towards certain categories of adoptable children, namely Roma children and those with physical or mental disabilities.

The courses contained 3 modules, which were attended by 14 employees of the Romanian Office for Adoptions and 36 specialists of the Division for adoption and post-adoption of the General Directorates of Social Assistance and Child Protection.

As a result of the assessment made through questionnaires, it was considered that the courses should be longer and that it would be useful to increase the number of those who can have access to these courses. The difficulty faced by specialists in adoptions of Roma children especially, but also of those with physical and/or

mental disabilities was emphasised. Therefore, it was proposed to elaborate and implement a Program to identify solutions, together with specialists in this field from the civil society and other institutions.

“ The world through my eyes”

The project was implemented having as main partner the Policy Center for Roma and Minorities but also partners involved only in certain activities: Ministry of Education, Research, Youth and Sports, Romanian Football Federation, Strada Film, Radio Itsy Bitsy, Save the Children Romania, Ovidiu Rom Association, Sociology and Social Assistance Faculty – University of Bucharest, School no. 136, School no. 147, School no. 2.

The purpose of this project was to prevent and decrease discrimination in relation to Roma children from School no. 136²¹, School no. 147 and School no. 2 and to generate a positive change in the perception over Roma pupils among teachers in these schools.

The program included three activities: the organization of 3 photo contests in teams made-up by a teacher and 4 children; the organization of final photo exhibition with an anti-discrimination message in School no. 136; monthly movie projections, to which were invited teams participating in the contest (children and teachers) for debates related to diversity and non-discrimination.

These actions were attended by 10 teachers from the three schools in question and 48 pupils aged between 7 and 16, these also being the direct beneficiaries of this program, plus the other teachers from participating schools and all pupils taking part in the activities of the Alternative Education Club from School no. 136, Ferentari district, Bucharest, the one which provided the space that Policy Center and Roma Minorities have set for children from the school.

Through the process of training for the competition and participation in activities which promoted diversity, teachers got to better understanding children and changing their negative perception in their regard. In the medium term, the direct impact led to a change in how teachers perceived Roma children, stimulating a qualitative optimization of the educational process through the pupil – teacher communication. In the long term, the aim was to reduce the level of racism manifested by teachers, correlated with the additional chance offered to children from the ghetto, to overcome their condition and become more motivated to continue their studies.

The activities implemented based on this program had a positive effect on all teachers, colleagues, pupils families and the public opinion (the situation faced by Roma children in the ghetto is invisible on the public agenda) and on other NGOs which have reiterated the initiative. Moreover, it was observed that the general public became more aware as regards the situation of children in the ghetto and the efforts of NCCD and of all partners involved to bring about a real change in their educational evolution were appreciated.

²¹ Around 65% of the pupils of School no. 136 of Ferentari district come from the zones Aleea Livezilor and Andrei Iacob, zones with a serious manifestation of domestic violence and drug abuse.

Priority 5.4. – Monitoring and research regarding the phenomenon of discrimination in Romania, identifying the extent of the phenomenon, action directions, necessary measures and initiatives to prevent all forms of discrimination

„The new human rights magazine”

NCCD has been working with the **New Human Rights Magazine** since 2006 (NHRM), which is a quarterly publication edited by the Center for International Studies in cooperation with C.H. Beck publishing house. The publication is the continuation of the Romanian Magazine for Human Rights, edited between 1993 and 2005.

This was conceived to respond to academic requirements and to be at the same time a resource for the institutions and organisations involved in understanding and promoting human rights. NCCD participated in publishing this magazine technically and with materials regarding the fight against discrimination and promotion of the principle of equality of opportunities, NCCD’s case-law, relevant studies and articles in order to join the statement of the principles promoted by NHRM through its publications, namely the reconciliation between the principle of dignity and that of human freedom.

„The report on the implementation of the framework Directive” (2000/78/EC) in Romania 2002 – 2010”

The elaboration, draft-preparation, editing and publishing of the Report are activities within the specific projects implemented by NCCD, having as aim the implementation of the objectives contained in the National Strategy implementing measures to prevent and combat discrimination (2007 – 2013).

This synthetic information material was carried out as an instrument to present and convey at European and national level, in order to ensure institutional transparency and report the most significant activities, projects, policies, legal norms, decisions, and programs which NCCD, as national authority in the area of preventing and fighting against discrimination adopts and implements in the Romanian society, in order to maintain intercultural dialogue, expression of diversity and statement of equality of opportunities.

„Braille – Pay attention! Discrimination is not a joke”

The project of editing an informative brochure in the Braille alphabet is an older preoccupation of NCCD, which was carried out only in 2011, in partnership with the Association of Blind People in Romania.

The transcription in braille of the informative brochure on discrimination was carried out for the purpose of its distribution on a library regime to the branches of the Association of Blind People in Romania, its branches and clubs and certain special schools for persons with visual impairments.

The brochure „Pay attention! Discrimination is not a joke” made by NCCD in order to inform all citizens is harder to disseminate for blind people and its translation in braille had the expected impact.

Through it, blind people can get acquainted to basic notions regarding Romanian and EC anti-discrimination legislation, with examples and elements of recognition of the phenomenon and specific definitions, such as direct discrimination, indirect discrimination, multiple discrimination, victimization, harassment or order to discriminate.

“Survey – Perceptions and attitudes concerning discrimination in Romania 2011”

As every year, NCCD conducted in collaboration with specialists in public opinion a market research to find out the perception of the phenomenon of discrimination in the Romanian society.

In 2011, this research report was developed in partnership with TNS CSOP Romania and the four major objectives were: to assess awareness of the phenomenon of discrimination (concepts, legislation, effects); to assess the impact of EU integration on perceptions and attitudes to the discrimination phenomenon; to identify the opinions of the population concerning the persons with different social and biological characteristics (vulnerable groups); the notoriety of the institution specialized in combating discrimination (NCCD) in terms of activities to prevent and/or sanction.

As regards discrimination as a current problem in Romania, the opinion of the population is divided into two dominant perceptions: 51% of the Romanians consider to a large and very large extent that the discrimination phenomenon is one of the current problems, while 44% consider this aspect in a small and very small extent a problem of our society. 49% of the Romanians state that the phenomenon of discrimination is very often and often common in Romania, while 11% consider that it is very rare/not at all met and 20% consider that in the next year the phenomenon of discrimination will be more common, 15% state that it will be more rarely met, while 51% state that it will stay the same.

As expected, some perceptions of the citizens are modified by the socio-economic conditions imposed by the crisis at national and international level, thus 59% of the Romanians believe that the aspect „Willingness of people to provide help to others” has worsened on the background of the economic crisis of the last year. On the same background, within the same context, 48% state that discrimination in the society has worsened.

As regards the phenomenon of discrimination concretely in 2011, the most discriminated social groups, according to respondents’ opinions were the Roma persons, persons with physical and/or mental disabilities, persons infected with HIV/AIDS, the homeless, orphans and drug addicts.

The survey tried to link up the perceptions of Romanian citizens regarding discrimination with the perception of our affiliation to the Community space of the European Union, the impact of Romania’s integration on the society attitudes to the discrimination phenomenon. The result of the survey was that 31% of the Romanians consider that following the accession of Romania to the European Union, the discrimination to the Roma and older people increased and 53% of the respondents consider that the economic situation amplified the phenomenon of discrimination to some and to a large extent.

Of great interest was the perception that the population had regarding the notoriety and efficiency of NCCD in 2011. Thus, 49% of the Romanians stated that they heard of the National Council for Combating Discrimination (NCCD) and 65% of the persons who stated that they heard of NCCD consider that the institution fulfills at present the role of preventing discrimination deeds. Among those who have heard of NCCD, 20% stated that they trust

much and very much this institution. The weight of those who trust is approximately equivalent with those who don't trust, while most of the people are on a neutral position (43%).

The citizens have also identified the three directions that the activity of the National Council for Combating Discrimination should take: prevention of discrimination deeds (36%), investigating, ascertaining and sanctioning discrimination deeds (23%) and informing citizens about the discrimination phenomenon.

CHAPTER 4

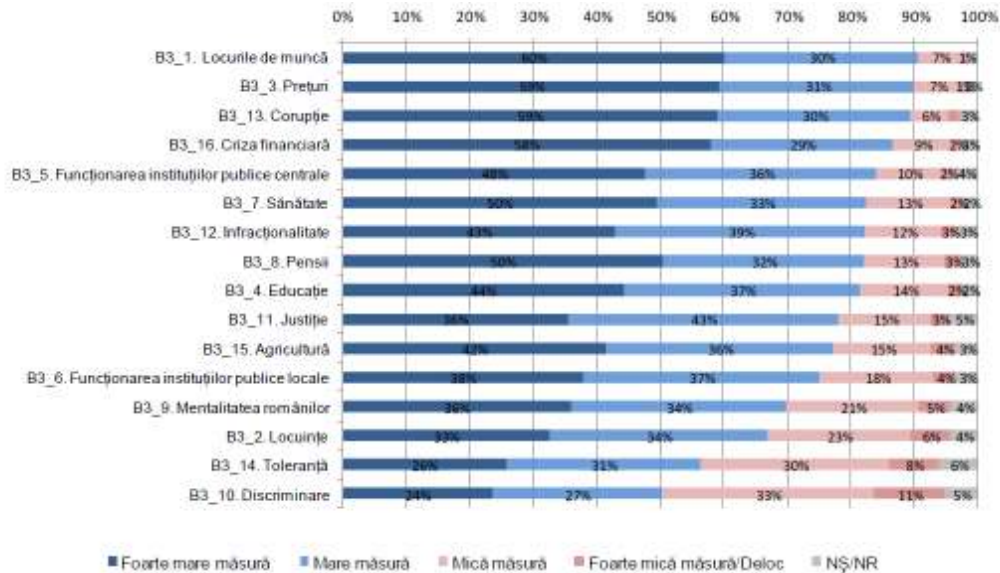
SURVEY „PERCEPTIONS AND ATTITUDES REGARDING DISCRIMINATION IN ROMANIA”

- Every year, the National Council for Combating Discrimination conducts with the help of an institute specialized in sociological research a survey regarding the phenomenon of discrimination. During November – December 2001, upon the order of NCCD the research company TNS CSOP conducted a representative research at national level (a survey based on a questionnaire applied to a number of 1400 individuals over 18 years in both the urban and the rural environment) which intended to capture as close as possible the way in which the Romanian population related to discrimination and the groups at discrimination risk.
- To maintain comparability with previous research, the objectives of the study were also this year:
 - Assess awareness of the discrimination phenomenon (concepts, legislation, effects);
 - Assess the impact of EU membership on perceptions and attitudes to the discrimination phenomenon;
 - Identify the opinions of the population regarding persons with different social and biological characteristics (vulnerable groups);
 - Notoriety of the institution specialized in combating discrimination (NCCD) in terms of prevention and/or sanctioning activities.

Here are some of the conclusions of the survey:

- As regards discrimination as a current problem in Romania, the opinion of the population is divided into two approximately congruent parts. **51% of the Romanians consider to a large and very large extent that the discrimination phenomenon is one of the current problems**, while 44% consider this aspect to a small and very small extent.

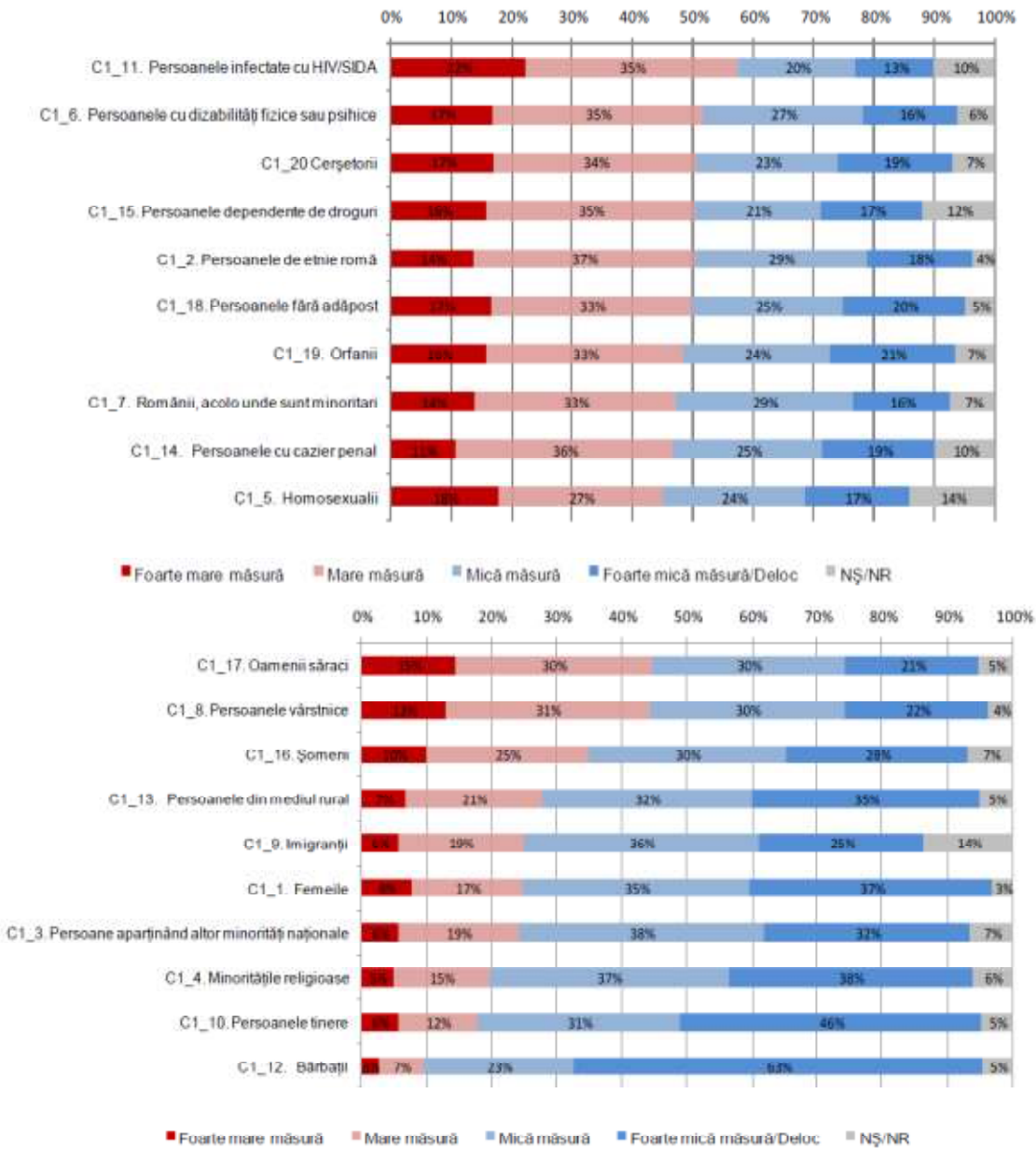
To what extent do you believe that Romania's current problems are related to...



Considering that almost half of the population complain about discrimination, it can be said that it is not a marginal phenomenon, but one with effects in the society. The percentage of 44% of the Romanians who consider discrimination as a rare phenomenon in the society can be explained by the fact that people feel more keenly other social problems. The situation of employment, corruption, prices, financial crisis are among the main issues raised by respondents, thus it is normal that the discrimination phenomenon is not viewed as keenly and not noticed easily. It should be noted however that certain social issues (workplaces, corruption, etc.) may hide discrimination phenomena.

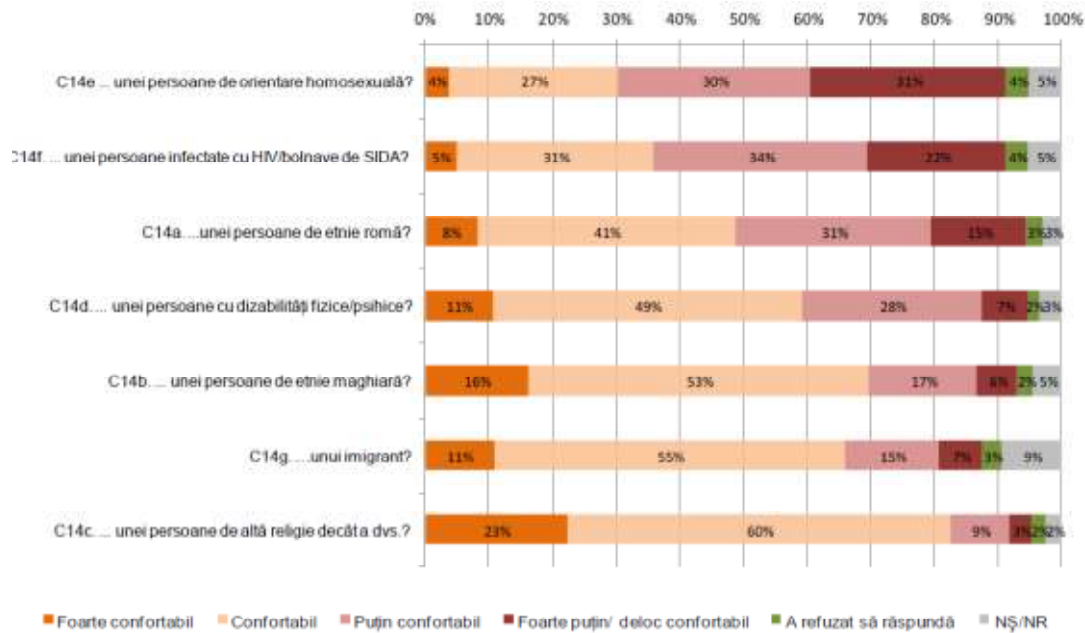
- The most discriminated social categories, in the respondents' opinion are Roma persons, persons with physical or mental disabilities, those infected with HIV/AIDS, the homeless, orphans and drug addicts.

In your opinion, to what extent do you consider that the following groups of persons are discriminated in the society?



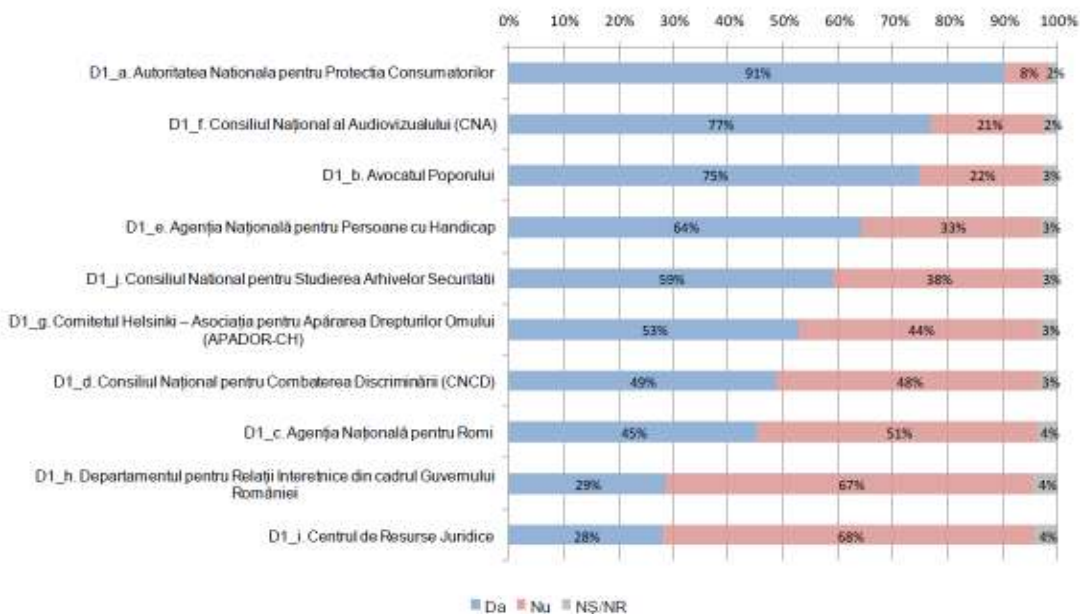
Unfortunately, in Romanians' perception a few social categories remain that are extremely vulnerable to discrimination. As in previous researches, Roma persons, those infected with HIV, having a certain disability or in the LGBT category are among those who face a risk of discrimination from the majority population. The correlation of the answer to the question „to what extent do you consider that the following groups of persons are discriminated in the society” can be done with the percentages obtained by proposing a hypothetical situation, of direct relationship with one of the members of the vulnerable groups:

How comfortable would you feel around....



It can be noted that 61% of the respondents reject a social proximity with a person of a different sexual orientation. This happens even if in the previous question „to what extent do you consider that the following categories of persons are discriminated in the society?” the percentage that shows a discrimination of the LGBT persons is 45% (the sum of percentages „very large extent” and „large extent”).

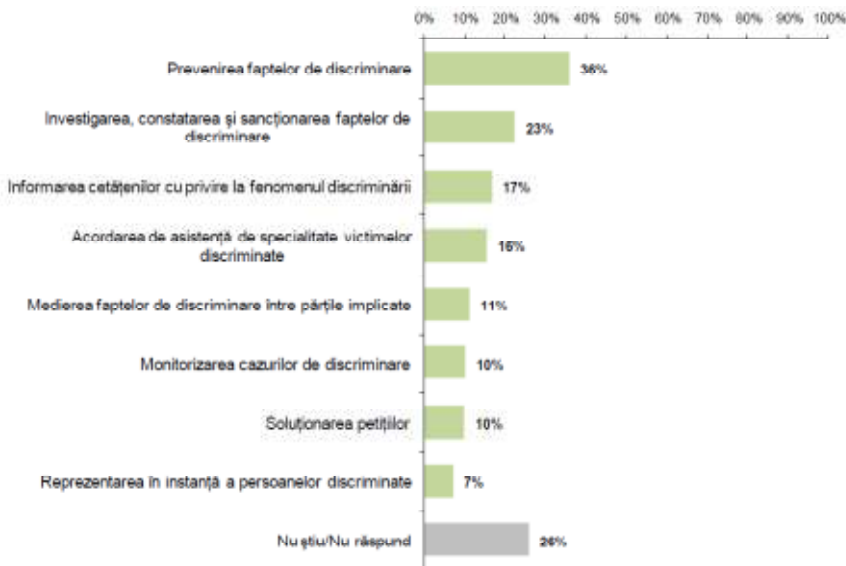
- The percentage of 49% of the Romanians who state that they have heard of the National Council for Combating Discrimination (NCCD) confirms that fact that the institution has a very stable place within Romanian public administration.



- The main three directions that the activity of the National Council for Combating Discrimination should take are:
 - **prevention of discrimination deeds (36%),**

- investigating, ascertaining and sanctioning discrimination deeds (23%)
- and informing citizens regarding the discrimination phenomenon (17%).

Which are the main 3 directions that the activity of the National Council for Combating Discrimination should take more? (Multiple answers)



CHAPTER 5

DISCRIMINATION DEEDS ASCERTAINED BY NCCD'S STEERING BOARD

Discrimination on the „Ethnic origin” ground

1. Roma. Turkish. Affiliation with an ethnic and national minority. Harassment. Personal dignity.

Roma Party „Pro-Europa” notified that fact that in the course of the National Program „Second chance” at the School Unit Cobadin from Constanta county, teacher M.R. showed a discriminatory behaviour against Roma and Turkish children, both through the language used in relation to them such as „stinky Gypsies” and by hitting them or throwing away notebooks and books. The petitioner claims that the treatment applied by the teacher resulted in the refusal of the children to attend courses organized within the program. Through **decision no. 50/09.02.2011**, considering the views expressed by the parties, the witnesses statements and documents lodged at the file, the Steering Board decided that through the attitude and behaviour towards children of Turkish and Roma nationality the defendant violated their right to personal dignity, creating an intimidating, hostile and offensive atmosphere. Thus, it was found that the notified deeds constitute harassment and it was decided to sanction the defendant by warning (according to art. 2 par.5 and art. 15 of G.O. no. 137/2000, republished).

2. Roma. Access to goods and public services, personal dignity.

The petitioned S.D. alleges that on 31.08.2010 he entered into the pharmacy owned by claimants B.M. and B.A. as he wanted to buy drugs and the defendants refused to served him, asked him to go away saying that they want to end with the Gypsied in the locality. Through **decision no. 166/18.04.2011**, the Board decided that the deeds presented constitute discrimination according to art. 2 par. 5 and art. 15 par. 2 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished. Through the same decision, the Board decided to sanction the claimed parties by warning.

3. Roma. Segregation. Restricting access to education.

Following the civil sentence no. 98 of the Court of Appeal Bucharest dated 13.01.2009, by which NCCD was ordered to fulfill „a new investigation on the merits” of the situation presented by petitioners Romani Criss and Amaro Suno in the statements formulated, the Steering Board analyzed the deeds of segregation of Roma pupils in School no. 19 of Craiova, in the school year 2005 – 2006. Thus, the petition showed that in the class I, the groups formed were heterogenous, as there were classes in which the weight of Roma children was the majority. Thus, class I A was formed only of majority pupils, the second class of 14 majority pupils and 6 pupils of Roma origiin and the third class formed exclusively of Roma pupils. In the case of higher years, the situation of the weight of Roma pupils compared to the majority ones was the following: in class II A all pupils enrolled were a majority, in class II B of 23 pupils enrolled, 21 were the majority and 2 Roma and in class III A of 22 enrolled children 18 were the majority and 4 were Roma and in class III B of 16 enrolled children, 2 were of majority and 5 Roma and in class V C of 18 enrolled children, all were Roma. Through **decision no. 234 /20.06.2011** , the Steering Board found that the deeds presented in the petition represent indirect discrimination (in the case of class I) , according to art. 2 par. 3 of Government Ordinance no. 137/2000 on preventing and sanctioning all discrimination forms, republished. In the case of classes II –a, III-a and V-a direct discrimination was found, according to art. 1 par. 2 lett. e point v and art. 2 par. 1 of Government Ordinance no. 137/2000, republished, in conjunction with the provisions of Protocol 1 of the Convention for the protection of human rights and fundamental freedoms. Following the ascertainment of discrimination deeds, it was decided to apply the sanction of warning to the management of the reported school.

4. Roma. Discriminatory statements. Personal dignity.

The petitioner D.P. notifies NCCD regarding the refusal received by the Roma persons in the country țara Moților to be part of the established compossessorate of Buteni commune of Arad county. The petitioner alleges that at the General Extradordinary Meeting of the Land Records Compossessorate **Contentit** of 21.03.2011, the Roma citizens of the commune were insulted by the defendant through a language which called for aggressiveness „why are Gypsies present in the meeting of the Compossessorate?...they should be expelled!”. Through **decision no. 299/26.07.2011**, the Board ascertained that the notified deeds are discrimination and it decided to sanction the

defendant by warning (art. 2 par. 1 in conjunction with art. 15 par. 11 and art. 26 par. 1 of G.O. no. 137/2000, republished).

5. Roma. Statements. Personal dignity..

Roma Party „Pro Europa” notifies the Council concerning the statements made by the mayor of Baia Mare town against the Roma ethnic group, published in the article entitled „A candidate for the Town Hall Baia Mare declared war to the Roma” posted on the site ziuaveche.ro. Thus, the defendant defined the Roma community in Baia Mare as being formed of beggars, homeless and people practicing prostitution and also persons who commit a series of thefts in „industrial zones, supermarkets, wallets and in the bus stations”. Through **decision no. 383 of 19.09.2011**, the Steering Board ascertained that the notified deeds are discrimination, according to art. 2 par. 1 of G.O. no. 137/2000, republished and breach the right to dignity of the persons belonging to the Roma community, according to art. 15 of G.O. no. 137/2000. Also, it was decided to sanction the defendant by warning.

6. Roma. Statements. Personal dignity.

C.N. shows that the defendant, Mr. Traian Basescu within the show „The last word” broadcasted on B1 TV on 22.09.2011 made the following discriminatory statements: „(...) *Diplomacy also has its limits. For example, you cannot tell to a Finn that it is not true, the Gypsies were not in the center of Helsinki and did not beg (...). What can diplomacy do when the Government finds that the Gypsies beg aggressively, they started stealing in buses, what can diplomacy do as there is the reaction of public opinion and every Government firstly looks at his public opinion (...)*”. Through **decision no. 410 of 17.10.2011**, the Board rejects the exceptions raised by the defendant, namely the exception of inadmissibility of the complaint due to the lack of elements required for filing a petition and the exception of the inadmissibility of the complaint from the perspective of the capacity of the reported person and the applicability of art. 84 par. (2) second statement of the Romanian Constitution. On the merits of the complaint, the Committee found that the notified deeds fall under the provisions of art. 2 par. 5 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it sanctioned the defendant by warning, according to art. 26 par. 1 of Government Ordinance no. 137/2000, republished.

7. Roma. Erection of a partition wall between the social houses occupied mostly by Roma on Horea street from Baia Mare town and the main street (the pedestrian alley and the road designed for the car traffic).

The Steering Board of NCCD was self-notified in 12.07.2011 regarding the notice of the defendant, the institution of the Mayor of Mare regarding the erection of a partition wall between the social houses occupied mostly by Roma from Horea st in Baia Mare town and the main street (the pedestrian alley and the road designed for the car traffic).

Within the opinion provided by the defendant it is shown that the wall (a concrete one, with a height of approximately 2 m and a length of almost 100 m) erected in the area of social houses where almost 317 Roma

persons leave does not enclose a habitable perimeter, its only purpose being to prevent accidents, contraventions, complaints of drivers, etc.

In the course of the settlement of the self-notification, were requested opinions of organizations with a related field of activity to the analysed discrimination deed, in this case the Roma Party– *Pro Europa*, the Roma Center for Social Intervention and Studies – *Romani CRISS*, the Civic Alliance of Roma in Romania, European Roma Rights Center and the County Police Inspectorate Maramures. Also, in the course of the settlement of the file, the wall was erected.

As a result of the analysis of documents in the file and the applicable legal provisions, the Steering Board considered that the imposition of certain social living norms may be an approach which pursues a legitimate and objective aim, provided that the crime and the antisocial deeds are not ethnicity-focused, given that the responsibility for perpetrating certain anti-social deeds must be personal, not collective, according to the law.

Also, the defendant brought into discussion a possible agreement of inhabitants of social houses from the street on the respective area related to the erection of the wall in question.

Thus, the Steering Board decided that the action of building a „surrounding” wall of social houses in the respective area constituted a behaviour which led to the creation of an intimidating, hostile, degrading and offensive environment against the Romanian Roma citizens, inhabitants of the social houses, according to art. 2 par. 5 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished.

The defendant resorted to an inadequate solution of building a wall, which became a symbol, an expression of harassment, labelling and marginalization of the vulnerable group of Roma in the place in question, at the same time constituting a violation of the human dignity of the persons from the vulnerable group, with the inherent effect of creating an atmosphere of intimidation, hostile, degrading, humiliating and offensive, according to art. 15 second statement of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished.

Therefore, through **decision no. 439/15.11.2011**, the Steering Board decided that the erection of a wall in Baia Mare town between Horea st and the main street with the purpose of separating the social houses occupied mostly by Roma persons is an extremely serious deed, which negatively affects the life of the entire community of Roma in the area and it meets the constitutive elements of harassment, according to art. 2 par. 5, at the same time violating the right to dignity, regulated by art. 15 of **G.O. no. 137/2000**, republished.

Considering the perpetrated deed, its effects and the arguments set down in the reasoning of the decision, the defendant, the local authority of Baia Mare through the mayor was obliged to the contraventional fine amounting to 2.000 lei for the deed regulated by art. 2 par. 5 and to the contraventional fine amounting to 4.000 lei for the deed stipulated by art. 15 of G.O. no. 137/2000, according to the provisions of art. 26 par. 1 of G.O. no. 137/2000 in conjunction with art. 7 of G.O. 2/2001 on the legal regime of contraventions. Also, the Steering Board issued a recommendation of demolishing the partition wall and taking certain measures to improve the housing condition of Roma from Horea street.

8. Roma. Evacuation of a Roma community. Minimum living conditions.

The Working Group of Civic Organizations notified NCCD regarding the practices of evacuation of the Roma community in Cluj Napoca town and its isolation near the the landfill and the chemical waste station of the town. The vice-mayor of Cluj Napoca town declared that since 2004, the City Hall intended to build a block of social houses on Coastei street and, for this purpose in wished to identify a space to displace persons which at that time had their domicile on Coastei street. A part of the inhabitants from Coastei street had rental contracts until 2004, a part until 2009 and another part never had such contracts, moving to that area without fulfilling legal formalities. The City Hall made an exchange of field with the sanitation company of the town, obtaining the field from the area Pata Rât (this area was chosen as a destination for building the modules in the absence of another solution). On this field was started with urgency the building of certain modules with needs housing (10 modules of 4 rooms each). The City Hall alleged that the reason for displacing the inhabitants from Coastei street was based on the abusive occupation of the field by them and in no circumstance on the ethnical criterion. During the investigation it was found that the modules from Pata Rât area were near the landfill and the area for discharge of the waste resulting from a drug company, they had some flaws of the wall and roof; there was dampness in the walls and the bathrooms were damaged by leaks from water pipes, the toilets were insufficient in relation to the number of people using them, unsanitary and open-plan. The situation presented by the people in the community regarding the isolation they were subjected to was confirmed, the area in question being at large distance from means of transport, shops, schools, hospitals, etc. Despite NCCD'S insistence upon the defendant, the Cluj Napoca City Hall did not communicate a written opinion. The Steering Board decided that the evacuation of the community belonging to the Roma ethnic group, its replacement and isolation near the landfill and chemical waste station falls under art. 2 par. 1, art. 10 lett. h, art. 13 par. 1 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished. Also, through **decision no. 441 of 15.11.2011, the Steering Board** decided to sanction the City Hall of Cluj Napoca as follows: for the deeds stipulated by art. 10 lett. h of G.O. no. 137/200 with contraventional fine amounting to 2000 lei, for the deeds stipulated by art. 13 par. 1 of G.O. 137/2000 on preventing and sanctioning all forms of discrimination, republished by warning and for the deeds stipulated by art. 15 of G.O. no. 137/2000 with contraventional fine amounting to 6000 lei. The Steering Board recommended that the City Hall of Cluj Napoca town take measures to ensure the minimum living conditions for the Roma community in Pata Rât area.

9. Roma. Statements. Personal Dignity.

The Roma Party Pro Europa notified NCCD in relation to the statements made through a press article by the representative of the Foundation Romania – The Next Generation. In this article reference was made to the criminal behaviour of the Roma persons. Thus, it is shown that on 03.02.2001, in the newspaper Adevarul was published an article regarding Mr. Prigoana's initiative of changing the terminology Roma with Gypsy. The article also contains the statement of Mr. G.B., representative of the Foundation Romania – the Next Generation, „The so

entitled Cioaba King should be aware that we can initiate a trial by which we shall doubt the right of being entitled the king. They only want to have rights and no obligation. They only want to be given money by the state on various social aids, but contribute nothing to the budget, under 10% of them being employed and taxpayers. While the behaviour of Gypsies, irresponsible and criminal, in France seriously endangers our national interest of entering the Schengen space, the Gypsies leaders do not get involved at all in managing the Gypsies camps in this country". Through **decision no. 454 of 16.11.2011** , the Steering Board found that the deed is discrimination in accordance with the provisions of art. 2 par. 1 in conjunction with art. 15 of G.O. 137/2000 and it sanctions the defendant by warning.

Discrimination on the „Disability“ ground

1. Disability. Access to public services. Refusal to exempt form tax. Lack of the disability certificate issued in the county where appearing with a pensioner file.

The petitioner, the legal representative of his father-in-law, exposed the fac that he had under his care a pensioner with a certificate of disability issued by the Commission for Assessment of Aduld Disabled Persons (CEPHA) attached to the local Council Bucharest, district 4 and the County Pensions Body refused to enforce the law and to exempt from tax on ground that the disability certificate was not issued in the locality in which the person in question appeared with a pensioning file. The petitioner stated that he also applied to other authorities which replied that the represented person is entitled to be tax exempt. The defendant, through the opinion transmitted mentioned that the solution to solve the request of the petitioner would be the transfer of the pension file in Bucharest or obtaining a disability certificate in the county where he is registered as a pensioner. Following the exchange of letters with the Ministry of Labour, Family and Social Protection, the defendant mentioned in a subsequent letter that it calculated the pension tax differences that they had to pay to the petitioner and that the pension file would be transferred to the Pension Body of Bucharest.

Through **decision no. 187 of 18.05.2011**, the Steering Board found that the deeds presented in the petition are discrimination according to art. 2 par. 3 of **G.O. no. 137/2000**, republished since the practice of the defendant of not recognizing an official document issued by a public authority from Romania (the disability Certificate) is an apparently neutral practice, even if it does not directly concerns persons with disability, it put at disadvantage the petitioner, a person with disability. The reported institution was sanctioned by warning. Also, 2 recommendations were issued, one of them concerning the defendant recommending the avoidance of practices which may result in the discrimination of persons with disabilities. As regards the recommendation issued to the Ministry of Labour, Family and Social Protection, the Steering Board considered necessary that this should inform through a letter the county pension bodies regarding the obligation to exempt from tax the disabled persons, as stipulated by the law, irrespective of where the disability certificate had been issued.

2. Disability. Discriminatory attitude.

G.R.M. notified the fact that he was discriminated by the employees of B.R.D. Groupe Société Générale, Faberrom Agency because they showed towards him, a person with disabilities, an inappropriate behaviour, which could create an intimidating, hostile, degrading framework in his regard. The petitioner specified that he has an account opened at that Bank and he sent his personal assistant with the necessary documents to collect a sum of money, but the bank employees left him wait around an hour, although the banking operation itself required a maximum of 10 minutes. The petitioner underlined the fact that, on a previous date, when his personal assistant collected another sum of money from the account of the petitioner, the bank employees did the same, i.e. they offered him a sum of money within a scale imposed by the bank. Through **decision no. 294/25.07.2011** the Steering Board found that the aspects notified by the petitioner constitute discrimination and it decided to sanction the defendant, Banca Română de Dezvoltare Groupe Société Générale, Faberrom Agency with warning (according to art. 2 par. 1 and art. 2 par. 5 of G.O. no. 137/2000, republished).

3. Disability. Access to public places.

NCCD was self-notified and was notified regarding the situation of Ms. L.R., who on 11.06.2011, at the invitation of a friend went together with her husband to Heaven Club in Timisoara. The petitioner alleges that, at the entry, the guard denied her access, on reason that she was on a wheelchair and the club was very crowded. The petitioner specified that the reason why she was not accepted in the club would be that she could cause discomfort to the clients.

According to the statements of the club manager *„We are not a public or state institution to be forced to work with such persons. The club is not arranged for those with such deficiencies and it would have been a discomfort both for her and the persons who came to us to have fun and would have seen her in the wheelchair. At the moment when they tried to get in, it was very crowded, the lanes are very narrow”*. The petitioner specified that in order to prove that the situation was not an accident, she returned the next day, accompanied by the reporters from Timisoara online newspaper (www.tion.ro), in a moment when there weren't many customers in the pub, where she was told: *„I've also told you on Saturday what is the situation. You cannot enter here like this”*. Through decision no. **365 of 14.09.2011**, the Steering Board ascertained that the notified deeds are discrimination, according to the provisions of art. 1 par. 2, lett. f, art. 2 par. 1, art. 10 lett. f and art. 15 of G.O. no. 137/2000 republished and it applies the administrative sanction of the contraventional fine amounting to 5000 lei.

4. Disability. Financial rights.

The petitioner D.D. alleged that the defendant, F.I. in his capacity of administrator of S.C. Farma-Lena SRL refused to pay the outstanding salary entitlements and through its answer it requested an additional medical certificate, it requested *„The certificate – labour medicine for you, issued by the specialized physician, showing your level of disability, at the left eye (missing eye, partial missing view)”*. In order to conclude the individual labour contract,

contract concluded and registered at TLI (Territorial Labour Inspectorate) Suceava, according to legal provisions, the petitioner underwent a medical check-up at the labour medicine bureau, following which it was found that he was able to carry out the activities stipulated by the job description, the medical endorsement in question being submitted at the moment of employment, as stipulated by labour legislation in force. The petitioner underlined the fact that making the payment of salary entitlements conditional upon a disability certificate is illegal and such a reference is discrimination on the disability ground. Through **decision no. 413 of 18.10.2011**, the Steering Board decided that the notified deeds represent a discrimination deed (harassment) and it sanctioned contravenitionally the defendant, S.C. Farma-Lena SRL with contravenitional fine amounting to 500 lei (art. 2 par. 5 of G.O. no. 137/2000, Rrepublished).

5. Disability. Access to education.

The petitioner L.R. alleged the fact that in order to enroll her children in the kindergarten in the year 2011-2012, she had some preliminary discussions with both the director of the kindergarten and the manager of the kindergarten C.V., in which she specified the medical condition of the minor. Following the conclusion of the contract specifying that the child is accepted to attend the program of the kindergarten, that he is praised by the teacher (very sociable, obedient, he ate very well....)

However, two weeks after the start of the program, the teacher informed the petitioner that a meeting was held in which it was decided to expel the child, the stated reason being that he needs to be taken to a center of children with special needs. This conclusion arises from the fact that the last diagnosis from Tg. Mures enumerates a few recommendations: continuing the medical gymnastics, stimulating the mental development and speech, both at home and in the center of children with special needs.

Following the check-up from Tg. Mures there was a series of investigations carried out in France, when specialists recommended that the child should end the kinetotherapy sessions and the treatment for 3 of the drugs recommended in Romania.

The kindergarten manager, P.V. confirmed the expulsion decision to the petitioner, which was taken under the reason that the child's needs additional attention and care from those responsible. The manager considered that in this case, however, a concession could be reached that the child could attend the program of the kindergarten until 12, provided that a notary document was brought that would exempt the institution from liability towards the child. The manager also explained that the notary document is necessary because the teacher misses during the program, also being a teacher of social sciences. For an additional point of view, the director of the kindergarten was also contacted by phone and she stated that she does not have information about the meeting in question or the decisions taken therein.

At the request of the petitioner, a new assessment of the child was performed and the doctor decided that the child can attend any kindergarten with normal program, attending a special kindergarten being against the development of the child. In relation to the events occurred, the petitioner requested that the kindergarten

communicates in writing the reason for the child expulsion. In order to clarify those aspects, she was invited to attend a session which turned bad immediately as the petitioner asked some questions in order to find out how the expulsion of the child was decided. It was found that the nurse, the pediatrician and the psychologist, through their behaviour and how they conveyed the information, they hyperbolized the aspects of the illness, panicking all the staff of the institution.

The pediatrician supported the decision already taken by the board on reason that the institution is private and can do anything, this aspect being also raised by the director of the kindergarten. The pediatrician made the following remarks: „Madame, we are wasting our time with you here!, if you don't like the situation, leave!, go somewhere else, there are other kindergartens too!, leave as other mothers have also left!“. Also, during the same meeting the nurse had a similar attitude.

The only person who was shy in having an attitude, supporting the child's case, was the teacher who said to those present that the child has no problem of behaviour, attitude, integration or else.

Finally, the petitioner was called by the director of the kindergarten saying that the decision is firm, proposing that the child should be accepted until 12 o'clock, or the return of the money. The petitioner declined the offer of the kindergarten and requested the expulsion sheet and termination of the contract. Thus, the director paid back the amount of 515 lei through the witness of the petitioner, ending by saying: „I wish you lots of good luck with the kindergarten where you are going!“.

Through **decision no. 481/12.12.2011**, the Board decided that the violation of the right to education of the petitioner's child is discrimination according to art. 2 par. 1 in conjunction with the provisions of art. 11 par. 1 and 2 of G.O. no. 137/2000, republished on the prevention and sanctioning of all forms of discrimination; At the same time, the Steering Board ascertained the violation of the right to personal dignity, the deeds constituting discrimination according to art. 2 par. 5 and art. 15 of G.O. no. 137/2000, republished on the prevention and sanctioning of all forms of discrimination and it sanctioned the defendant – Kindergarten with long program „Sfântul Ioan cel Nou“ – by warning.

Discrimination on the „Age“ ground

1. Age, height. Employment requirements.

M.S., looking for a job discovered in the pages of *Libertatea* newspaper of 12.08.2010, under the heading „Classified Ads“ an ad for hiring a chief area agent for interventions within the company A.S.G. Security. The requirements for applying for this position were related to the fulfillment of strict characteristics of height, weight and age (1.90/100 kg/ 45 years).

Through **decision no. 141 of 13.04.2011**, the Board ascertained that these requirements represent discrimination according to G.O. no. 137/2000, art. 2 par. 1 and art. 7 par. 2. Therefore, according to art. 2, par. 11 and art. 26 par. 1 of G.O. no. 137/2000, republished the Steering Board applied the sanction of warning to the defendant (ASG Security, through representative, Mr. B.A.I.).

2. Age. Employment in management position.

Petitioner M.T. asks the National Council for Combating Discrimination whether the requirement of length of service of at least 12 years imposed for the position of manager at the Hospital in Urziceni, established through the mayor's decision is discriminatory. His requirement concerned the provisions of art. 1 par. 1, lett. c, Chapter I of Annex no. 1 to the Decision of Mayor of Urziceni regarding the Rules of organization and conduct of the competition for the manager position at Urziceni Hospital.

In substantiating the case, the petitioners states that the access to the manager position is done by individuals who have at least 2 years length of service in positions requiring graduation of long-term University studies (according to the provisions of art. 1 par. 1 lett. d of Health Ministry Order no. 1082/2010 on the approval of the Rules of organization and conduct of the competition for the manager position in public hospitals in the Ministry of Health's main network).

Through **decision no. 215/01.06.2011**, the Board decided that the deed presented constitutes discrimination (according to art. 2 par. 3 and art. 7, par. 2 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished) and it sanctioned the defendant by warning.

Discrimination on the „Medical situation” ground

1. Maternity. Labour relations. Termination of the labour contract.

Petitioner C.A.R. complained about the fact that during the child maternity leave she received a note from the employer in which she was notified that at the end of the leave, her labour contract will also be terminated, aspect confirmed upon her return to work. Through **decision no. 20/13.01.2011**, the Board set down that the differentiated treatment applied to the petitioner by the employer was based on her maternal status and the employer was not able, through the documents presented, to prove that the petitioner's termination decision had been objectively justified. Thus, the Board ascertained that the notified deeds are discrimination and it decided to sanction the defendant with fine amounting to 4000 lei (art. 2 par. 1, art. 6 of G.O. no. 137/2000, republished).

Discrimination on the „Gender” ground

1. Gender. Personal dignity. Discriminatory remarks. Image violations regarding „ladies who work in mass-media groups of companies” and „the woman in general”.

Ms. C.A.P. accused Mr. F.T. for a statement on Infopolitics which damaged the image of women who work in mass media. The petitioner considered the statements of Mr. F.T., a specialist psychiatrist as sexist, discriminatory and defamatory.

In the contents of the statements, the defendant claimed that it is necessary to adopt a law so that TV moderators and commentators „should carry out a psychical examination before being broadcasted”. The defendant consider the adoption of the law appropriate, since „many times, through wha they declare and claim we find that these persons do not have a sense of reality”.

Through **decision no. 154 of 18.04.2011**, the Steering Board ascertained that the aspects presented in the petition fall under art. 2 par. 5 of G.O. no. 137/2000 republished and amended and they represent discrimination and according to art. 2 par. 11 and art. 26 par. 1 of G.O. no. 137/2000 it sanctioned the defendant by warning.

2. Gender/Social category. Statements. Personal dignity.

In a divorce and child custody trial, the defendant, the president of the Anti-discrimination Alliance of All Fathers (T.A.T.A.) intervened in favour of the former husband of the petitioner, supporting him in the child custody trial. Thus, the defendant wrote a letter to the petitioner's employer, by which he requested that the latter should transmit a letter to the court through which he should prove the cessation of the collaboration with the petitioner. The defendant threatened that otherwise he will inform the Romanian and French public opinion on the corruption of the company and its collaboration contracts. Moreover, in the letter written to her employer, the defendant characterized the petitioner as having an intolerable behaviour, he mentioned that she is involved in a media scandal and because of that he considers that obviously the petitioner is a „drunken, with an aberrant sexual behaviour, shortly a whore, etc.”.

Through **decision no. 325 of 03.08.2011**, the Steering Board ascertained that the deeds notified by the petitioner represent harassment according to the provisions of art. 2 par. 5 of G.O. no. 137/2000, republished and it sanctioned the defendant by contraventional fine amounting to 400 lei.

3. Gender. Access to labour and education. Statements. Personal dignity. Equality of opportunities.

The petitioners, the Organization of Women PDL, M.L.F.S.P. and the Association the Professional Order of Policemen in Romania considered that the statements of quaestor I.S. are discriminatory in relation to women who belong to the professional category of policemen: „The woman policeman, after giving birth to two children, may remain at home four or five years. During all this time, the positions remain free, nobody can be assigned to that position”. Thus, the petitioners consider that the statements of the defendant represent a serious violations of the constitutional rights to equality of opportunities, labour and education, stipulated by the Constitution of Romania and request the ascertainment of the discrimination deed on the gender ground as perpetrated by the defendant.

Through **decision no. 412 of 17.10.2011**, the Steering Board decided that the notified aspects constitute discrimination according to G.O. no. 137/2000, republished and considering that the deeds were perpetrated by a person with an important position in Romania, the seriousness of the deed is emphasized. In this regard, the Board decided to sanction the defendant by contraventional fine amounting to 1000 lei (art. 2 par. 5 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished).

4. Gender and family situation or responsibility. Adverse treatment, acts of moral harassment. The right to labour, fair and favourable work conditions.

The petitioner C.A. claims that, when returning from the child growing leave, she was subjected to an adverse treatment by her supervisor. She thus considers that she was subjected to moral harassment and her right to labour, to fair and favourable work conditions was breached. At the same time, she considers that the aspects she notified are discriminatory on the gender and family situation ground.

Following the investigations undertaken in this case, the Steering Board decided through **decision no. 473 of 23.11.2011** that the notified deeds are direct discrimination according to art. 2 par. 1 and art. 6 lett. b and harassment according to art. 2 par. 5 of **G.O. 137/2000** republished, deciding to sanction the company by contraventional fine amounting to 4000 lei for the deeds stipulated by art. 2 par. 1 and art. 6 lett, b) and to sanction the second defendant, P.T., in his capacity of director of the Legal Department with contraventional fine amounting to 1000 lei for the deeds stipulated by art. 2 par. 5.

Discrimination on the „Language” ground

1. Language. Public information.

E.C.H.R.H.C.E. notified the fact that Săvădisla Police did not observe the law of local public administration as regards the bilingual display (in Romanian and Hungarian) of the name of the institution, of public interest information and the displays on the cars of the institution. Through **decision no. 228/08.06.2011**, the Steering Board ascertained that the no-display of public interest notices within the Săvădisla Police constitutes discrimination according to art. 2 par. 1 and art. 10 lett. h of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it sanctioned the County Police Inspectorate Cluj by warning. Moreover, the Steering Board recommended that the defendants resolve the notified situation.

2. Language. Public information.

A.M.A.C. notified the fact the public educational units Gimnaziul „Dacia”, General School no. 2 Targu Mures, the County School Inspectorate Targu Mures, Local Council Targu Mures and Targu Mures City Hall did not respect the „linguistic rights regarding the linguistic landscape” of institutions subordinated to the local public administration. This situation is reflected on the lack of bi-lingual signs (in Romanian and Hungarian) containing the name of the school, of classrooms and public interest information at the notice board. Through **decision no. 172/04.05.2011**, the Board ascertained that the notified deeds are discrimination according to art. 2 par. 1 and art. 10 lett. h of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished. Also, considering what it ascertained, the Board decided to sanction the defendants by warning and it recommended that efforts be made in order to apply the bi-lingual transcription on the institutions’ frontispiece.

3. Language. Public information.

The petitioner „Asociația Noi Români” considers that the defendant, the Szekely Museum of Ciuc organized in a discriminatory way the event „The night of museums” on 25 June 2011, by violating the right to public interest information of persons belonging to the majority, inferior in number in Harghita county and of the other persons belonging to national minorities, other than the Magyar one.

As shown by the photos submitted at the file, the information regarding this public event was transmitted solely in Hungarian. The public display was put in advertising places from Miercurea Ciuc town and at the main entry at the premises of the Szekely Museum of Ciuc. The posters contained only information in Hungarian.

The petitioner requests the ascertainment of a mass discrimination, considering that the defendant is in a relapse situation, reminding the fact that the 2010 edition of the same event was organized under similar conditions.

The discriminatory organization of the event takes place less than 5 months after the ascertainment by NCCD through decision no. 13 of 12.01.2011 that the 2010 edition had a discriminatory nature, and therefore it recommended that the Szekely Museum of Ciuc observe the principle of equality of treatment, since it is obvious that the management acted in bad faith, which, knowingly ignores legislation and the principles of non-discrimination and equality and NCCD’s decision and persists in its discriminatory behaviour.

Through **decision no. 05/11.01.2012**, the Board decided that the deeds presented in the petition are discrimination according to art. 2 par. 1 of G.O. no. 137/2000, republished on preventing and sanctioning all forms of discrimination and it recommended that the defendant should make a bilingual display, on one poster for the various events.

Discrimination on the „Sexual orientation” ground

1. Sexual orientation. Personal dignity.

The petitioner, Accept Association alleges that the Pope, during his visit to Spain in November 2010 criticized the legislation in this country which allows marriages between same sex persons. As a form of protests against this criticism, a group of homosexuals kissed in front the Sagrada Familia cathedral in Barcelona while the Pope was officiating a religious service. In response to this manifestation, Mr. D.N. posted the following on his blog: *„It is inexcusable to give permission to some deranged persons to disturb the baptisms of the most beautiful European monument (...)they should have been baptized by the Spanish police with some batons in the ass”*. The petitioner requires the ascertainment of a discrimination deed on the sexual orientation criterion and the contraventional sanctioning of the defendant for direct discrimination on the above criterion, since an intimidating, hostile, degrading and offensive environment was created and dignity of homosexuals in Romania was violated. Through **decision no. 285 of 25.07.2011**, the Steering Board decided that the notified deeds regarding the statements of the defendant fall under the provisions of G.O. no. 137/2000, republished. The Board decided to sanction the defendant D.N. by warning (art. 2 par. 5 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished).

Discrimination on the „Religion” ground

1. Religion. Non-restitution of property belonging to the Jewish community.

The Steering Board of NCCD was self-notified regarding the „**2009 report of the US State Department regarding freedom of religion in Romania**” which emphasized the following: *„In Iasi, 18 claims of land-pieces of the Jewish community remained unsettled, including that regarding a 51 hectares land-piece, which the prefect divided and distributed to other persons. In this case, the county restitution commission decided to grant other pieces of land as compensation for that sold but the decision was attacked in court by the National Agency of State Domains. The Jewish community won the trial but until now it received only a parcel of approximately 6 hectares. The discussions with the National Agency of State Domains in order to identify certain surfaces of land to replace those sold, continued.”*

Following the investigations undertaken to resolve the case, the Steering Board could ascertain that as regards the request of the Greek-Catholic Parish of Valcău de Sus commune, Salaj county there is no enforceable court decision, but in the case of Valcău de Jos commune, Salaj county a court decision was issued, enforceable through the ruling of Șimleul Silvaniei Court.

Thus, the Steering Board ascertains that in this case it is appealed to a differentiation which infringes the property right on the ground of religious affiliation without an objective justification and it decided through **decision no. 69/23.02.2011** that the refusal to finalize the delivery-reception protocol of the piece of land requested by the Jewish Community represents discrimination according to art. 2 par. 1, in conjunction with art. 10 lett. h of **G.O. no. 137/2000**, republished, in this case applying the sanction of contraventional warning for the Agency of State Domains.

2. Religion. Not granting of the building permit for the Church United with Rome.

The Steering Board of NCCD was self-notified on 28.01.2010 regarding **the 2009 Report of the US State Department regarding the freedom of religion in Romania** which states as follows: *„The Greek-Catholic church continued to complain that the local authorities opposed the granting of a building permit for building a new church in the locality of Săpânța (Maramures county), where the local community bought a piece of land in 2003.”*

Following the analysis of the documents submitted at the file for the settlement of the object of the self-notification, the Steering Board considered that the lack of a grounded answer for a long period to the request of approval of the Land Planning is an apparently neutral practice which puts at disadvantage without justification persons belonging to the Greek-Catholic cult. This practice, as the courts indicate, is not objectively justified by a legitimate aim. The non-waiver by the Church United with Rome to patrimonial rights is not an objective justification. Also, the Steering Board considered that this deed also is a passive behaviour, which through the effects it generates puts at disadvantage in an unjustified way the Greek-Catholic community in Săpânța locality.

Therefore, the Steering Board decided through **decision no. 73 of 02.03.2011** that the lack of a grounded answer for a long period to the request of approval of the Detailed Land Planning represents indirect discrimination according to art. 2 par. 3 and also a contraventional deed, according to art. 2 par. 4 of **G.O. no. 137/2000**, republished. Also, a recommendation was issued for the local authorities, namely the mayor of Săpânța commune and Săpânța Local Council to endeavour to settle the request of the Church United with Rome according with legal provisions in the field.

3. Religion. Refusal of the Local Council of Bălușeni commune, Botoșani county to authorize the building of a Pentecostal church in Draxini locality.

The Christian Pentecostal Cult – the Apostolic Church of God in Romania brought to NCCD's attention the fact that in Draxini, Botosani county, the Local Council of Bălușeni commune, Botosani county opposed the issuance of a building permit to the Pentecostal church. The petitioner mentioned that the defendant requested endorsements, which were not necessary, which is an abuse and a discrimination deed on the ground of religion. The defendant stated the fact that in the notified case it requested only the fulfillment by the petitioner of the legal requirements for the issuance of the building permit. Through **decision no. 131/06.04.2011**, the Steering Board set down the fact that in this case the constitutive elements of the discrimination deed were met according to art. 2(1), art 2. (5), art. 10 lett. h of G.O. 137/2000 on preventing and sanctioning discrimination deeds, republished and it decided to sanction the defendant by warning.

4. Religion. Failure to respect the property right, hostile attitude towards the Romanian Church United with Rome.

The petitioner, a representative of the Greek-Catholic cult presented within a petition the situation of certain parishes belonging to this cult regarding the failure to respect the property right.

Following the analysis of the documents of the file and of those subsequently submitted by the petitioner also, it was ascertained that some of the situations object of the petition were settled and through **decision no. 152/18.04.2011**, the Steering Board decided that the non-settlement of the request for restitution of a piece of land is discrimination according to art. 2.1. and 2.4. of **G.O. no. 137/2000**. Thus, the mayor of Săuca locality, in his capacity of legal representative of the locality was sanctioned by warning.

5. Religion. Non-granting of the property right for the Romanian Church United with Rome (Greek-Catholic).

NCCD's Steering Board was self-notified regarding **the 2009 US State Department Report on the freedom of religion in Romania** which stated as follows: „Among the areas in which the local authorities did not restitute the pieces of land which belonged to the Greek-Catholic Church are the following: Chiheru de Jos, Maramureș county [Mureș]; Rozavlea, Maramureș county; Săpânța, Maramureș county; Ungheni, Maramureș county [Mureș]; Valcău de Sus and Valcău de Jos, Sălaj county; Rozavlea, Maramureș county; Haieș, Bihor county; Moisei, Maramureș

county; Tășnad, Satu-Mate county; Nădar, Bihor county; Sălișteea de Sus, Maramureș county; Borșa, Maramureș county". "Among the areas in which the local authorities did not restitute pieces of land which belonged to the Greek-Catholoc church are the following: Chiheru de Jos, Maramureș county [Mureș]; Rozavlea, Maramureș county; Săpânța, Maramureș county; Ungheni, Maramureș county [Mureș]; Valcău de Sus and Valcău de Jos, Sălaj county; Rozavlea, Maramureș county; Haieu, Bihor county; Moisei, Maramureș county; Tășnad, Satu-Mare county; Nădar, Bihor county; Sălișteea de Sus, Maramureș county; Borșa, Maramureș county."

Following the investigations undertaken for settling the case, the Steering Board could ascertain that as regards the request of the Greek-Catholic Parish in Valcău de Sus commune, Sălaj county there is no enforceable court decision, but in the case of Valcău de Jos commune, Sălaj county a court decision was issued, enforceable through the ruling of Șimleul Silvaniei Court.

Thus, the Steering Board decided through **decision no. 341/05.09.2011** that the delay of restitution of the properties to the Church United with Rome, requested by the Greek-Catholic Parish Valcău de Jos is discrimination according to art. 2, par. 1 in conjunction with art. 2 par. 4 of **G.O. no. 137/2000**, republished, deciding to sanction the mayor of Valcău de Jos commune, Sălaj county, in his capacity of legal representative of the Hall and of the local Council of Valcău de Jos commune by warning.

Discrimination on the „Non-contagious chronic disease” ground

1. Chronical disease. Announcement for admission to the lawyer’s profession discouraging perons with chronical diseases. Field: equality in the economic activity and in the field of employment and profession.

The self-notification indicated that the defendant published a notice regarding admission in the lawyer profession, which discourages persons suffering from chronic diseases (requesting a certificate „*showing that you do not suffer from chronical diseases*”). The defendant, the Bar organizer of the competition claims, through the opinion issued that the notice makes no discriminatory mention, the health certificate being requested for any employment situation. Considering the object of the file, the Steering Board considered useful to find out the stance regarding this case of the Romanian College of Physicians, their representatives underlining the following: „*The notice in question, as presented constitutes discrimination deed. An ascertaining certificate of the health status can be requested, to specify if there are possible chronic diseases and if such diseases hinder the exercise of the profession; the certificate in question will be issued by the specialist occupational physician*”.

The Steering Board ascertains through **decision no. 472 of 23.11.2011** that the notice object of the self-notification may discourage persons suffering from chronic diseases, infringing the rights in the field of equality in the economic activity and employment and profession, the justification put forward by the defendnat being that in any employment case a medical document is requested, showing that the employer is capable. The Steering Board ascertains however that the notice, as formulated, does not require a document showing the medical fitness or the health status of candidates, but a document showing that the candidate does not suffer from

chronic diseases. Implicitly, those who would like to candidate give up, since they do not satisfy established criteria. Even if the purpose was legitimate, the chosen method was not adequate, therefore requesting a medical certificate showing that the candidate does not suffer from chronic diseases is not objectively justified.

Thus, the notice of the defendant represents direct discrimination according to art. 2 par. 1 in conjunction with art. 5 of **G.O. no. 137/2000**, republished, since it generates a distinction based on chronic disease resulting in the restriction of the exercise of a profession. As regards the application of a sanction, the Steering Board considers that the application of such sanction is not necessary, ascertaining that although there could be a discouragement of persons suffering from chronic diseases, an effective discrimination did not occur, as no person was rejected because of the chronic disease. Thus, in the case submitted for analysis to the Steering Board there was issued a recommendation to Prahova Bar to avoid in the future formulating notices which may discourage candidates for the lawyer profession.

Other grounds

1. The socio-professional ground. Incorrect appointment in 2005, refusal to issue the re-appointment decision after the exam in 2001. Field: equality in the economic activity and in the field of employment and profession.

The petitioners notify NCCD regarding the fact that they were not promoted in the position of assistant inspector, although they were declared admitted following the exam. The reason put forward was that they held the position of cashier treasurer. However, other persons employed within the county General Department of Public Finance, who did not have the position of cashier-treasurer – admitted following the exam – were promoted. The county General Department of Public Finance also stated that there was an incorrect re-employment in 2005.

In the course of the settlement procedure, the Steering Board raised ex officio the non-jurisdiction exception *ratione materiae* regarding the first head of claim (i.e. incorrect appointment in 2005) and issued its decision at the same time with the file deliberation, admitting the exception, since this head of claim concerns an issue of interpretation and application of the law, exclusive prerogative of the courts. Also, the Steering Board admitted the exception of the lack of passive capacity to stand the trial of the county General Department of Public Finance, of the National Agency of Tax Administration, of the National Agency of Civil Servants, since, as these institutions showed, it was ascertained that the main budget coordinator is exclusively responsible, namely the Ministry of Public Finance.

Based on the documents of the file, the Steering Board found that there was a differentiation.

The justification put forward by the Ministry of Public Finance, expressed through several letters sent to the parties shows the need to have cashier treasurers. The Steering Board considered that this need cannot hinder the promotion of persons who sat an exam. In case there were available positions and there were persons who fit them and had a positive result at the exam, all persons should have been promoted. Through **decision no. 259 of 29.06.2011**, the Steering Board analyzed if the non-appointment of the petitioners by the Ministry of Public Finance is discrimination or not and it decided that the non-changing of the positions represents discrimination

according to art. 2 par. 1, in conjunction with art 6 lett. d of **G.O. no. 137/2000**, republished. At the same time, the Steering Board sanctioned the defendant by warning.

2. The socio-professional criterion (specialty – the medical field)). The discriminatory provisions of MHO (Ministry of Health Order) 232/2011. Field: The right to equality in the economic activity, in the field of employment and profession.

The petitioners B.T.I., S.B.A., E.T., in their capacity of specialist physicians in general surgery and obstetrics and gynecology reported the fact that, being employees of the Hospital of Buftea Town, Ilfov county, following the transformation of the local hospital in shelter for elderly, their re-appointment request was rejected, since article 11 par. 1 of the **Ministry of Health Order** stipulated the following: *„The vacancies of doctors in the clinical health units in the University cities of Iași, Cluj-Napoca, Timișoara, București, Târgu-Mureș, Craiova, Oradea, Sibiu, Arad, Brașov, Constanța and Galați cannot be filled as a result of the re-appointment, except for the positions of doctors in the specialization of emergency medicine, radiology and medical imaging and anesthesia and intensive care.”* In Bucharest there were 44 vacancies for general surgery and 20.5 positions for the specialization obstetrics-gynecology. The petitioners considered the provisions of art. 11 par. 3 of the same **Order** as discriminatory: *„In clinical health facilities can only be re-distributed the physicians who were appointed in a clinical health facility proposed for reorganization in shelter for the elderly”*.

The Ministry of Health, in its capacity of defendant indicated through the opinion given that, although the petitioners cannot benefit from re-distribution in a clinical hospital, they can fill a position as a result of taking a competition/exam.

Considering the documents of the file and the relevant legal provisions for the case, the Steering Board decided through **decision no. 352/05.10.2011** that the limitation stipulated by **MHO no. 232/2011** through art. 11 par. 1 is discrimination according to art. 2 par. 1 in conjunction with art. 6 lett. a of **G.O. no. 137/2000** republished and it decided to sanction the Ministry of Health with contraventional fine amounting to 1000 lei. Also, the Steering Board ascertained that the limitation stipulated by **MHO no. 232/2001** through art. 11 par. 3 is discrimination according to art. 2 par. 1 on conjunction with art. 6 lett. a of **G.O. no. 137/2000**, republished and in this regard it sanctioned the Ministry of Health with contraventional fine amounting to 1000 lei.

3. The socio-professional ground (trade union leader). Prohibiting access inside the company, non-appointment in the previously held position, not granting the length of service increment, the increment for difficult conditions and the rest leave for 2010 during the year. Field: harassment, equality in the economic activity, in the field of employment and profession.

Petitioner I.M. having the capacity of trade union leader reported the fact that his access inside the company employing him was forbidden, he was not re-employed in the previously held position, although the court had

issued 2 resolutions in this regard (in 2009 and 2010), he was not granted the length of service increment and increment for difficult conditions or the leave for 2010 during that year.

Through **decision no. 351/08.09.2011**, the Steering Board decided as follows: the prohibition of access of the petitioner inside the reported company was not sufficiently substantiated according to art. 20 lett. 6 of **G.O. no. 137/2000**, republished; the refusal to re-employ the petitioner in the previously held position does not fall under **G.O. no. 137/2000**, republished with regard to enforcement of the court resolutions and as regards the relevance of **G.O. no. 137/2000**, republished, the deeds are not discrimination as regards the differentiated treatment compared with other persons. However, the failure to pay the length of service increment is discrimination according to art. 2 par. 1 of **G.O. no. 137/2000**, republished, in conjunction with art. 6 lett. c , for this head of claim deciding to sanction the reported company with contraventional fine amounting to 1000 lei, in accordance with art. 26 par. 1 and 2 of **G.O. no. 137/2000**, republished. The failure to pay the increment for difficult conditions is not discrimination, in accordance with art. 2 par. 1 of **G.O. no. 137/2000**, republished the situations not being comparable and an objective justification existing. The non-granting of the rest leave is discrimination according to art. 2 par. 1 of **G.O. no. 137/2000**, republished in conjunction with art. 6 lett. g. For this last head of claim, the company was sanctioned with contraventional fine amounting to 1000 lei, in accordance with art. 26 par. 1 and 2 of **G.O. no. 137/2000**, republished.

4. Kinship. The right to equality in the economic activity, in the field of employment and profession.

The petitioner E.M. appointed bailiff following the exam of admission to the profession considers discriminatory the provisions of the **Statute of the National Union of Bailiffs**, which exempts relatives and in-laws of the first degree from the payment of 5000 Euro upon the acceptance in the profession. The Chamber of Bailiffs attached to the Court of Appeal Pitesti claims through the opinion expressed that the statute provision is not discriminatory, since there are similar taxes in other professions and this requirement was accepted by the petitioner when she enrolled for the exam, when she also invoked that her income allowed her to pay this statutory tax, giving as argument the income of the petitioner which indicated that this tax would not be a problem. Also, the defendant mentioned that that the exemption of the relatives and in-laws is a right stipulated in the statute, just like the right to fees and holidays. The National Union of Bailiffs mentioned that the criticized provisions was eliminated from the statute.

Through **decision no. 401/11.10.2011**, the Steering Board decided that the provisions of the *Statute of the National Union of the Bailiffs* exempting relatives and in-laws of first degree from the payment of 5000 Euro upon acceptance in the profession is discrimination according to art. 2 par. 1 in conjunction with art. 5 of **G.O. no. 137/2000**, issuing a contraventional warning for the parties reported in the case.

5. Non-recognition of the diploma. Field: equality in the economic activity and in the field of employment and profession. Criterion: graduated University.

The petitioner C.I.C., a graduate of Spiru Haret University of Bucharest, Faculty of Physical Education and Sport mentioned that although he had a valid diploma of studies he was not allowed to take part in the certification exam, following the Order of the **Ministry of Education no. 1133/16.08.2010** (in fact **Letter no. 16/1133/DGJC/16.08.2010**). The defendant indicates through the opinion given that the letter in question had as purpose to clarify the conditions under which a person can take part in the exam of granting certification. This is not an administrative acts, but an administrative correspondence, which has no legal effects. According to the statements of the defendant, the petitioner did not fulfill the requirements of participation in the certification exam.

The Steering Board ascertained that the petitioner could not take part in the certificate exam, since, as a graduate of the Faculty of Physical Education and Sport within Spiru Haret University of Bucharest, the defendant considered that the diploma is not valid.

Therefore, through **decision no. 459/21.11.2011**, the Steering Board decided that by issuing **letter no. 1133/16.08.2010** the defendant restrained the petitioner's right to take part in the certification exam, which resulted in the restriction of the petitioner's right to employment, a graduate of *Spiru Haret* University, Faculty of Physical Education and Sport, based on the specialization obtained, although he had a valid diploma. Thus, the deeds presented are direct discrimination according to art. 2 par. 1 in conjunction with art. 6 lett. g of **G.O. no. 137/2000**, republished, issuing a contraventional fine according to art. 7 in conjunction with art. 13 par. 1 of **G.O. no. 2/2011**.

CHAPTER 6

NATIONAL COUNCIL FOR COMBATING DISCRIMINATION IN THE WRITTEN PRESS

During 2011, NCCD followed the articles which made reference to the Council's field of activity and monitored 17 national publications: Adevărul, Cotidianul, Cronica Română, Curentul, Curierul Național, Dilema Veche, Evenimentul Zilei, Gazeta Sporturilor, Gândul, HotNews, Jurnalul Național, Libertatea, Mediafax, ProSport, Revista 22, România Liberă, Ziare.com.

During January – December 2011, were gathered 140 articles from the central written press which made direct reference to the activity of the National Council for Combating Discrimination, unlike 2010, when in the same period only 94 articles were found. Within the articles which made reference to NCCD there were 35 mentions regarding the president of the institution.

The written press reserved generous space to relate the evolution of the cases which involved president Traian Basescu, the owner of Steaua Bucharest and the mayor of Baia Mare, Catalin Chereces.

- The sanctioning activity of the Council was closely followed within the notifications submitted by SDP (social-democrat party) senator Olguta Vasilescu and the Foundation for the Defence of Citizens against the Abuses of the State (FACIAS) as regards the sanction applied to Traian Basescu following the „discriminatory statements” made when he referred to persons with disabilities, in the context in which he spoke about monarchy during a TV show. Traian Basescu was sanctioned by warning by NCCD for his remarks regarding persons with disabilities, but also the Roma persons in Romania who are begging in Helsinki.
- Gigi Becali was followed by the press because of his statements regarding women made during a TV show: „If the man cheats, the woman is not allowed to divorce. God said that the man is man and the woman is a whore” and he was sanctioned by the National Council for Combating Discrimination with 200 lei for offensive statements regarding women. Becali was sanctioned again by NCCD for denigrating persons with disabilities, after using the term „disabled” with the purpose of expressing a series of insults regarding a journalist.
- The written press debated NCCD’s self-notification in the case of the wall erected by Baia Mare Hall which separates the social houses occupied mostly by Roma from Horea street and the main road, designed for the vehicles. For the contraventional deed ascertained the defendant was sanctioned by contraventional fine amounting to 6000 lei. Also, the Steering Board recommended the demolition of the separating wall and the taking of certain measures to improve the housing conditions of Roma”. Also, NCCD applied a fine of 8000 lei to Cluj-Napoca City Hall for displacing certain Roma people in the area of the landfill from Pata Rât.
- Following the legislative proposal of 2010 to change the name of „Roma” into „Gypsy”, the press followed this year closely this initiative, after the positive endorsements of the legislative proposal initiated by DLP (democrat-liberal party) deputy, Silviu Prigoana by the Commissions for human rights and equality of opportunities of the Senate. The National Council for Combating Discrimination did not support the proposal of the deputy and informed the Government that, in April it decided through Board decision that the replacement of the term of „Roma” with that of „Gypsy” is not objectively and reasonably justified by a legitimate aim.
- At the same time, the complaint of the Agency for Community Development “Impreuna”, the Roma Association “Equality of Opportunities” Tulcea and ACCEPT Association to NCCD against the Romanian Academy and the Linguistics Institute Iorgu Iordan – Al. Rosetti” was intensely publicized. The representatives of the Roma community requested the modification of the noun “Gypsy” from the “Explanatory Dictionary of Romanian language” and NCCD recommended that the two institutions mention that the definition has a pejorative sense.

- Also, the institution informed the Romanian Academy regarding the opinion on the request of the Center for Monitoring and Combating Anti-Semitism of officially modifying the dictionary definition of the word “Kike, an insulting name for Jewish.
- Another case publicized was that in which NCCD applied a fine to CFR Cluj football club of 1.000 lei because it did not allow certain Dinamo club supporters who did not have identity papers for Bucharest or Ilfov, during the game CFR- Dinamo.
- The written press also debated NCCD’s self-notification in the case of the girl in wheelchair, who was not allowed in Heaven Studio Club Timisoara on reason that she would cause discomfort to the clients. The representatives of Heaven Studio were given a fine of 5.000 lei.
- The actions of the Hungarian activist, Csibi Barna were also debated in the press, following the hanging by him of a puppet with the face of Avram Iancu in the public space. Subsequently, Csibi Barna filed to NCCD a petition against his secondment to Abrud.
- NCCD applied a fine of 600 lei to the editor-in-chief of „Stefan cel Mare” newspaper for an article disseminated on the route Bucharest – Targu Mures in which were used offensive words against Laszlo Tokes („this miserable Hungarian, Laszo Tokes”, a „dummy and traitor” , for whom „there is nobody in this country ready to shot him in his head”).
- Representatives of the civil society, central government, mass-media, political class and TV’s and of the Romanian Football Federation attended the amicable football game organized on the occasion of the International Day for the elimination of racial discrimination. The event „United against racism!”, organized by the Center for policies for Roma and the minorities, Ministry of Foreign Affairs, the Romanian Football Federation, the National Council for Combating Discrimination and the Dutch Embassy in Bucharest is part of the raising awareness campaign REACT which aims to increase the level of information regarding the social problems encountered by Roma and change attitudes towards them.
- The written press paid attention to the ECHR decision whereby it was decided that religious symbols are allowed in schools and the presence of the crucifix in the state school does not infringe the right to education and on that occasion the case built on this subject by Romanian professor Emil Moise was reminded. Upon his request, NCCD decided since 2006 that the non-regulated presence of icons and religious symbols in the state schools is discrimination in relation to atheist persons or those belonging to a different religion. However, two years later, the High Court of Cassation and Justice decided that the presence of religious symbols in schools is legal and Moise appealed to the Court in Strasbourg.
- In February was re-brought to the attention of the public the case in which Victor Tatoiu, the husband of Monica Tatotiu sued in 2005 the Ministry of Education and Research because his son, Victor Tatotiu jr., then a pupil in the Vth class of American International School of Bucharest did not receive the state allowance for children. Following the notification in September 2005, NCCD requested MER to amend Law no. 61/1993, so

that the provisions should not be discriminatory anymore and be correlated with the treaties Romania adhered to.

- The newspapers related the press release whereby the Center for Legal Resources (CLR) and Romani Criss expressed their concern regarding how NCCD settles the files in which are involved high dignitaries of the Romanian state.
- A subject debated by the daily newspapers concerned the notification of the vice-president of the Conservative Party Bogdan Diaconu by which he requested the investigation of conditions and reasons why certain pupils participated in the Baccalauraeate exam in rooms surveilled by video means, while others in rooms without these means.
- The press related the case of a Bucharest inhabitant who reported her boss to ECHR for harassing her on the job. The employee received a favourable response for discrimination and victimization, following the petition filed to the National Council for Combating Discrimination.
- The press also paid attention to the request of the National Council of Rectors to NCCD in which the Law of National Education was reported for discrimination. Among the „issues” notified by the Council of Rectors, led by SDP senator Ecaterina Andronescu are the „discriminatory situations” of the law which stipulates the incompatibility rector-member of Parliament and the retirement of teachers who coordinate PhD’s at the age of 65.
- Another topic related by the press is that related to the letter sent by the President of the National Council for Combating Discrimination, Csaba Asztalos to the UEFA President, Michel Platini regarding the discriminatory statements („garbage” and „darkish”) made by TSKA Sofia owner, Dimitar Borisov in relation to two players of Steaua team.
- Also, a case publicized was that in which TV producer Dan Negru was sanctioned with warning by NCCD for the statements on his blog related to the protest of a group of homosexuals against the Pope’s visit to Spain, which he named „deranged”.
- The liberal-democrats Mihaela Popa (senator) and Cristina Dobre (deputy) requested the National Council for Combating Discrimination to self-notify in the case of deputy Vasile Bleotu (SDP) for insulting his colleague Eugenia Barna (NUPR) during the debates on the budget.
- The press also debated NCCD’s self-notification in the case of Romanian hockey-player humiliated in the locker room by the Hungarian colleagues in the national group „Under16”.
- The case of former tennis player Ilie Năstase was followed by the press also in 2011. This was fined in December 2010 with 600 lei for discriminatory statements concerning the Roma community. He declared in October that Nicolas Sarkozy was right about Gypsies and that had he been the President, he would have sent them all in Harghita county.

- The survey „The discrimination phenomenon in Romania” launched in December and made upon NCCD’s request captures the attitudes and opinions of Romanians regarding the most important aspects related to the discrimination phenomenon. The articles presented the main conclusions of the study, according to which Romanians have an intolerant attitude towards Roma.
- There are also a series of cases that were followed by the press such as that in which deputy Sulфина Barbu filed a complaint to NCCD against the boss of CPI (county police inspectorate) Valcea condemning the discriminatory statements he made against women, the notification of the Anti-Discrimination Alliance of All Fathers (T.A.T.A.) on the fact that on the ABC’s approved by the Ministry of Education the word “father” is mentioned much less frequently than “mother” or that of “Marie Curie” Hospital reported to NCCD by Romani Criss and the Euro-Regional Center for Public Initiatives (ECPI) because it separates Roma children from the other children in the wards.

CHAPTER 7

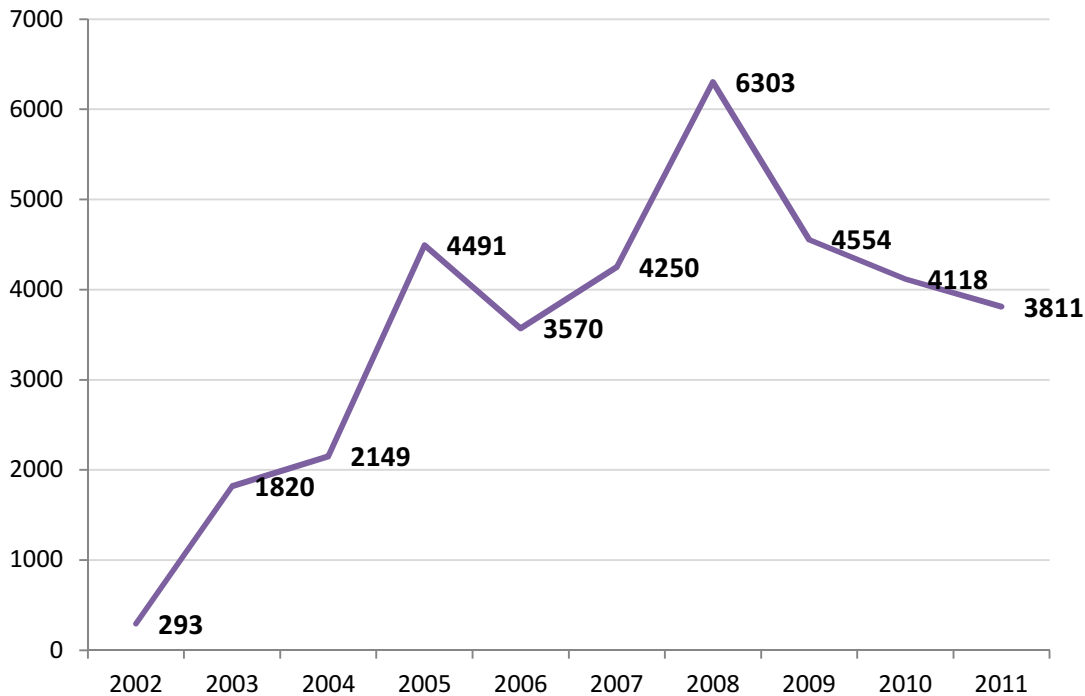
BUDGETARY EXPENSES, FINANCIAL DATA

The implementation of the budget for the year 2011 was 98.90%, the budget allotted to the National Council for Combating Discrimination being 3822 thousand lei, presented by chapters in the attached table:

INDICATOR TITLE	CODE	ALLOTED (LEI)	USED
State budget	51.01	3811	3679
Personnel expenses	51.01.10	2734	2720
Goods and services	51.01.20	669	629
Transfers	51.01.55	5	4
Projects financed through external grants	51.01.56	107	96
Other expenses	51.01.59	265	205
Capital expenses	51.01.77	31	31

mii lei -

Evoluția bugetului în perioada 2002-2011



The workforce of the National Council for Combating Discrimination

- In 2011, NCCD's workforce was made up by 90 positions, of which 68 were financed. At the end of the year, from all positions, were filled 65.
- The average age is 36 years and 8 months;
- 89.23 employees graduated from an University and 10.77% from secondary education.

CONCLUSIONS

The biggest challenge the institution faced in 2011 was to maintain a high level of activity independence. The criticism of the civil society and the media regarding the procedure of appointment of the 6 Steering Board members in 2010 concerned de-professionalization and the impact on the independence of Council's activity. The analysis of NCCD's activity in 2011 highlights the fact that the institution showed a high level of independence in the conduct of its duties and prerogatives. In this regard, in 2011 NCCD registered most cases of ascertaining perpetration of discrimination deeds (94) and it applied for the first time since the establishment of the institution the sanction of the contraventional fine in the upper limit.

The high percentage of NCCD decision being maintained by the courts (91% of NCCD's decisions attacked in the contentious court were maintained) is a significant indicator of the professional activity of the Legal Department.

The activity of formulating and communicating opinions to the courts in actions with the object of possible discrimination deeds remained dynamic, but it still suffers because of the small number of personnel given the volume and peculiarity of this type of activity.

The activity to prevent and combat discrimination was carried out to a reasonable level, taking into account the allotted budget which is insufficient for the institution's needs, the large scale and the peculiarity of the field and the fact that the personnel is in small numbers. These activities have resulted in courses and workshops which were addressed to various key professional parts in the society, in information campaigns and the conduct of the yearly survey.

In its activity, NCCD intended to maintain optimal relations with the civil society, in this respect developing partnerships and benefitting from exchange of experience in the joint field of activity.

Externally, the institution's activity focused especially on the activities which arose from its activation in the EQUINET network and the activity resulted from the appointment of NCCD's president in the executive leadership and through the exchange of experience offered by the Council to certain states in the region, in their attempt to develop a legislative and institutional system to prevent and combat discrimination.

NCCD carried out and sent a series of reports and materials to the state institutions (Ministry of Foreign Affairs, Ministry of Labour, Family and Social Protection) used by these in the external representation.

For the future, we consider that in the current activity it is necessary for the institution to maintain its high level of independence and involve more actively in the analysis of public policies in the field of equality and non-discrimination, with a view to adjusting and applying solutions which would result in a significant change in the society.

The 2011 structure of the Steering Board:

Csaba Ferenc ASZTALOS – President

Dragoş Tiberiu NIŢĂ – Vice-president

Dezideriu GERGELY²²

István HALLER

Cristian JURA

Anamaria PANFILE

²² Term ended at the request of Mr. D. Gergely with effect from 1 September 2011

Ioana Liana CAZACU

Vasile Alexandru VASILE

Sorina Claudia STANCIU

Contributions to the Activity Report for 2011:

In drawing-up the activity report of the National Council for Combating Discrimination for 2011, I thank for the materials and information made available by all NCCD departments.

I thank for their contribution to the colleagues:

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Activity **20** report **12**



CONSILIUL NAȚIONAL PENTRU COMBATEREA DISCRIMINĂRII

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Foreword

The 2002 activity report of the National Council for Combating Discrimination marks 10 years of existence of the institution. The analysis of the 2012 activity gives a statistical perspective over the evolution of the number of petitions and solutions identified by NCCD in 10 years of non-discrimination. An objective evaluation is necessary in the near future, in order to see the institutional evolution in the non-discrimination field.

We recommend that a critical analysis be made of this report in order to improve and make better NCCD's activity. This contains a presentation of the prevention activity (programs, workshops, conferences, training , studies), the combating activity (settling petitions, issuing of opinions by the courts) and an image analysis (independent country reports, mass-media monitoring).

I hereby wish to thank citizens, non-governmental organizations, mass-media, central and local public institutions, political parties for the constructive partnership in regard of the institution's activity and in general in the promotion of the equality and non-discrimination principle.

I also wish to thank the NCCD personnel for the activity carried out in 2012.

Asztalos Csaba Ferenc
NCCD President

Chapter I

The issues of discrimination in Romania as reflected in international Reports

1.

The US State Department report on the issues of human rights for 2011

The US State Department published in May 2012 *the International Report on human rights for 2011 on Romania*. The report indicates that NCCD is an independent institution under the Parliament's control, which operated with the Government's cooperations and in most cases, this and political parties did not interfere with its activity. Although it did not receive appropriate resources either this year, the institution was considered efficient and it benefitted from public trust.

Also, it is mentioned that „governmental institutions granted inadequate assistance to persons with disabilities and neglected institutionalized persons with disabilities. Roma, homosexuals, lesbians, bisexuals and transsexuals (LGBT) and persons with HIV/AIDS (especially children) continued to face discrimination from the society”.

The report mentions that women and men have equal rights according to the law, but, in practice the government did not enforce these provisions and authorities did not give

enough attention and the necessary resources to issues related to women as these had just a few significant positions in the private sector and there have been differences in terms of salary between men and women in most economic sectors.

Discrimination of Roma continued to be a serious issue. Roma groups complained that the violence of police, including beating and harassment are common practice. Both the internal press and the international one and observers reported numerous cases of discrimination of Roma by the society. At the end of the year, the Parliament adopted the National Strategy for Roma, designed to improve the situation of Roma. NGO's and the diplomatic community have extensively criticized the strategy, considering that it does not encompass objectives of measuring progress and adequate financing.

Stereotypes and discriminatory language against Roma were frequently used; journalists and many high ranking officials made statements considered by the members of the Roma community as discriminatory.

Both the Senate and the Chamber of Deputies have rejected separately a bill initiated by deputy Silviu Prigoana which proposed the replacement of the word „Roma” by „Gypsy” in official documents. The initiative resulted in heated debates and a high number of institutions, among which NCCD, Ministry of Foreign Affairs, the National Agency for Roma, Ministry of Culture, Department for Inter-ethnic relations, the General Secretariate of the Government opposed the bill. However, the Romanian Academy supported the bill, arguing that the term „Gypsy” is the „correct name of this transnational population”.

2.

FRA – The Racial Equality Directive – enforcement and challenges¹

The European Union Agency for Fundamental Rights published in January 2012 the Report regarding „**The Racial Equality Directive: enforcement and challenges**”. This report analyzes the enforcement of the Directive regarding racial equality through the laws and practices of the 27 member states of the European Union. In this regard, are presented challenges encountered in the effective attainment of the Directive objectives and the way by which such obstructions could be overcome.

The racial equality directive requires EU member states to enforce a series of measures to uphold a legal and procedural framework to promote equality of opportunities for racial and ethnic minorities. The report underlines the fact that, for some member states among which Romania, this resulted in the first time introduction of a detailed analysis of the non-discrimination framework covering the race and ethnical origin grounds.

The report emphasized that very few member states collect or publish data on the number of cases regarding racial or ethnic discrimination which are brought before courts. In some states, such as Great Britain most discrimination cases are brought before the equality of opportunities institution. On the other hand, in countries like Romania, Malta, Luxembourg etc. the level of complaints received by the national institution of equality of opportunities is very low, below 20 complaints.

¹ The report „**The Racial Equality Directive: enforcement and challenges**”, available at the official web page of the Agency, at the address: <http://fra.europa.eu/en/publication/2012/racial-equality-directive-application-and-challenges>

3.

FRA – „The situation of Roma in 11 EU member states – Results of the surveys briefly”²

In May 2012 the Agency of the European Union for Fundamental Rights published the report regarding **“The situation of Roma in 11 EU member states – Results of the survey briefly”**. The results presented are a first step in addressing the significant lack of data regarding the socioeconomic situation of Roma in the EU and their observance.

The indicators presented show that **in the 11 member states included in the survey** the socioeconomic situation of Roma regarding the four main fields, namely employment, education, housing and health is not satisfactory and it is rather poor in average compared to the situation of persons who are not Roma and live immediately next to them. These indicators also show that Roma continue to face discrimination and they do not know enough the rights guaranteed by the EU law, for example Directive regarding racial equality (2000/43/EC).

The report highlights the fact that around half of the Roma included in the survey stated that they faced a discriminatory treatment in the last 12 months because of their ethnic origin and Romania registered a relatively low percentage of 25% compared to other EU member states.

² The report **„Situation of Roma in the 11 EU member states – Results of surveys briefly”** available at the official page of the Agency, at the address: http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf

4.

FRA – „Fundamental rights: challenges
and achievements in 2011”³

In July 2011, the Agency of the European Union for Fundamental Rights published the report regarding „**Fundamental rights: challenges and achievements in 2011**”. This report sets down the positive progress of 2011 and the challenges facing the EU and its member states in the field of fundamental rights.³

The report sets down that Romania, along with other six EU member states stipulate multiple discrimination in national legislation. However, national institutions promoting equality in these member states do not collect data on multiple discrimination.

As regards the rights of LGBT persons, it is noted that in Romania, the new legislation prohibits the transcription/ registration of civil status certificates or excerpts issued by foreign authorities concluded between same sex persons. This act represents a necessary condition for obtaining the entry and residence permit in Romania for husbands or partners who necessarily recognize only partnerships between men and women.

Accessibility is a necessary condition for the economic, social and political inclusion of persons with disabilities, elders and those with low mobility or temporary functional limitations. Thus, having also regard to the „European strategy for persons with disabilities 2010 – 2020”, the report mentions that Romania, along with other EU member states has launched policies and programs aiming to increase physical accessibility inside

³ The report „Fundamental rights: challenges and achievements in 2011” available at the official internet page of the Agency at the address http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf

buildings. Improvement of accessibility concerns not only the environment, but also certain processes, procedures, services or virtual environments.

The report notes that in Romania, although the National Council for Combating Discrimination ascertained discrimination in the case of Targu Neamt hospital, where a gynecologist refused to grant medical assistance to certain Roma women, the College of Physicians rejected this case.

The report also refers to the segregation situation created by building a wall which surrounds the block of flats inhabited by Roma persons by the local authorities of Baia Mare and the investigation carried out by our institution in this case.

5.

The report of the US State Department regarding
discrimination issues for 2012

The US State Department published in April 2013 the yearly Report regarding practices in the field of Human Rights in 2012 on Romania.

- The report mentions that „NCCD is an independent institution, under the Parliament’s control” and „it operated with the cooperation of the Government and this and the political parties did not get involved in the activity of the institution”. It is also mentioned that the institution was trusted by the public and was considered efficient, although it did not receive adequate resources either this year.
- The report notes that stereotypes and discriminatory language used in reference to Roma are attitudes still largely found in Romania. Therefore, NCCD sanctioned journalists and several government representatives for their discriminatory statements. In this regard, the report mentions the forced evacuation of Roma in Baia Mare and NCCD’s stance in this case.
- The members of the LGBT community continued to face discrimination from society, especially in the educational and medical system.
- Discrimination of persons infected with HIV, persons with disabilities and segregation continued to be a problem.
- Women, Roma and minorities were victims of discrimination and violence in the course of 2012.

Romania's representation at international level

The European Network of Equality Institutions in the European Union (EQUINET)

The National Council for Combating Discrimination is a member in the Executive Board within the European Network of Equality Institutions in the EU (Equinet). Equinet is made up of 31 institutions similar to the National Council for Combating Discrimination, aiming to facilitate the exchange of information among the European equality institutions regarding the uniform enforcement of European law regarding non-discrimination. Also, EQUINET contributes to strengthening dialogue among the national bodies specialized in combating discrimination and the European institutions in order to include in European Union policies and programs approaches aiming to ensure equality of opportunities and non-discrimination.

- In March 2002 in Brussels, took place the meeting of the EQUINET board which was attended by NCCD's president Mr. Csaba Asztalos in his capacity of member of the management body. The program was addressed exclusively to practitioners in the field of law with specific powers on preventing and combating discrimination and through it, the participants were given the opportunity to provide consultancy in the field of non-discrimination legislation.

The activity of representation at international level of the National Council for Combating Discrimination by participating in conferences, debates and meetings in the field of non-discrimination

The National Council for Combating Discrimination continued in the course of 2012 to strengthen cooperation relations with similar bodies and authorities, within bilateral, regional or international dialogues.

The presence of the representatives of the institutions internationally at meetings, conferences, symposia, debates and international reunions contributed to broadcasting NCCD's activity and to its visibility, to improving relations with similar institutions in European countries and to establishing new collaboration relations. Of the events organized in 2002 internationally, we present below a few:

- In February, a representative of NCCD participated in the workshop regarding „The legal perspective of multiple discrimination” organized by the European Agency for Fundamental Rights in Vienna, Austria. The main topic consisted in the results of the research project „Inequalities and multiple discrimination in access to health services”. The goal of this meeting consisted in debating the legal framework of multiple discrimination in the European space and facilitating the exchange of good practices in the field with equality bodies, anti-discrimination networks and various experts and judges from EU member states.
- In March, in Brussels took place a high level workshop on the issue of lawfulness, organized by EQUINET. The National Council for Combating Discrimination was represented by the director of the Legal Department and the president of the institution. The seminar was focused on discrimination cases submitted for judgment to the European Court and the role of specialized national bodies.

- In the same month, in London, Great Britain was hosted the meeting of the working group at European level „Legislation in practice” organized by EQUINET in which NCCD’s legal director is an appointed member on behalf of Romania. Within the program, addressed exclusively to the legitimate members of the group, were debated cases with impact in terms of combating discrimination and the situation of pregnant women at the workplace on the background of the economic crisis but also the elaboration of a report to contain cases of each EQUINET member state.
- Also in March in Berlin, took place the conference „The Arab Spring and combating discrimination in the Arab world”. This was organized by the independent newspaper of Cairo – Al Masry Alyoum, by Deutsche Welle and the Danish-Egyptian Dialogue Institute and it referred to the issues of Arab community in Europe. Within the conference, a representative of NCCD was invited to present a paper on preventing and combating discrimination in Romania – a democratic state with a specialized institution in the field.
- In May, a representative of the National Council for Combating Discrimination participated in the workshop organized by the Council of Europe, the European Commission Against Racism and Intolerance (ECRI) which took place in Strasbourg, France, The workshop was addressed to the representatives of independent authorities in the member states with prerogatives in combating racism and discrimination on ethnical, color, citizenship, religion and language grounds, to the Ombudsman representatives and the national human rights institutions and the representatives of international organizations and EQUINET.
- In September, a representative of NCCD participated in the second yearly meeting of the working group for strategic develop-

ment organized by EQUINET. The meeting, which took place in Lisbon, Portugal had the goal to analyze the role of equality institutions, the strategies and tools used in the relationship with the duty bearers (public institutions, employers, service providers) in the field of non-discrimination field.

- In September also, 3 representatives of the National Council for Combating Discrimination participated in the workout in the field of communication „Using communication tools to address the issues of non-reporting of discrimination situations” organized by EQUINET and the National Commission for Equality Promotion in Malta. This referred to the communication techniques that the bodies for equality promotion can use in the attempt of combating the non-reporting of possible discrimination cases.
- During 1-5 October, in Warsaw, Poland a NCCD representative participated in the second week of the Yearly implementation reunion– The human dimension (HDIM) of the Organization for Security and Cooperation in Europe. In this
- period, the working agenda contained working sessions regarding the freedom of thought, conscience and religion or faith, national minorities, tolerance and non-discrimination, democratic institutions and discussions on activities related the human rights issues.
- This year the Equality Summit took place in Nicosia, Cyprus in November and on the side of NCCD participated the director of the Legal Department. Starting from 2007, the Equality summit has been organized yearly by the member state holder of the presidency of the Council of the European Union along with the European Union. The event, at its sixth edition gathered around 300 high level delegates (governments, NGO's, social partners, mass-media, the academic environment, independent experts etc.) of European Union

member states and accession countries. It was a good opportunity for the exchange of experience and knowledge, with the purpose of developing more efficient methods to counteract all forms of discrimination. The summit referred especially to discrimination issues on grounds of race or ethnic origin, religion or convictions, age, disability, sexual orientation and gender.

Chapter II

The activity of National Council for Combating Discrimination of settling notified discrimination deeds

In 2012, the National Council for Combating Discrimination registered 548 petitions, number which follows the dynamics of the last years. It is also noted that in 2012, all discrimination grounds stipulated by the law are represented in petitions. In the last 4 years, the number of petitions received by the National Council for Discrimination remained steady within a range of 450 – 550 petitions. It is found that consolidated levels are formed within 4-5 years. The trend of registering petitions is in slight increase, the transfer from one level to the other with a difference of 100 petitions being identified over approximately 4-5 years.

In correlation with the previous years, we can note that also in 2012 there is a series of discrimination cases which register an increasing dynamic in percentage. Thus, *non-contagious chronic disease, HIV infection, nationality, gender, convictions and language* are the criteria which register an increase in the total number of petitions, in relation to the last four years total. *Language* registers a significant increase, more precisely in the last 4 years and this criterion registers a doubling of the number of petitions.

There are also grounds that register the total of 2012 petitions under the totals of the last years, registering also decreases in terms of percentage. These are *sexual orientation, religion, others and age*.

GROUPS	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Non-contagious chronic disease	0	0	6	2	3	2	4	2	0	1	6
Sexual orientation	1	5	6	9	6	7	6	6	4	8	3
HIV infection	0	1	15	10	5	3	7	1	3	1	5
Language	0	2	1	2	2	7	11	13	16	10	43
Convictions	4	12	23	19	8	10	14	13	4	2	15
Religion	2	9	9	11	8	12	15	6	6	5	5
Disadvantaged category	2	0	10	6	4	26	22	9	7	14	10
Age	6	11	14	17	10	10	24	10	9	16	5
Gender	3	14	13	9	11	22	32	9	18	15	21
Nationality	1	12	21	39	20	39	54	28	42	33	49
Disability	3	31	18	21	20	70	55	49	38	42	45
Ethnic origin	34	66	45	85	69	82	62	62	54	62	61
Others	52	184	108	61	132	32	159	96	83	81	69
Race	0	0	1	1	2	0	0	2	1	0	0
Social category	26	126	63	90	132	514	372	222	193	175	211
TOTAL	134	473	353	382	432	836	837	528	478	465	548

GROUNDS	2009		2010		2011		2012	
	total	%	total	%	total	%	total	%
Non-contagious chronic disease	2	0.38%	2	0.42%	1	0.22%	6	1.09%
Sexual orientation	6	1.14%	4	0.84%	8	1.72%	3	0.55%
HIV infection	1	0.19%	3	0.63%	1	0.22%	5	0.91%
Language	13	2.46%	16	3.35%	10	2.15%	43	7.85%
Convictions	13	2.46%	4	0.84%	2	0.43%	15	2.74%
Religion	6	1.14%	6	1.26%	5	1.08%	5	0.91%
Disadvantaged category	9	1.70%	7	1.46%	14	3.01%	10	1.82%
Age	10	1.89%	9	1.88%	16	3.44%	5	0.91%
Gender	9	1.70%	18	3.77%	15	3.23%	21	3.83%
Nationality	28	5.30%	42	8.79%	33	7.10%	49	8.94%
Disability	49	9.28%	34	7.11%	42	9.03%	45	8.21%
Ethnic origin	62	11.74%	55	11.51%	62	13.33%	61	11.13%
Others	96	18.18%	84	17.57%	81	17.42%	69	12.59%
Race	2	0.38%	1	0.21%	0	0.00%	0	0.00%
Social category	222	42.05%	193	40.38%	175	37.63%	211	38.50%
TOTAL	528	100.00%	478	100.00%	465	100.00%	548	100.00%

The disadvantaged category, disability (impairment), race, social category and ethnic origin are the discrimination criteria represented in petitions in the last year, constantly with a percentage of the total in 2012 which falls under the range obtained in the period 2009-2012.

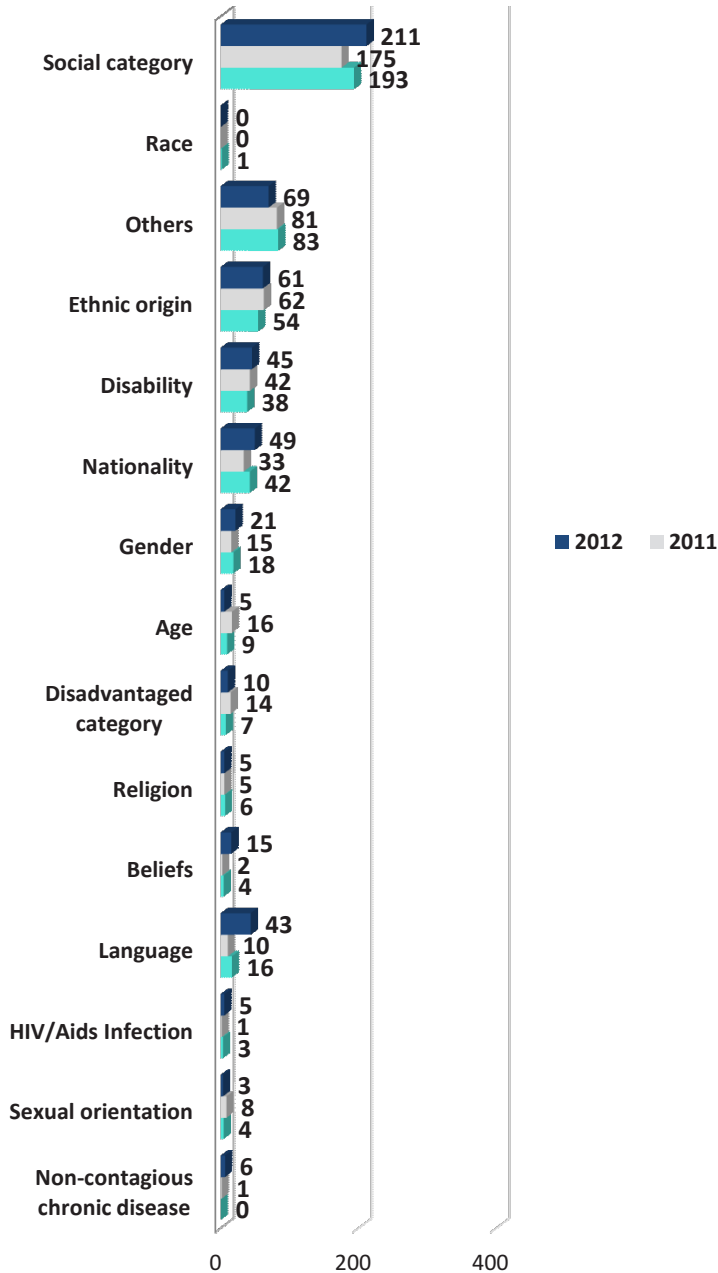
Except for the *language* criterion, we can note that in the course of receiving petitions, generally, the trends of the previous years remained the same.

In 2012, the criteria *disadvantaged category, ethnic origin, nationality, disability and language* are the most represented in the yearly total of petitions received.

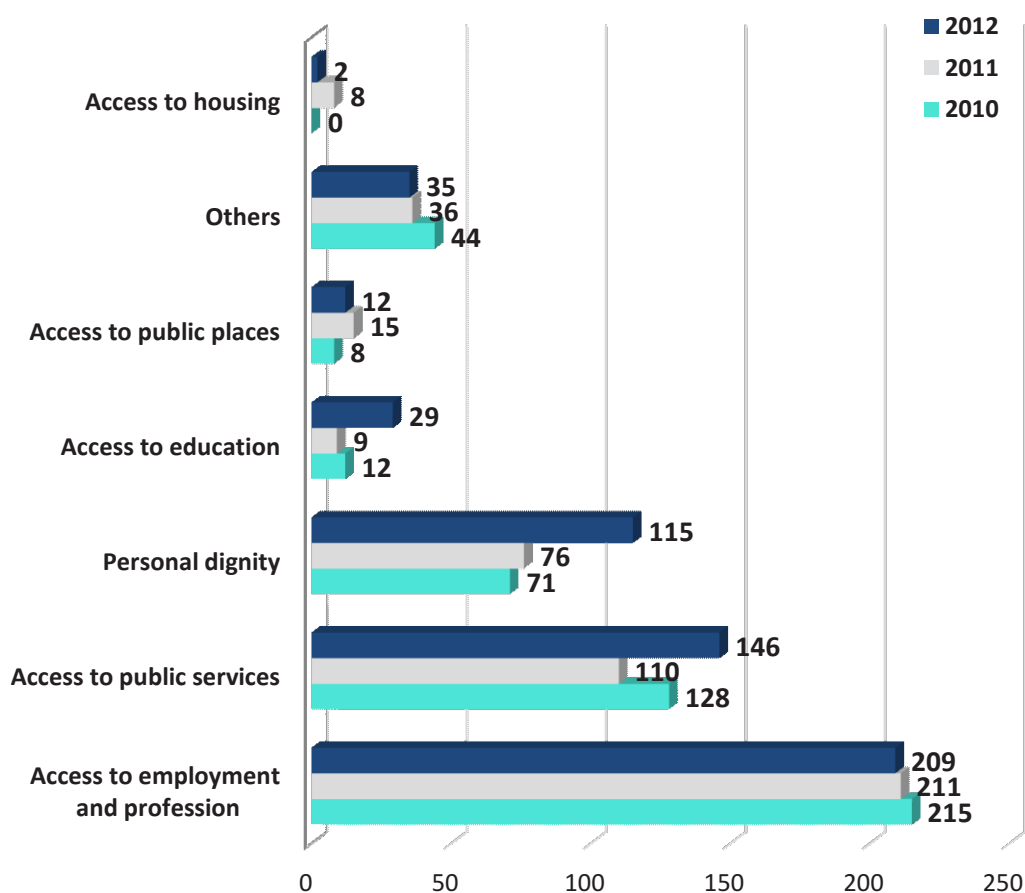
In 2012, 26.64% of the petitions registered to NCCD came from women, 51.82% from men (284), 4.19% from groups of persons (23) and 17.33% from legal persons (95).

Analyzing the origin of petitions, 93.24% come from the urban environment (511) and 6.20 from the rural environment (34).

Comparative distribution of petitions according to discrimination criteria during 2010 - 2012



Subject of petitions filed to N.C.C.D. according to grounds during 2010-2012



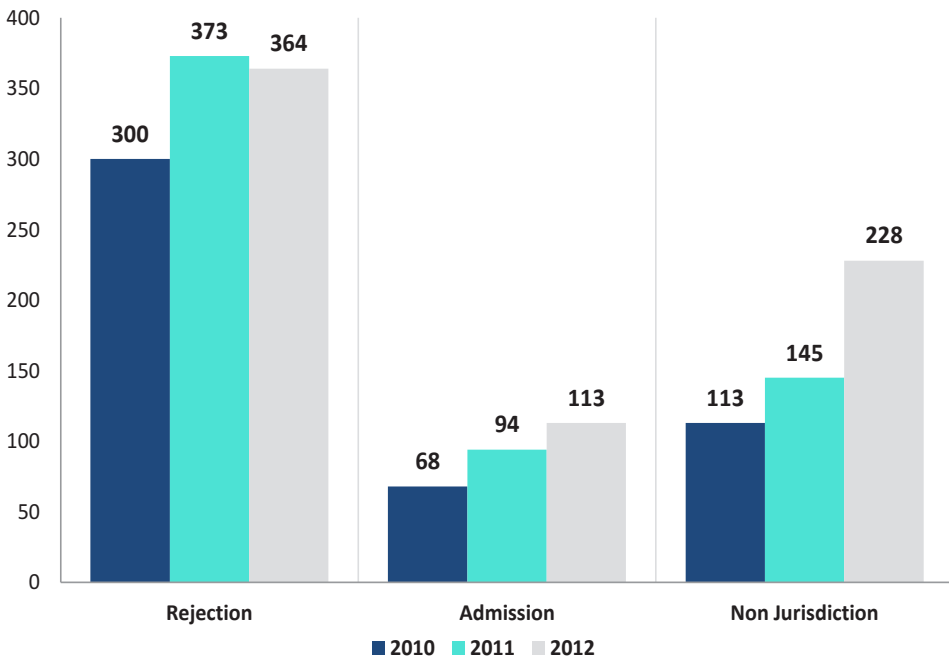
In 2012, most petitions (38%) were received in relation to the field of access to employment and profession, trend which remained the same over the last years.

With close percentages, 26.67% and 20% are the petitions related to fields access to public services and personal dignity.

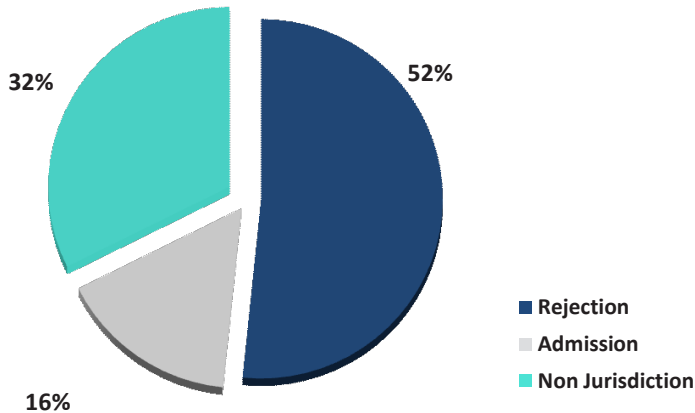
It is found that in 2012, 3 of the fields for which files were established registered an increase trend in relation to the previous years: *access to public services, personal dignity and access to education*. At the same time, *access to housing, public places, access to employment and profession* showed a decrease trend of the number of established files.

In the total of established files, it is noted that in general that there is the same trend of assigning the fields contained in the object of petitions (weight of fields in the total established files) in the course of the 3 years analyzed comparatively.

Solution delivered by N.C.C.D.'s Steering Committee during 2010-2012



Solutions delivered in 2012



The number of files settled in 2012 is 705⁴.

Compared to previous years, in 2012 there is an increase in the number of decisions issued by the Steering Board of the National Council for Combating Discrimination. The increase of settling activity is on one hand justified and it is found in the evolutionary trend of the last years regarding the established files.

The solutions within decisions issued in 2012 are assigned as follows: 364 non-discrimination, 228 non-jurisdiction and 113 discrimination. Of the number of decisions issued in 2012, 392 are offered for files established in the same year.

Analyzing in terms of percentage, 52% are rejection, 32% non-jurisdiction and 16% admission.

⁴ This number reflects the number of decision issued in 2012, including files established in the previous years. 4 of these decisions refer to solution to correct a clerical error.

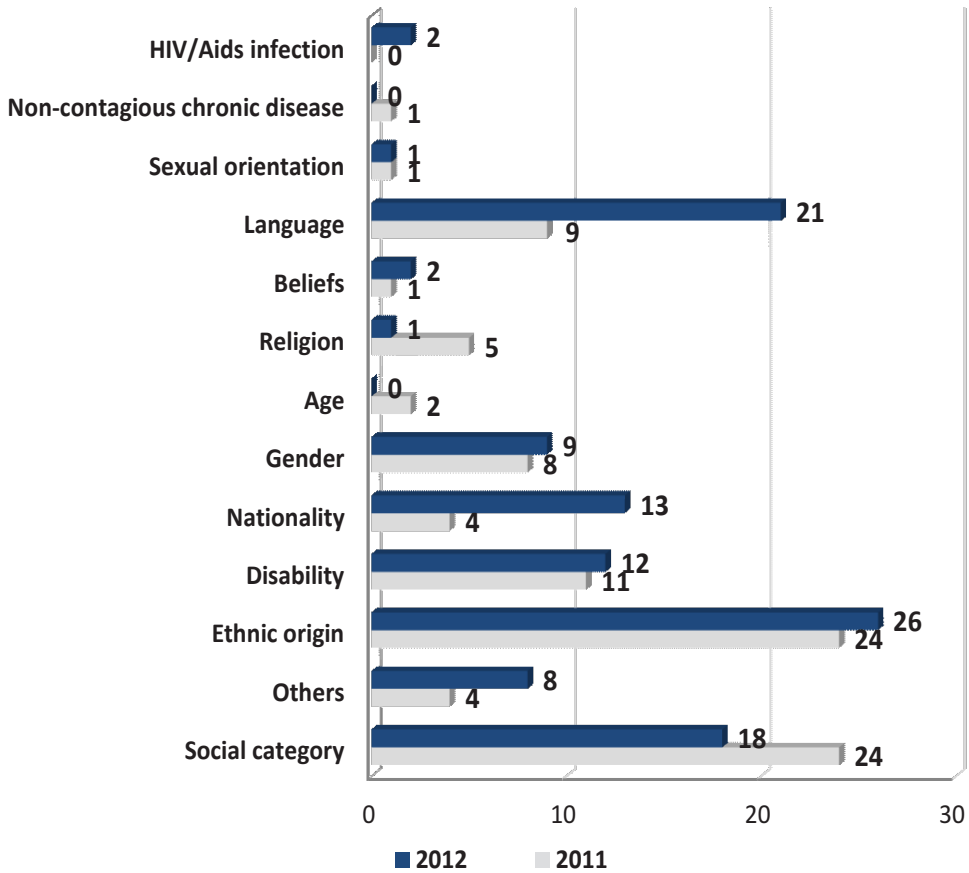
Analyzing the method of settling files in the last years, there is noted a trend of slight increase of admission solutions (in 2009 – 7%, 2010 – 14%, 2011 – 15%, 2012 – 16%). However more than half of the settled filed were rejected (52%) given that no discrimination deeds were ascertained or the files were classified since there was a lack of evidence, data or the object, the petition was withdrawn, tardiness was ascertained, etc. This high percentage is also found in the previous years (37% - 2011). As regards the settled files for which the non-jurisdiction of NCCD was found, it is ascertained that in 2012 these represent 32%, double from 2011 (15%).

Below we present the solutions contained in decisions issued by the Steering Board in 2012, from the perspective of discrimination grounds (the first table) and that of the fields (the second table):

Grounds	Ascertainment	Non-ascertainment	Non-jurisdiction	Admission of the exception of the lack of the active/passive capacity to stand the proceeding/pre-maturity	Classification	Correction of clerical error
Non-contagious chronic disease		2	2		1	
Sexual orientation	1	5	1		2	
HIV infection	2				1	
Language	21	10	1		3	1
Convictions	2	2			1	
Religion	1		4	1	4	1
Disadvantaged category			12		1	
Age		6	4		2	
Gender	9	6	8	1	6	
Nationality	13	12	10	3	9	
Disability	12	17	15	2	17	
Ethnic origin	26	22	22	1	27	
Others	8	29	44	2	19	1
Race						
Social category	18	95	105	4	47	1
Total	113	206	228	14	140	4

Fields	Ascertainment	Non-ascertainment	Non-jurisdiction	Admission of the exception of the active/passive capacity to stand the proceeding/pre-maturity	Classification	Correction of clerical error
Access to employment and profession	24	115	79	4	58	2
Accessed education	11	9	3	1	8	
Access to housing	1	2	1		1	
Access to public places	4	5	5		5	
Access to public services	27	38	92	3	31	1
administrative	23	33	63	3	20	1
banking	3		2		2	
health	1	3	2		2	
telephony					1	
transport		1			2	
legal		1	25		4	
Others	2	7	23	1	7	1
Personal dignity	44	30	25	6	30	
Total	113	206	228	14	140	4

Admission solutions according to discrimination criteria during 2011-2012

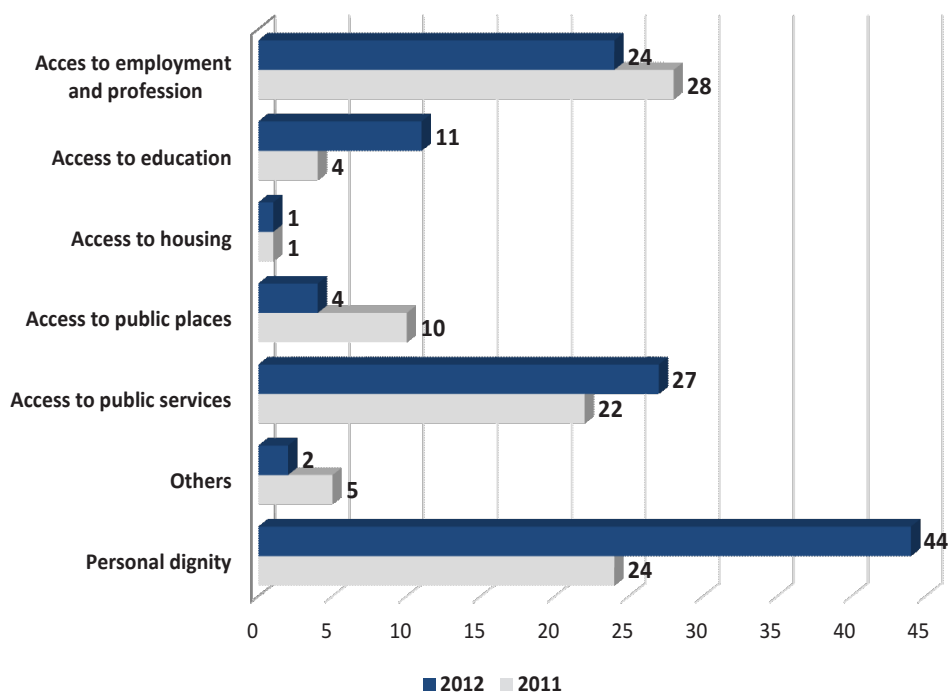


In the case of the 113 solutions in which was ascertained the existence of discrimination deeds, besides their ascertainment, NCCD's Steering Board applied 35 fines, drew-up 55 recommendations, 58 warnings and monitored 3 cases. In 2012, following ascertainment of discrimination deeds, 35 fines between 400 and 8000 lei were issued, totaling 114 000 lei.

The fluctuations of admission solutions in 2002, in relation to the grounds found have a comparable dynamics to that of the previous years. The increases or decreases registered on each ground are relatively insignificant, the only distinction being found on the language ground where, in 2012, there are 9 additional admission solutions.

The same situations is found with regard to the fluctuations of admission solutions in relation with the grounds stipulated by the law. The exception is represented by the field of personal dignity, where a doubling of ascertainment of discrimination deeds is found, compared to 2011.

Admission solutions according to grounds during 2011-2012



Below we present the admission solutions, delivered by the Steering Board in 2012, both from the perspective of grounds (the first table) and that of fields (the second table) as contained by the files:

Criteriu / Constatări	Amendă	Recomandare	Avertisment	Monitorizare
Boală cronică necontagioasă				
Orientare sexuală		1		
Limba	1 ⁵	17	6	2
Convingeri		1	2	
Vârstă				
Religie			1	
Gen	2 ⁶	4	6	
Naționalitate	9 ⁷	5	7	
Handicap	5 ⁸	5	6	
Etnie	13 ⁹	8	14	1
Altele	1 ¹⁰	3	5	
Categorie socială	4 ¹¹	10	9	
Infectarea HIV		1	2	
Total	35	55	58	3

5 1 000 de lei

6 2 of 3 000 lei

7 3 of 200 lei, 2 of 600 lei, 2 of 1 000 lei, 1 of 2 000 lei, 1 of 3 000 lei

8 2 of 1 000 lei, 1 of 1 200 lei, 1 of 3 000 lei, 1 of 8 000 lei

9 1 of 600 lei, 7 of 1 000 lei, 5 of 2 000 lei

10 1 000 lei

11 1 of 400 lei, 2 of 2 000 lei, 1 of 4 000 lei

Domeniu/Constatări	Amendă	Recomandare	Avertisment	Monitorizare
Acces angajare și profesie	4 ¹²	12	14	
Acces educație	3 ¹³	6	6	1
Acces locuire		1	1	
Acces locuri publice	2 ¹⁴	1	2	
Acces servicii publice (total)	2 ¹⁵	21	11	2
administrative	2 ¹⁶	15	8	2
bancare		3	2	
de sănătate		2	1	
de telefonie				
de transport		1		
juridice				
Altele	1 ¹⁷		1	
Demnitate personală	23 ¹⁸	14	23	
Total	35	55	58	3

12 2 of 2 000 lei, 1 de 3 000 lei, 1 de 4 000 lei

13 1 de 400 lei, 2 de 2 000 lei

14 1 de 1 000 lei, 1 de 3 000 lei

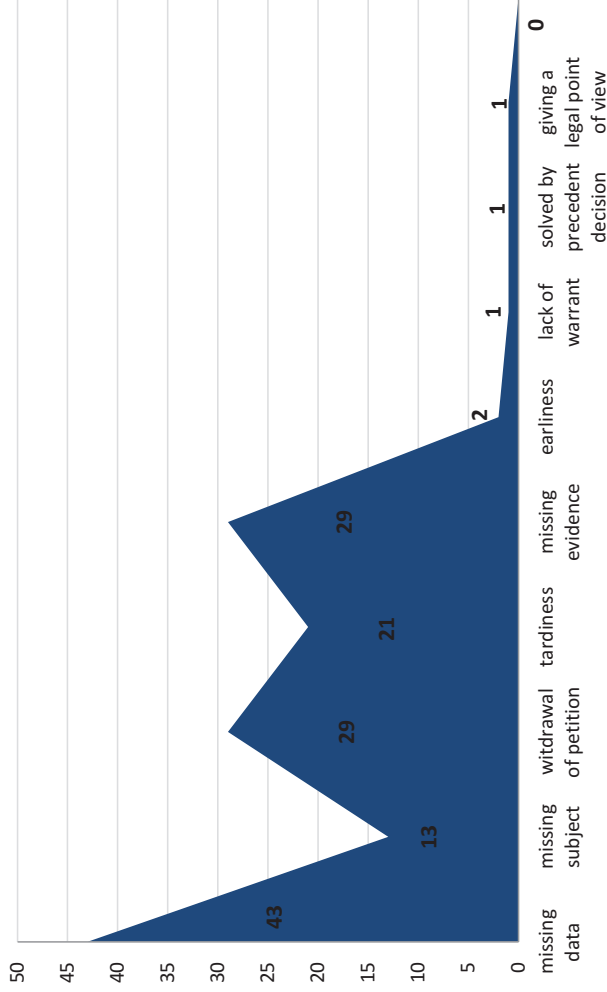
15 1 de 1 000 lei, 1 de 2 000 lei

16 Idem 12

17 3 000 lei

18 3 de 200 lei, 3 de 600 lei, 11 de 1 000 lei, 1 de 1 200 lei, 3 de 2 000 lei, 1 de 3 000 lei, 1 de 8 000 lei

In 2012, of the total of 705 Steering Board decisions, 140 were rejection solutions for several reasons:



We conclude the yearly analysis of the activity of settling notified discrimination deeds with a summing up report of the ascertainment solutions, both from the perspective of discrimination grounds and that of grounds contained:

	Access to employment and profession	Access to education	Access to housing	Access to public places	Access to public services	Others	Personal dignity	Total
Non-contagious chronic disease								0
Sexual orientation							1 ¹⁹	1
HIV infection							2 ²⁰	2
Language	1 ²¹				18 ²²		2 ²³	21
Convictions	2 ²⁴							2
Religion							1 ²⁵	1
Disadvantaged category								0
Age								0
Gender	3 ²⁶	1 ²⁷		1 ²⁸	1 ²⁹		3 ³⁰	9
Nationality		1 ³¹					12 ³²	13
Disability	2 ³³			1 ³⁴	4 ³⁵	1 ³⁶	4 ³⁷	12
Ethnic origin	1 ³⁸	4 ³⁹	1 ⁴⁰	1 ⁴¹	1 ⁴²		18 ⁴³	26
Others	1 ⁴⁴	1 ⁴⁵		1 ⁴⁶	3 ⁴⁷	1 ⁴⁸	1 ⁴⁹	8
Race								0
Social category	14 ⁵⁰	4 ⁵¹						18
Total	24	11	1	4	27	2	44	113

19	1 recommendation
20	1 warning and 1 warning with recommendation
21	Warning and recommendation
22	13 recommendations, 2 warning and recommendations, 3 warnings
23	1 recommendations and 1 1000 lei fine
24	Warning, warning and recommendation
25	1 warning
26	3 000 lei fine, warning and recommendation
27	Recommendation
28	3 000 lei fine and warning
29	1 warning and recommendation
30	1 warning with recommendation and 2 warnings
31	Warning and recommendation
32	2 fines (1000 lei), 1 fine (200+200+200+2 000 lei), 1 fine of 3000 lei, 1 fine of 600 lei, 1 fine of 600 lei and warning, 2 warning, 3 warnings with recommendation and 1 recommendation
33	Warning, warning and recommendation
34	1 recommendation
35	1 warning, 2 warnings and recommendation, 1 fine of 1000 lei
36	1 fine of 3000 lei
37	1 fine of 1000 lei, 1 fine of 8000 lei, 1 fine of 1200 lei and 1 warning
38	Warning
39	2 fines (2000 lei) and 2 warnings
40	Warning and recommendation
41	1 warning
42	1 fine of 2000 lei
43	4 fines (1000 lei), 1 fine (1000 lei + 1000 lei), 1 fine of 1000 lei and warning, 4 warnings and recommendations, fine of 2000 lei with recommendations, 1 fine of 600 lei, 4 warnings, 1 recommendations, 1 fine of 2000 lei
44	Warning and recommendations
45	Recommendation
46	1 fine of 1000 lei
47	1 recommendation and 2 warnings
48	1 warning
49	1 warning
50	5 warnings, 2 warnings and one recommendation, 2 fines (4 000 lei and 2 000 lei), 4 recommendations, a 2 000 lei fine and one recommendation
51	2 warnings and recommendation, 1 fine (4000 lei) și 1 warning

Legality control applied to the Steering Board decisions in 2012

The National Council for Combating Discrimination, state authority in the field of discrimination, autonomous, having legal personality, a guarantor of the observance and enforcement of the non-discrimination principle is among central administrative authorities with prerogatives of special administrative body, according to the provisions of art. 21 par. (4) and art. 126 par. (6) of the Constitution and art. 2 par. (1) lett. d and e of Law no. 554/2004.

In this regard the provisions of art. 19 par. (1) lett. c) and of art. 20 on the whole regulate the administrative-judicial role of the Council which has as goal „to supersede all forms of discrimination by exercising the prerogative of ascertaining and contraveniently sanctioning discrimination deeds”.

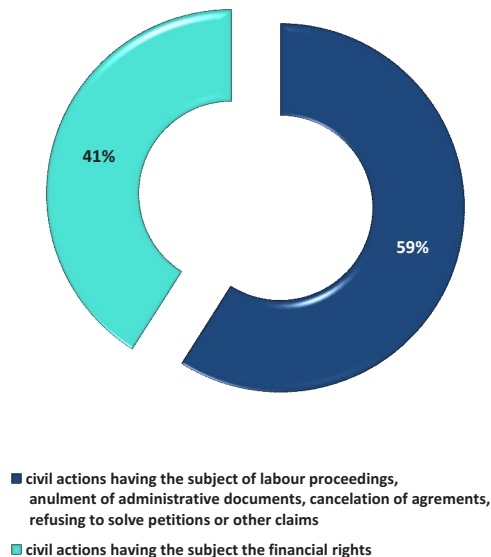
The National Council for Combating Discrimination ascertains the perpetration of discrimination deeds **through decision – an administrative-judicial act** („of ascertainment and contravenient sanctioning”), according to the provisions of art. 20 of G.O. no. 137/2000R and the provisions of the „*Internal procedure of settling petitions and notifications*” published in the Official Journal, Part I no. 348 of 06.05.2008 adopted pursuant to art. III, par. 1 – Chapter IV of G.O. no. 137/2000R.

According to art. 20, par. 9 and 10 of G.O. no. 137/2000, republished in conjunction with art. 6 of the Law on Administrative Contentious Matters no. 554/2004, **the Steering Board decision, as an administrative-judicial act can be attacked to the administrative court, within the legal term of 15 days from communication, otherwise, if not attacked within the legal term, they constitute by law enforceable title.**

In the course of 2012 were brought to court appeals for annulment filed (in the current year or if case, in the previous years) against the decisions of the Steering Board, filed with the Courts of Appeal competent *ratione materiae*, appeals that reached a later stage of appeal before the High Court of Cassation and Justice. With regard to the number of decisions adopted by the Steering Board in 2012, namely 604 decisions, in 2012 were brought to court around 88 cases with the Courts of Appeal and the High Court of Cassation and Justice. Therefore, we set down that only around 38% of the Steering Board decisions were attacked before the administrative courts.

As regards the legality control performed by courts, **NCCD won in about 108 cases (both on the merits and on appeal) and in 19 cases the action filed against decisions were admitted.** Practically, **in approximately 85% of cases the courts maintained as legal and valid the decisions of the Steering Board.** In the current year, **142 of the cases are pending with the courts (merits/appeal).**

Solutions delivered by courts according the groups (in 2012)



Discrimination cases filed directly before courts

According to G.O. no. 137/2000 republished, the Council is in charge for the enforcement of legislation in the field of non-discrimination on the Romanian territory, it ascertains and sanctions contraventions stipulated by G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, having jurisdiction *ratione materiae* in the field of preventing and combating all forms of discrimination, in all fields of activity and on the whole national territory.

Pursuant to art. 27 of G.O. no. 137/2000R, the person who considers himself/herself to be discriminated may file, before the court a request for damages and reinstatement of the situation previous to discrimination or the annulment of the situation generated through discrimination, according to ordinary law. The concerned person has the obligation to prove the existence of deeds allowing to presume the existence of direct or indirect discrimination and the person against whom the notification was filed has the burden to prove that the deeds are not discrimination.

The trial of such cases, whose object is, along with „the request for damages” implicitly the ascertainment/setting down of the discrimination deed on tort related/civil path, takes place by compulsorily summoning the Council in capacity such as: *trial participant, monitor of discrimination case, consulting authority or „expert” in the non-discrimination field.*

NCCD's trial participation in such judicial cases is based on its prerogative of guarantor of the observance and

enforcement of the non-discrimination principle, according to internal legislation in force and the international documents Romania ratified and the status of specialized body – holder of (legal) fundamental knowledge in the non-discrimination field, according to art. 16 and 18 par. 1, first thesis of .G.O. no. 137/2000R.

In 2012, pursuant to art. 27 of G.O. no. 137/2000, NCCD was called to court in 556 civil cases and it elaborated, through the Legal, Contentious and Contracts Service within the Legal Department opinions and „legal specialized opinions”, in essence trial relevant works which had the role of performing a judicial expertise. In this regards, it is worth mentioning that in all cases for which the Council elaborated „legal specialized opinions”, the judicial solutions were delivered in accordance with these, NCCD’s trial works, with the value of „judicial expertise” being evaluated at the highest professional level – e.g. **Civil Sentence no. 175/F/2011**, delivered by the Court of Appeal Brasov, whereby the court sets down in substantiating the solution: *„It is worth setting down this conclusion, all the more given the lengthy and high academic level legal reasoning, substantiated, formulated in the specialized legal opinion issued in the case by the National Council for Combating Discrimination...”*.

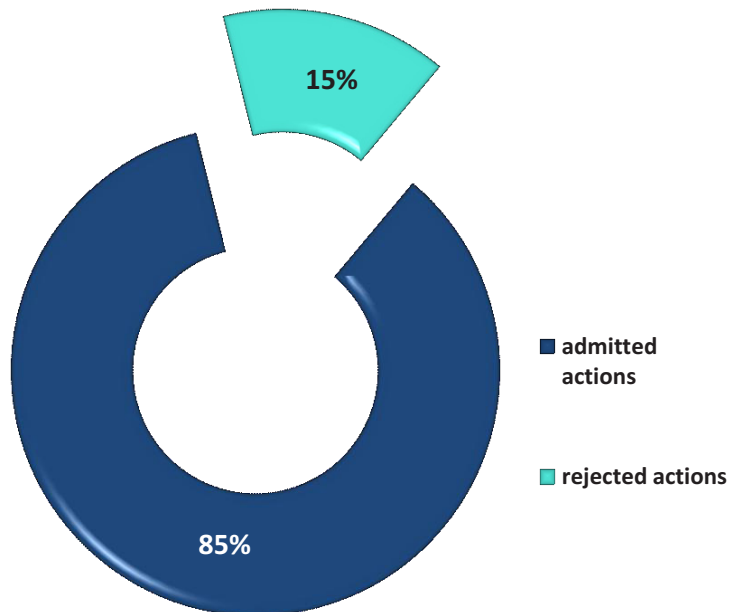
The classification of actions brought to court in 2012, according to art. 27 par. 3 of G.O. no. 137/2000 in terms of their object:

In approximately 442 cases, the actions filed directly before the court pertained to labour conflicts, annulment of administrative acts, termination of contracts, refusal to settle complaints or other claims and in 304 cases, the civil actions concerned financial entitlements. **Thus, in 2012 is noticed an increase in the number of civil actions filed directly before the courts, pertaining to financial entitlements, actions which summed up to 41% of all cases.**

Courts resolutions in 2012

In 2012, courts authorized to settle certain discrimination cases admitted approximately 341 cases (the delivered solutions pertaining to actions previously filed to courts in 2011 but judged on the merits/appeal in 2012). At the same time, approximately 427 cases were rejected.

Solutions delivered by courts in 2012



Specialized assistance and territorial offices

In 2012, around 70 persons who reported potential discrimination cases turned up to the territorial offices of the National Council for Combating Discrimination. Almost half of them materialized their intention of filing notifications regarding the aspects presented within the hearings.

According to the opinion of the local counselors, the persons who did not express the intention of formulating notifications took this decision because they did not want to report the aspects concerned, but sought only the confirmation of the fact that they are listened to and the state authorities are not indifferent to their problems.

Thus we set down that the fields for which possible discrimination deeds were reported, according to the discrimination grounds stipulated by O.G. no. 137/2000, republished are the following: access to public, administrative and legal services, the right to personal dignity, the property right, the right to equal treatment before the courts, the right to equal pay for equal work, the right to equal treatment before jurisdictional bodies.

The legal counselors from the territory monitored the regional press, passing on to the central office articles which pertained to the breach of the non-discrimination principle.

Thus, as a result of monitoring the local press in Mures county, of the regional one (Cluj, Sibiu, Bistrita, Harghita, Covasna, Brasov, Alba, Maramures, Satu Mare, Bihor, Arad, Timisoara) and of a number of relevant national publications were identified articles that referred to discrimination related

topics and reported certain discrimination cases or the breach of rights according to the grounds stipulated by G.O. no. 137/2000 republished.

As a result of monitoring the press in Buzau, Braila, Calarasi, Giurgiu, Dambovita, Ialomita, Prahova, Vrancea, Galati, Bacau, Vaslui, Neamt, Iasi, Suceava, Botosani counties were identified articles which referred to discrimination, reported possible discrimination deeds or the breach of human rights according to the grounds stipulated by O.G. no. 137/2000 republished.

As a result of monitoring certain recruitment web sites (work offers) in the contents of some of them the issues related to the discrimination grounds stipulated by G.O. no. 137/2000 republished were found, those regarding age and gender prevailing.

Also, in 2012 there is found the continuity of involvement of the representatives of territorial offices in the activity of preventing the discrimination phenomenon and promoting the institution through participation in actions organized by the local authorities or various entities with prerogatives in the field of human rights observance.

Thus, in Buzau county, NCCD's representative in the territory continued the collaboration with Buzau Prefecture, participating in the actions organized by this institution, in which it intervened, providing information related to the discrimination concept, methods to prevent the discrimination phenomenon such as the provisions of G.O. no. 137/2000 republished to participants.

In Mures county, NCCD's local representative participated in conferences and debates organized by local institutions and organizations, such as „The holocaust of Roma”, „The emancipation of Roma”, „Education of Roma children in Mures

county” or which concerned the current situation of seropositive patients in Mures county and programs aiming to prevent HIV infections, actions within which the discrimination concept was presented to participants, as well as the methods to prevent the discrimination phenomenon and the provisions of G.O. no. 137/2000, republished. Also, the representative participated in the photo exhibition on „Students’ multiculturalism in Mureş county” organized by Petru Maior University in Tg. Mureş.

Finally, we mention a few relevant aspects of the activity conducted by NCCD at territorial level:

- an increase in the number of persons and implicitly of their interest of reporting directly, at the territorial offices of NCCD, either by applying exclusively for specialized assistance and counseling , or in order to file notifications, thus a more effective communication between the local petitioners and the central office being achieved;
- from year to year, through the direct involvement of local representatives, the local mass-media obtained relevant information for the non-discrimination field, either in terms of its prevention or of sanctioning discrimination deeds. This is reflected in the increase of number of press articles at local level addressing the discrimination phenomenon under various aspects;
- the constant activity of the territorial offices contributed to increasing NCCD’s visibility at national level both as a result of actions undertaken by the institutional representative in the territory and of their participation in local actions undertaken by public institutions or other entities with prerogatives in the human right field.

At NCCD's head-office in the course of 2012, approximately 2860 persons benefitted from specialized assistance, 1800 through phone counseling, 460 through e-mail and 600 through direct discussions at the institution's head-office.

Method	Number of persons	Activity
Assistance through the phone	1800	counseling
Assistance at NCCD's office	600	counseling
Assistance via e-mail	460	counseling
Total	2860	

Chapter III

Prevention for discrimination forms

The prevention activity contained in the „**National strategy implementing measures to prevent and combat discrimination 2007 – 2013**” was followed closely this year also by NCCD’s specialized department, Programs and International Relations Department (PIRD). The programs and projects conducted to promote equality of opportunities and raise awareness regarding the rights of each social category in Romania tried to cover an as large as possible range of the public and as varied as possible range of themes, in a period with significant financial difficulties and a scarce number of NCCD human resources.

Further, OBJECTIVE 2 of the Strategy is the vulnerability of PIRD’s actions, given that the actions of monitoring, economic analyses, travel and research in the territory, firms’ profiles, surveys and other large scale projections did not benefit from sufficient financial support although, at national level, the economic field, the labour market and employment were the weak links of the Romanian social system in 2012.

Nevertheless, PIRD managed to maintain its priorities in the actions, projects which were successful and had a major impact, mainly in education and health and these were continued and even developed in many instances with maximum effectiveness.

The organization of courses, workshops, cultural meetings or information campaigns which followed closely the major objectives of the Strategy managed to maintain attention from the public and contribute, through the promotion of

equality of opportunities, intercultural relations and dialogue among various categories to a very important social balance in a year with many events which could draw discriminatory sideslips or pronounced intolerance.

Information and training, which in the previous years were priorities for PIRD were turned to account through well articulated programs, conducted in cooperation with NGO's, schools, universities, health units at all levels, attracting and involving mainly children and youngsters who are the binding segment of the society, promoters and beneficiaries of a climate of cultural diversity, of communication without stereotypes and prejudices.

OBJECTIVE 1 – Effective protection and remedy against discrimination

Priority 1.4 – Consolidating cooperation in the field of combating discrimination with other relevant institutions, at national and international level:

Conference – „Legislative solutions and anti-discrimination policies in Romania and Germany”

The event took place on 6 June 2012 at the Parliament's Palace and fell under the series of actions organized on the occasion of the celebration of 10 years from NCCD's establishment. The conference was organized in partnership with the Program the Rule of Law in South-Eastern Europe of Konrad Adenauer Foundation, with support from the Commission for human rights, cults and minorities issues of the Chamber of Deputies and Commission for human rights, cults and minorities of the Senate, the director of the Federal Anti-discrimination Agency of Germany, Ms. Christine LÜDERS being a special guest.

The main themes debated upon within the conference were „Evolution of the implementation of the non-discrimination principle in Romania and Germany” and „Non-discrimination in practice – evolution, lessons learned, perspectives”.

In the opening those who conveyed messages and opinions were the President of the National Council for Combating Discrimination, Mr. ASZTALOS Csaba Ferenc, the Director of the Program of the Rule of Law in South-Eastern Europe of Konrad Adenauer Foundation, Mr. Thorsten GEISLER, the Director of the Federal Anti-Discrimination Agency, Germany, Ms. Christine LUDERS and His Excellency Mr. Andreas von METTENHEIM, the Ambassador of the Federal Republic of Germany in Romania. In this context, each speaker underlined the importance of NCCD’s operation in the Romanian institutional network and its complex, but needful mission in the process to change mentalities, eliminate prejudices and turn to account diversity in the society. Were underlined the common elements of the group of European institutions to combat discrimination and the difference in the approach of certain issues in the Romanian and German society.

The works continued with thematic debates, with good practices examples, with European statistics, programs and national campaigns, with forecasting or outlining of project in order to consolidate the legislative and action framework to combat discrimination and implement equality of opportunities at European and national level.

The conclusions were also welcome, the most important and frequently mentioned being the permanent collaboration with NCCD of non-governmental organizations, professional, cultural and ethnic associations in order to generate the social osmosis, the dialogue platform in the society, to eliminate intolerance, stereotypes, prejudices and lack of cooperation.

„Means to promote the non-discrimination principles and equality of opportunities in the present Romanian society”

The project was at its VIth edition and was conducted by NCCD in partnership with Christian University „Dimitrie Cantemir” during February – December 2012 and it aimed at developing the capacity to know and understand the non-discrimination principles and equality of opportunities both between men and women and among the various categories of persons and the capacity to understand and apply the objective right to non-discrimination and equality of opportunities, to stimulate interest for involvement in the elimination of all kinds of discrimination.

The two main activities aimed on one hand to advertise the principles of non-discrimination and equality of opportunities within „Dimitrie Cantemir” University and within all the environments which have an interest on the topics related to non-discrimination and equality of opportunities and on the other hand to organize „The non-discrimination and equality of opportunities conference – NEDES 2012 – in Bucharest”, with the participation of concerned institutions, teachers and students and relevant non-governmental organizations.

The advertisement of the non-discrimination and equality of opportunities principle took place within the Christian University „Dimitrie Cantemir” both through discussions with students at classes, but also at hours dedicated to consultations and through formal and informal discussions with teachers.

The key element of the project was the organization of the „Non-discrimination and equality of opportunities conference – NEDES 2012”. The information related to the conference organization were published on the University web-site and at the same time invitations were launched to teachers from several universities within undergraduate education in Bucharest and to students. Also, invitations were launched to several personalities of political and

scientific life and to non-governmental organizations active in the area of defence and promotion of human rights. Following these actions, 57 work titles were received which were read within the Conference and subsequently published in the form of a corpus, Among those invited to the conference were: His Excellency, The Minister of Foreign Affairs of Romania, Mr. Titus Corlatean, NCCD's President – Mr. Csaba Ferencs Asztalos, high standing teachers of the Romanian academic life, the project coordinator within Multikulturelles Netzwerk, Vienna – Austria, Mr. Florian Neuburg, representatives of certain institutions from European countries and Romania, representatives of trade unions and European civil society (France, Switzerland, Lithuania), of the international one (Syria) and national ones.

The conference was attended by over 115 persons (registered) and 34 of these presented works, remarkable being the involvement of several students of the Faculty of Legal and Administrative Science, both Law and Public Administration specializations. There were numerous French students in the room, who, during the debates on non-discrimination and equality of opportunities positively appreciated Christian University „Dimitrie Cantemir” and the National Council for Combating Discrimination and the „Conference”, specifying that this may be compared with several international conferences which they attended within large European universities.

The book of the Conference, in both Romanian and English was published at Prouniversitaria Publishing House (recognized by NCSR – National Council of Scientific Research”, publishing house which was selected following the bid organized by NCCD, was received free of charge by each participant who publicized a work within the event and 2 copies of this volume were donated to the library of the Christian University „Dimitrie Cantemir” and 2 copies were passed on to the International Human Rights Institute. It has to be mentioned that 10 English volumes were sent abroad, both at the Institute for Gender Equality in Vilnius, Lithuania and at the 5 partner Universities.

Given the positive feedback received by participants in the course of the project, it is intended to continue implementing it in 2013, by commencing the procedure to integrate the „Non-discrimination and equality of opportunities conference – NEDES” in the international circuit at its recognition at ISI level.

„Festival of documentary movie dedicated to human rights – One World Romania”

During 13 – 18 March 2012, took place in Bucharest the fifth edition of the documentary movie Festival dedicated to human rights, project carried out each year by NCCD in partnership with One World Romania Association and the Czech Center in Bucharest. In 2012, the existing partnership was joined by other representatives of central government and the civil society and mass media (written and audio-visual).

This year, during the 6 festival days 50 documentary movies from 27 countries were projected in 4 cinemas in Bucharest: Corso, Union, Eforie and „Horia Bernea Studio” from the Romanian Peasant Museum, for the special projections. 28 important names in the world of international documentary movie were invited to Bucharest and in cinemas and related events participated around 10.000 persons. The mass-media presence surpassed the frequency of previous years, the visibility of the festival being obvious and greatly increased compared to previous versions. Largely, the increased visibility was due to a new presentation approach, more resources being invested in street posters and the presence in on-line environments and on social networks being supported and maintained well a month before the opening of the festival. The partnership with the Romanian public television was an additional element of the broadcast and the format change for the opening event, mixing up a concert with a movie proved to be good.

The movie projections comprised 9 sections: „On-line revolutions”, „Political”, „Labour and reward”, „Minors and elders”, „Family issues”, „Passports”, „Criminal”, „Activists and displeased”, „Albania Special” and the additional „Jennifer Fox retrospective”. Related events comprised the two photo exhibitions: Voice of freedom –Free Europe Radio in the Cold War era” and „Itinerant exhibition – global revolutions and occupy movements” as well as Matineelee One World Romania and the debates joined by NCCD representatives with informations and explanations.

The quality of guests – the fact that they were not only film-makers, but also lawyers specialized in human rights and employed artists – accomplished the festival as an active force, capable to generate themes on social dialogue.

For NCCD, this festival is an important element in the process of changing mentalities in the Romanian society and is part of the continuous process of raising the awareness of the public on human rights issues, the promotion of diversity and fight against discrimination.

„International Jewish film festival (BJFF 2012)”

Between 19 April and 3 May 2012, along with Cultural Foundation ART ROMO and other partners, NCCD conducted this project at its second edition, under the patronage of the Ministry of Culture and National Patrimony, the Embassy of the State of Israel in Bucharest, United States Embassy, Embassy of Germany and General Council of Bucharest – Commission for Education, Culture, Cults and Sport.

The Jewish Film Festival in Bucharest (BJFF) is part of a network that gathers over 130 events, organized in the whole world under the Jewish Film Festival brand and aims to concern film-fans and public of all ages eager to learn about the rich

Jewish cultural heritage worldwide, with a focus on Eastern Europe and Romania.

This year, the Bucharest Festival brought before the public over 50 films, most of them for the first time in Romania, projected at **Cinema Studio and National Museum of the Romanian Peasant**. In the Documentary Movie competition, as a premiere of this edition took part ten films from Israel, Romania, Poland, USA and Germany. The jury of the competition was made up by: Oded Guy, the director of the Jewish Film Festival, Israel; Laurentiu Damian – director and script writer, professor of the Theatre and Film National University and Magda Mihailescu – film critic.

The prize of the Documentary Film Competition – financed by the Romanian Cultural Institute – was awarded to the Polish movie **The Moon is Jewish** 2011, directed by Michal Tkaczynski. The trophy was handed over to Ms. Natalia Mosor, deputy director of the Polish Institute of Bucharest, who accepted it on behalf of the producers of the documentary. Also, director Andrei Calarasu was awarded a honorary prize for his entire activity.

The event in Bucharest ended with a festive evening, attended by the festival organizers in the presence of guests Avishay Kfir (director, manager of Haifa Cinematheque) and Branko Ivanda (director).

Besides the movie projections, the festival included art exhibitions, workshops and debates on Jewish topics and elements of diversity promotion related to the fight against discrimination, reducing prejudices and rejecting stereotypes.

„Roma women gala – Look at me as I am”

On 7 March 2012, in partnership with the Agency for Community Development „Impreuna” NCCD carried out a project dedicated to the International Woman’s Day and the main objective was to bring Roma women in the spotlight.

Roma women are often seen as beggars, witches, thieves or exotic. The project carried out by NCCD revealed another image, almost invisible and of which the Romanian society is too little aware: that of persons, with an active role in the Romanian social and economic life.

The event „Roma women gala *Look at me as I am*” was at its second edition and brought on stage, before a large audience Roma women which are less visible in public life but who at the level of communities have very important responsibilities, helping Roma in activities related to education, health, labour, housing, policies, culture, etc. They are role models for the actual and future generation as through their activity they promote and convey a message of encouragement, mobilization and involvement of Roma women in public life.

Within the gala 27 Roma women received awards of which 20 received the Trophy „Look at me as I am” and the remaining obtained recognition diplomas.

In accordance with its goals, NCCD conducted this project for the purpose of the social insertion of some vulnerable categories, to promote diversity and equality of opportunities and to the greatest extent to diminish stereotypes related to Roma women and preoccupations in the Romanian society, society which cannot pull through and improve in the absence of diversity and without the underlying principles of non-discrimination and equality of opportunities. The concept of *equality of opportunities* promoted by NCCD aims to ensure to everyone the necessary freedom for development, in accordance with his/her talents and capacity for the full manifestation of personality.

OBJECTIVE 3 – Ensuring inclusion and equality of opportunities in the economic field and in employment an profession***Article 16 – Promoting equality in the field of education:*****“10 years of non-discrimination in education”**

Conducted throughout this year, this project was intended to be a restatement of the catalytic role that NCCD plays in promoting diversity and non-discrimination among pupils, students, teachers in general with a board coverage of the entire education system in Romania, with a direct impact on the entire community. As revealed from all activity reports of our institution since its establishment, the education system, from kindergartens to the academic environment was a priority. And it is easy to understand and state that since education and especially education of children is the source of the new Romanian society, which we want to be based on respect for humans, equality of opportunities and all forms of culture and coexistence in diversity.

Constituting a barometer of our 10 years effort, this project was conducted in order to encourage local school initiatives to prevent discrimination. Specifically, during the 10 years of activity, NCCD invested heavily in informing and training all the representatives of the education system, both through local and national projects, through specific or general training from children in the kindergarten to University professors. The education system was open to the new horizons designed by NCCD and it participated in its initiatives, embracing easily all principles and the basis of non-discrimination, equality of opportunities, human rights and ethnic, cultural or racial diversity, understanding that these are the foundation of cohesion and social inclusion, that they are indispensable tools

for a civilized country integrated in the European Union. NCCD is the main catalyst of the promotion of non-discrimination, but it requires prolongation of its actions on the education system, i.e. the youngest and most educated members of society in order to inform and educate the other social categories. That is why, this project invited pupils and teachers to participate in a „test“: to come before local communities with projects and initiatives meant to draw their neighbors, parents, mayors, NGO’s representatives to dialogue and cooperation, to knowledge and mutual respect by accepting diversity, equality of opportunities through the elimination of prejudices and non-exercise of exclusion based on ethnic origin, religion, sexual orientation, disabilities, HIV infection or age. In one word, schools should be the messenger of NCCD in their local communities.

The project was conducted during March – December 2012 in 17 schools from Bucharest and the counties of Arad, Bistrita-Nasaud, Braila, Calarasi, Cluj, Constanta, Dambovita, Dolj, Gorj, Harghita, Ilfov, Olt, Suceava, Timis, Valcea and Vrancea. The general goal was to implement the 17 local project in Romanian education and the specific goals concerned equal opportunities in the access of local and rural schools in NCCD’s actions to prevent discrimination; to continue NCCD’s actions locally following courses held by teachers throughout the country for four years; to constitute a feedback given by previously trained teachers, on the occasion of celebrating 10 years since NCCD’s establishment; to constitute a support given to teachers in the projects they conduct; to draw together parents and local authorities in the promotion of diversity. In the course of 2012, the 17 partner schools conducted local projects to promote diversity and non-discrimination. NCCD provided to these schools the required resources to carry out the proposed projects. In the previous years, all teachers coordinators benefitted from training held by NCCD’s representatives and in 2012 they were

offered specialized support and direct counseling in the projects they implemented. Until 15 June, the closure of the school year, NCCD's representatives took part in local school projects and were present in each partner school. On 15 of June, the schools sent evaluation reports of the project activities, which in conjunction with the direct evaluation performed by NCCD at its meetings constituted the foundation of a complex Report on the project „10 years of non-discrimination in education”.

“Youngsters debate”

All activities included in the calendar of the national Contest „Youngsters debate” 2012 edition were carried out by NCCD in partnership with M.E.R.Y.S.(Ministry of Education, Research, Youth and Sport), A.R.D.O.R., Agency of Community Development „Together”, N.A.Y.S. (National Authority for Youth and Sport), D.I.R (Department for Inter-ethnic Relations), N.A.R (National Agency for Roma), The Education Fund for Roma and UNICEF Representative Office in Romania.

The undergraduate education institution which wished to take part in this year's edition filled in the application form and sent it to an electronic address in the period specified by the calendar of the competition, namely 19 March – 2 April 2012, subsequently extended until 12 April 2012. According to the electronic archive, 144 teams from all counties and Bucharest enrolled. Compared to the other two editions of the competition, in this year's edition the applications were much more comprehensive and communication with teachers delegated by schools was much better done.

Unlike the previous years, the application form had a complex structure, being a selection „test” itself. The candidates were required through the form to provide both information related to the project and the projects carried out by the school

to support disadvantaged category pupils. The evaluators of application forms noted that there were many valuable educational programs to be conducted by the candidate schools.

The training workshops for teachers took place, according to the calendar in 8 localities: Cheveres, Drobeta, Paltinis, Bucharest, Galati, Muncel, Cluj. The educational materials used in these workshops consisted in 8 video-speeches of certain debates on workshops format registered in the last year's edition of the contest.

After these „preliminaries” – the application forms and the development of the trainers team following the training workshops followed the regional stage of the competition, that took place during 18 – 20 May in 8 localities: Bucharest, 2 Mai, Valea Budului, Cheveres, Oradea, Predeal, Drobeta Turnu Severin. Among the 130 schools that attended the workshops, 119 schools participated in the regional championships, which covers a percentage of 91.5%. Thus, 476 pupils and teachers took part in the regional championships, accompanied by 9 delegates from host- school inspectorate and 19 delegates from ARDOR.

For the national phase, 24 high schools qualified, represented by 72 pupils and 24 teachers and it took place in Alba Iulia on 15 – 16 September 2012. The motions submitted for debate in the national phase of the 2012 competition were: „It is time to say that you don't have to know the democracy theory to be a good citizen”; „Zero tolerance measures should be applied for discrimination acts in schools”; „Nationalism is an outdated ideology”.

At this final stage came on site seven of the nine partners/donors, emphasizing the importance that the institutions involved in the project attach to youth education and the role they play in civic behavior, especially in anti-discrimination components and active citizenship defining this initiative.

„Promotion of the right to non-discrimination and equality of opportunities within the undergraduate education in Bucharest – *Equality and non-discrimination*”

The project was conceived as a research – development one and NCCD conducted it in partnership with Christian University „Dimitrie Cantemir” and „Bucharest School Inspectorate” having as general goals to develop the capacity to know and understand the principles of non-discrimination and equality of opportunities; to develop the capacity to understand the notion of active rights; to develop the capacity to apply the principles of non-discrimination and equality of opportunities in all fields; to stimulate interest for the involvement in the process of promoting the non-discrimination and equality of opportunities principles.

The target group was made up of pupils aged between 7 and 19 years and the main activities designed were:

- — To advertise the contest in schools and high schools in Bucharest and the country;
- — To collect essays and drawings on the address of Christian University „Dimitrie Cantemir”;
- — To establish a jury with members (odd number) from the partner institutions;
- — To select the best essays and drawings in order to be published in a thesis;
- — To award prizes to the best theses in a festive setting.

The project was promoted on the website of the University (<http://ucdc.ro/sja/concurs-e.html>), in over 20 schools and 15 highschools from Bucharest, but also in other counties (Constanta, Timis, Giurgiu, Dambovita, Ilfov) through leaflets, posters and flyers. During the meetings with the pupils were defined the concepts of *discrimination, grounds and equality of opportunities* and were analyzed concrete discriminatory situations reported by the research team, but also proposed by teachers. It was found that

youngsters show interest in knowing the means to benefit from the right to non-discrimination and equality of opportunities, but also in knowing how to not discriminate in their turn.

On 16.11.2012 the period of collecting drawings and works within the contest was closed and 110 works were received. The large number, compared to the previous editions proves the positive recognition for the project among youngsters, but especially their preoccupation of continuing to get involved in the application in practice of the non-discrimination and equal opportunities principle.

53 works were declared winners and on 13 December 2012 the prizes were awarded to pupils participating in the competition within the Literary Salon of Christian University „Dimitrie Cantemir”.

At the award ceremony positive remarks were made about all the institutions involved in the project. Pupils and parents who attended the ceremony also noted the positive impact among youngsters, contributing not only to increase of knowledge about human rights in general and the right to non-discrimination and equality of opportunities, but also to understanding how they can benefit from these rights and knowing institutions with a significant role in the protection and promotion of the principle of non-discrimination and equal opportunities.

The positive feedback received by participants during the project led to the idea of continuing it in 2012, within a larger, possible national scale.

It was also proposed to make information-education actions permanent, in partnership in order to create a tradition in the collaboration with Christian University „Dimitrie Cantemir” Bucharest, National Council for Combating Discrimination and the School Inspectorate of Bucharest/Ministry of Education, Youth and Research.

OBJECTIVE 4 – Increasing recognition and awareness of diversity, targeting media, culture and sport***Priority 4.1 – Strengthening anti-discrimination initiatives at national level and cross-culture awareness programs on diversity and non-discrimination:*****„Roma between past and present”**

NCCD conducted this project in partnership with the Agency for Community Development „Together” on the occasion of celebrating 13 years since the establishment of the Agency and 10 years since the establishment of NCCD. The project involved the organization of a series of events which emphasized the collaboration between two important actors within the national system to combat discrimination, to change mentalities and promote diversity.

The debates, meetings/round tables, movie projections and even the festive dinner were an opportunity for evaluation and conclusions for ten years of partnership between an institution with national vocation in promoting diversity, intercultural dialogue and elimination of prejudices and a non-governmental body representing an important social category in the Romanian socio-cultural mechanism. A double anniversary, which had an unique conclusion: only together we can enjoy diversity!”.

„Together through art and culture”

The project was at its second edition and it was carried out in Ialomita county, on 6 June 2012 to strengthen cultural education of Roma pupils in Ialomita county, members of Roma traditional dance bands in order to promote cultural and spiritual values of Roma communities in the Romanian society. NCCD’s partners in conducting this event were the Association for Development and Social Inclusion (ADSI) and the County

School Inspectorate Ialomita and Roma Party Pro-Europa.

The first edition of the festival had a strong and innovative impact within the Roma communities in Fetesti, responding to their cultural needs, the activities included in this project bringing added value to the process of cultural education of Roma youngsters, making it an enjoyable process, catchy and stimulating for the development of creativity and innovation among youngsters. This was a good reason to continue the process in 2012, the main objectives focusing on the integrated approach of the cultural needs identified in the Roma community and not only in Ialomita county, by facilitating access to information about own history and cultural identity in order to affirm and promote cultural and spiritual values of Roma communities and strengthen intercultural dialogue.

18 ethnic minorities live in Ialomita county, with various numbers. According to statistical data, the largest ethnic minority is the Roma one. Given that they never had a written culture, which hampered the transmission of the traditional Roma culture to the future generations, many Roma alienated from their own culture and they forgot or are ignoring many of their traditions. This trend is particularly found among youngsters, from their desire of self-achievement, of emancipation and to be accepted by the majority.

With regard to the Roma communities, there are still many negative stereotypes which had adverse effects on the development of a normal ethnic identity, positively valued, to determine in the individual feelings of pride and attachment to his identity model.

All project activities created the conditions for strengthening knowledge of cultural education of Roma children members of the dance bands and promoted correctly ethnical identity, Roma cultural values among the inhabitants of Ialomita county, while promoting intercultural dialogue through cultural education to change mentalities.

OBJECTIVE 5 – Focusing efforts towards the application of a zero tolerance policy to all forms of discrimination in the Romanian society

Priority 5.2 – Consolidating the education of citizens in the field of discrimination through educational, formal and non-formal processes:

„Training of case managers within the General Directorates of Social Assistance and Child Protection on the non-discrimination of children separated from their parents who have adoption established as an end of the individualized protection plan”

The project was carried out by NCCD from September to December 2012 in partnership with the Romanian Office for Adoptions (ROA) and consisted in conducting information and training courses for the ROA representatives and case managers – specialists who come in direct contact with children and their families, the biological and extended one, instrumenting adoption.

The direct beneficiaries of the project were the 50 participants – 40 case managers from the six districts of Bucharest and Ilfov and 10 representatives of the Romanian Office for Adoptions. The indirect beneficiaries were estimated to have been 1500 children from protection systems and their biological/extended families.

The purpose of this project was to increase the number of adoptable children and the number of adoptions, by combating discriminatory attitudes towards them through the theoretical and practical knowledge of the principles of combating discrimination, the prevention of discrimination deeds against children and their biological/extended family and through decreasing the level of intolerance to certain specific categories of children: Roma children, older children and those with physical or mental disabilities or by decreasing the level

of intolerance to certain specific biological/extended families: Roma families, illiterate families and families with disabilities.

The two course modules, „Human responsibility – an ethical attitude towards discrimination” and „The legal framework of non-discrimination in Romania” emphasized the need for dialogue between the social partners, the need for information and collaboration between institutions and between institutions and civil society. Thus were considered positive: the attitude and contributions of lecturers, especially the personal example of involvement; the conditions of conducting courses; interactivity and value of the good practices exchange. It was felt however, repeatedly that it would be useful to extend the duration of courses on these themes and to add other tangential areas (health, justice, etc.). The participants also became members of the interactive group on Facebook – *School without discrimination*.

The results obtained from conducting this project are reflected in particular by a better understanding of fundamental human rights and awareness of the role of own attitudes in the prevention of intolerance and discrimination. The increase in the number of children with a positive end was also significant, which may lead to the increase in the number of adoptions, really important being the possibility of assessing the needs of subsequent training of G.D.S.A.C.P. employees.

“ Interculturalism and non-discrimination in the Romanian health system”

The phenomenon of discrimination of vulnerable groups in the health system was widely addressed and debated within the intercultural workshop „Health, Non-discrimination, Interculturalism” held from 21 to 24 August in Jupiter.

The event was organized by the Association for Development and Social Inclusion (ADSI) in partnership with the National Council for Combating Discrimination and University of Medicine and Pharmacy „Gr. T. Popa” in Iasi.

Within the project a Workshop was organized which was attended by the first 30 students with the best results in the optional course „Ethics and non-discrimination of vulnerable groups in the health system”.

The youngsters attending the event confirmed that the optional „Ethics and non-discrimination of vulnerable groups in the health system” that they benefitted from in the academic year 2011-2012 is extremely important in their professional training since it presents ethics, legal and humanistic notions in order to understand tradition and civilization of other vulnerable and ethnikal groups.

Also, the students recognized that this optional course helps them as future professionals in building a non-biased relationship with patients belonging to other ethnic groups, being a course which opens a view on practicing medicine and makes them more responsible for their actions and enables them to learn to have a behavior based on knowledge, correct and non-discriminatory towards patients belonging to vulnerable groups.

All those involved in conducting this project had the opportunity to discuss and deepen notions related to the principle of non-discrimination and tolerance, equal treatment, characteristics of ethnic minorities, especially the Roma one, the health status of the Roma minority, social mechanisms to prevent discrimination, instruments to promote interculturalism, cultivate knowledge and understanding between national minorities.

„Summer school – Risk groups and social support services”

From 3 to 8 September 2012, NCCD organized the IVth edition of the Summer School, the project being a continuation of our institution’s efforts to help train young professionals who pursue a career in the social field. Through the Summer School, the youngsters pursuing studies in various social fields have learned how to understand the situation of vulnerable and marginalized groups and adopt a positive attitude towards them.

NCCD conducted this event in partnership with Bucharest University, Faculty of Sociology and Social Assistance (SAS), Carousel Association and member and partner organizations of the Romanian Network for Risk Reduction.

For the duration of the summer school, students and master level students had the opportunity to participate in information workshops on: drug use, commercial sex (prostitution), counseling pre and post HIV testing and HIV testing, provision of social and support services targeting risk groups, the legislative framework and policies in the field of prevention and fight against drug use and trafficking, disasters, respect for human rights, discrimination and anti-discrimination policies in Romania. The courses were held by teachers of SAS, NCCD experts and specialists in the field of provision of social support services targeting vulnerable groups.

The participants at this event had the practical opportunity to collaborate in programs targeting persons living in disadvantaged communities and assist in specialized, support or substitution services for injecting drug users, those practicing commercial sex, people with HIV and those in arrest.

Priority 5.4 – Monitoring and researching the discrimination phenomenon in Romania, identifying the extent of the phenomenon, action direction, necessary measures and initiatives to prevent all forms of discrimination:

„New human rights magazine”

Since 2006, National Council for Combating Discrimination collaborates with **New Human Rights Magazine** (NHRM), which is a quarterly publication published by the Center for International Studies in cooperation with C.H. Beck publishing house. The publication is a continuation of the Romanian Magazine for Human Rights, published between 1993 and 2005.

This was conceived to respond to academic requirements and be at the same time an useful resource for institutions and organizations involved in understanding and promoting human rights. NCCD contributed in 2012 to the magazine printing, technically and by publishing materials on combating discrimination and promoting equal opportunities, NCCD’s case-law and other relevant articles, in order to join the affirmation of principles promoted by NHRM through its editorial purposes, namely the reconciliations between the principle of dignity and that of human freedom.

The year 2012 confirmed once again the usefulness of this collaboration in the promotion of NCCD’s particular activity, given the reputation of this publication in the field of promotion and protection of fundamental human rights.

Chapter IV

Discrimination deeds ascertained by NCCD's Steering Board

GROUND: LANGUAGE

1.

Language. Infringement of the right to public interest information in Romanian

Petitioner D.T. notifies the fact that the lack of public interest information in Romanian on the internet page of the village hall of Racu commune is a discrimination deed. The petitioner emphasizes that, on the mentioned page, there is no menu in Romanian, but only in Hungarian, violating the right to information in the official language of the state to Romanian citizens. The petitioner alleges that this situation discriminates him since, as he does not know Hungarian language, he wishes to learn public interest information regarding the activity of the Village Hall and the Local Council of Racu commune. Moreover, on the official internet page, the name of the authority is published only in Hungarian. The petitioner submitted evidence to support the statements made in his notification. The defendant expresses its point of view stating that the locality Racu as a legal person does not own its own internet page, this being under construction and the page that the petitioner pointed as the official page of the commune belongs in fact to a natural person residing in the concerned commune. The resolutions of the Council and statements of assets are published for the transparency of the activity of Racu Local Council and this shall be done only before the building of the own page is finalized. The defendant mentions

that although the menu of the page is in Hungarian, all public acts posted are only in Romanian and are not translated in Hungarian. The defendant shows that the official web page of Racu Village Hall, under construction will have menus in both Romanian and Hungarian, following that public interest information be translated from Romanian to Hungarian. Until the date of filing of the petition, all public interest information have been disseminated by posting local administrative documents on the panel of Racu village hall.

Through **decision no. 118 of 06.04.2012**, the Steering Board ascertained that the notified deeds are discrimination according to art. 2 par. 1 and art. 10 lett. h) and art. 19 lett. d) of G.O. no. 137/2000 on preventing and combating all forms of discrimination, republished and it decided to sanction the village hall Racu, represented by the mayor by warning and to monitor the Village Hall website for a two months period. At the same time, the Steering Board recommended that Racu Village Hall endeavour to build/maintain an internet page of the Local Council which should contain the same information for both the Romanian and Hungarian speaking populations.

2.

Language ground. Ethnicity. Not publishing public interest information in Hungarian language on the web page of a public authority. Field: access to information.

Petitioner S.L. considers himself to be discriminated through the lack of translation in Hungarian language of the internet pages which contain public interest information concerning the activity of public authorities (prefecture, local council, town halls) on the relevant scale of which at the county level for prefectures and county councils and at that of town or communes for town halls the Hungarian population surpasses the percentage of 20% in the whole population.

The Steering Board ascertains that the reported public authorities have internet pages made through public financing, which don't contain all information in Hungarian, even if on their relevant scale, at county level for prefectures and county councils and town or communes for town halls the Hungarian population surpasses 20% in the total population. The ethnical structure of a locality is established based on censuses. The change of the ethnic structure of a locality between censuses cannot be assumed.

Thus, considering the documents submitted to the file and relevant legal provisions the Steering Board ruled only with regard to the aspects notified through the memorandum and it ascertained through **decision no. 223/11.07.2012** that the lack of translation in Hungarian of internet pages containing public interest information regarding the activity of prefectures in Mures, Satu Mare, Bihor, Salaj counties, of the county councils in Satu Mare, Bihor, Salaj, of local public authorities in Covasna, Haghig, Toplita, Galautas, Tulghes, Voslobeni, Ludus, Adamus, Albesti, Bagaciu, Band, Breaza, Ceasu de Campie, Cristesti, Ganesti, Livezeni, Sancaiu de Mures, Sanpaul, Sarmasu, Sincai, Voivodeni, Tasnad, Ardu, Bogdand, Botiz, Căuaș, Cehal, Craidorolț, Culciu, Halmeu, Micula, Odoreu, Orașu Nou, Petrești, Pir, Săuca, Urziceni, Vama, Viile Satu Mare, Marghita, Abrămuț, Balc, Borș, Chislaz, Curtuiușeni, Finiș, Tileagd, Cehu Silvaniei, Șimleu Silvaniei, Almașu, Benesat, Crasna, Crișeni, Fildu de Jos localities constitutes discrimination according to art. 2 par. 1 of G.O. no.137/2000, republished.

In the case the Steering Committee applied a warning and it recommends that the prefects of Mures, Satu Mare, Bihor, Salaj counties, the presidents of the county councils of Satu Mare, Bihor, Sălaj and the mayors of Covasna, Hăghig, Toplița, Gălăuțaș, Tulgheș, Voșlobeni, Luduș, Adămuș, Albești, Băgaciu, Band, Breaza, Ceașu de Câmpie, Cristești, Gănești, Livezeni, Sâncraiu

de Mureș, Sânpaul, Sărmașu, Șincai, Voivodeni, Tășnad, Arduș, Bogdand, Botiz, Căuaș, Cehal, Craidorolț, Culciu, Halmeu, Micula, Odoreu, Orașu Nou, Petrești, Pir, Săuca, Urziceni, Vama, Viile Satu Mare, Marghita, Abrămuț, Balc, Borș, Chislaz, Curtuișeni, Finiș, Tileagd, Cehu Silvaniei, Șimleu Silvaniei, Almașu, Benesat, Crasna, Crișeni, Fildu de Jos remedy the situation.

Also, the Steering Committee considers opportune to monitor the observance of the recommendation, according to art. 19 lett. d of G.O. no. 137/2000, republished.

GROUND: NATIONALITY

3.

Posting a banner with a chauvinist and xenophobic message

The petitioner, Independent Association of CFR 1907 Cluj de Pretutindeni shows that on 01.10.20122, on the occasion of the organization by the County Council Cluj of the public event „The open doors day”, on the Cluj Arena county stadium, the Red Caps Association published a banner with a chauvinist and xenophobe message directed against Cluj County Council, which was later removed, most likely following the request of the arena administrator, but which directly affects all Romanian citizens of Hungarian ethnicity, be they or not supporters of CFR Cluj 1907 club, or even of other teams and all good faith citizens of the county who contributed through local taxes to the erection of the arena. The message is: „You removed exclusiveness from the contract for a dirty Hungarian”. This in the context in which the Red Caps Associaton forwarded an open letter whereby it expressed rejection to any form of involvement of the financier of CFR Cluj, a Hungarian person. The claimant alleges that none of the notified aspects constitutes a proof leading to the conclusion

that the association would be responsible for the deeds it is accused of. The County Council Cluj emphasizes that in the course of the event banners of various contents were displayed, including depreciator message against Cluj County Council and also against a Romanian-Hungarian citizen, without specifying his name. Taking into account the content of messages, Cluj County Council took measures to immediately remove them, through the security company which ensures silence and order at the stadium.

Through **decision no. 59 of 22.02.2012**, the Steering Board ascertained that the notified deeds are discrimination according to art. 2 par. 1 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction Cluj County Council by warning and moreover it recommended that the latter apply more rigour in carrying out controls upon entering the stadium.

4.

Nationality. Message of nationalist propaganda nature.

The National Council for Combating Discrimination was self-notified following the publication of some press articles regarding the message posted on 19.01.2012 on the facebook page of the defendant, the head of cabinet of the Prefect of Mures county, message which had the following content: „Arbeit macht frei (Labour sets you free n.t.) – this is what the protesters must understand”. In its point of view, the defendant emphasizes that there was no intention to discriminate or violate the dignity of a person or a group, considering that, in the given context, the phrase „Arbeit macht frei” does not contain the intention to violate the dignity of certain persons. Moreover, the defendant alleges that the use of the incriminated phrase, which has

several meanings, cannot be considered to be a discrimination deed, as it has a diverse cultural and philosophical content, the work of the German author Georg Lorenz Diefenback entitled „Arbeit macht frei” being an example, work which shows the evolution of certain characters, gaming enthusiasts, which through labour get to virtues and social positions considered respectable (published in Bremen in 1873). The Steering Board sets down that the defendant posted on its Facebook page the message „Arbeit macht frei (Labour sets you free – n.t.) – this is what protesters must understand”, message used by the Nazis and displayed at the entrance in the concentration camps. The Steering Board analyzes the perpetrated deed in terms of the conditions stipulated by art. 2 par. 1, in conjunction with art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it sets down that the notice in question is a deed perpetrated in public, which has the nature of nationalist propaganda and aims at violating dignity and creates an intimidating, hostile and degrading atmosphere directed against the group of protesters from Targu Mures and other Romanian localities. The Steering Board considers that the text object of the self-notification is deeply nationalist, fascist and it constituted and constitute one of the notorious slogans of the fascist regimes which underlay the extermination policy of groups considered undesirable and inferior in the society.

Through **decision no. 60 of 22.02.2012**, the Steering Board ascertained that the notified deeds are discrimination according to art. 2 par. 1 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction the defendant by contraventional fine amounting to 1000 lei.

5.

Nationality. Personal dignity.

On the website of Cutu-Cutu Association was posted a press release which was subsequently modified. The title of the press release is the following: „Dogs are not Jewish to be taken to Auschwitz”.

The defendant considers that self-notification is not justified because in the article in question there is no mention against the Jews. Moreover, in the first rows is contained, quote „We all remember what tortures the Jews had to undergo during the war. We are terribly sorry. The same thing is no happening with dogs. The shelters of town halls in the country and Bucharest, without exception, are extermination camps for dogs”.

Through decision no. **207/04.07.2012**, the Steering Board ascertained the violation of the provisions of art. 2 par. 1 in conjunction with art. 15 of G.O. no. 137/2000 republished and it sanctioned the defendant with contraventional fine amounting to 1000 lei.

A comparison between community dogs and the Holocaust victims is degrading. The comparison highlights the lack of respect for the entire Jewish community, both victims and survivors of the Holocaust and also for the society in general.

6.

Nationality. Procedure used for the registration and enrollment of pupils in the preparatory class and in 1st class within German College Goethe Bucharest

The notification of the petitioner concerns the procedure used in the registration and enrollment of pupils in the preparatory class and 1st class within German College Goethe Bucharest. The petitioner considers discriminatory the fact that were enrolled children whose parents declared that they have direct kinship with

Germans, without showing evidence in this regard. The petitioner is dissatisfied with the way Goethe College, through its personnel understands to exercise the function or entrusted mandate, in terms of the service obligations incumbent on them, in order that there is no disturbance in the good functioning of the company and no violation of the interest and rights of the person who comes in contact with this state education unit. Also, he is also indignant with the attitude translated in facts of certain parents or legal representatives of children who are to attend Goethe College, as a result of defying the law and rules resulting from its provisions.

Although the methodological norms prohibit the modification of separation criteria and implicitly of the its procedure, the director and the personnel of the college with prerogatives in this regard applied a different procedure than the one displayed and publicly announced, enrolling on all available places in the preparatory class children whose parents declared that they are in direct kinship with Germans, without submitting evidence in this regard.

The petitioner considers that this is possible based on the close relationship created between private German language kindergartens and Goethe College and also that it is a facility granted by the director of these kindergartens absolutely free.

Through **decision no. 481/12.11.2012**, the Steering Board ascertained that the deeds notified by the petitioner are discrimination, according to art. 2 par. 1 and art. 11 par. 3 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction the defendant by warning. Also, the Steering Board recommends that German College Goethe, through representative endeavour to observe the principle of equal opportunities in the registration and enrollment of pupils in the preparatory class and 1st class within the College. At the same time, the Steering Board informs

German College Goethe on the provisions of art. 2 par. 7 of G.O. no. 137/2000 republished, which stipulates: „according to this ordinance constitute victimization and shall be contraveniently sanctioned any adverse treatment as a reaction to a complaint or court action with regard to the breach of the principle of equal treatment and non-discrimination” and it recommends that any adverse treatment following this petition be avoided.

GROUND: DISABILITY

7.

Disability. Actions of the defendant of delaying issuing a document to the petitioner.

Petitioner L.AL. notifies the National Council for Combating Discrimination on the fact that the defendant, although informed upon decision no. 394/05.11.2011 of the Steering Board regarding the first petition, still refuses to issue a decision on behalf of the executive committee of owners. The petitioner, through the decision of the defendant wishes to request from the district hall the building permit for a ramp for disabled persons. The Steering Board set down that it is called to deliver an opinion regarding the non-observance of a Decision issued by it, by which was ascertained the existence of a discrimination deeds. From the content subject to analysis, the Steering Board ascertains that a degrading and humiliated atmosphere in repeated form was created for the petitioner, as this is obliged to crawl by hands on the stairs of the building she lives in, soiling her clothes and causing dislocation of limbs when descending or climbing the stairs.

Through **decision no. 98/28.03.2012**, the Steering Board ascertained that the notified deeds are discrimination in continued from and it decided to sanction the defendant

by contraventional fine amounting to 3000 lei according to art. 2 par. 1 in conjunction with art. 15 and art. 10 lett. h) of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished.

8.

Disability. Statements insulting persons with disabilities, revealing in a press release the medical diagnosis of a person with mental disability.
Field: the right to dignity.

The self-notification of the Steering Committee concerns the press release issued by the Ministry of Labour, Family and Social Protection, presented by the second defendant, S.L. a minister in office at that time, which contained statements which may be construed as insulting persons with disabilities; at the same time the release also contained the diagnosis of a persons with mental disability.

The first defendant in this case, namely the Ministry of Labour, Family and Social Protection through the opinion given states that in Romania legislation defends persons with disabilities.

Through **decision no. 79/29.02.2012**, the Steering Board ascertains that the statements object of the petition constitute a distinction based on disability and results in the restriction of the right to dignity. Similarly, the communication of a person's medical diagnosis, without his/her agreement is a distinction on the ground of disability which aims to hamper the exercise of the right to dignity. Finally, those indicated in the self-notification fall under the provisions of art. 2 par. 1 of G.O. no. 137/2000, republished. The medical diagnosis of a person with mental disabilities must be protected, the different treatment being motivated by the negative attitude of most persons towards

persons with mental disabilities, attitude promoted even by the release object of the self-notification. The generalizations used in the release, the presentation of the diagnosis of a person with mental disability does not contribute to any form of public debate able to lead to progress in human relations, but it creates, needlessly an intimidating, hostile, degrading, humiliating atmosphere for persons with disabilities. The forms of expression used disseminate, promote discrimination, therefore they must be sanctioned. The statistic data regarding persons with disabilities and distinctly those with mental disabilities show the marginalization of these persons by the society.

Therefore, the Steering Board decided that those declared in the press releases of the Ministry of Labour, Family and Social Protection, the statements „*the definition of disability got new nuances*”, „*the new trend is the mental disability*”, „*Beneficiaries got from falling under the visual disability especially to the mental one (Alzheimer, dementia, mental retardation) as the files and papers are easier to forge*”, „*the population number in the whole country decreases while the number of persons with disabilities increases*”, and the publication of the diagnosis of e person who „*suffers according to existing data from a psychiatric illness (paranoid schizophrenia – major psychosis) which may severely affect personal judgment*” are discrimination according to art. 2 par. 1 in conjunction with art. 15 of G.O. no. 137/2000 republished, in this case applying the sanction of the contraventional fine amounting to 1000 lei, according to art. 26 of G.O. no. 137/2000, republished to the Ministry of Labour, Family and Social Protection through representative.

9.

Disability, type of disability and age. Right to health, right to education.

Petitioner L.S. considers that her son, severely disabled person, without mental impairment is discriminated against and wishes that the discrimination deeds perpetration be ascertained, by issuing recommendations to the institutions mentioned in the petition in order to take all measures necessary legislative, financial and practical terms in order to ensure reasonable adjustments and observe all rights for her child, according to Law no. 221/2010 ratifying the Convention on the rights of persons with disabilities.

Therefore, given the grounds expressed, the petition and allegations of the petitioner during the debates of the hearing session, the Committee decided, through **decision no. 216/11.07.2012**, in relation to the first 6 heads of claim, aspects regulated through official acts, that NCCD is not competent *ratione materiae* to deliver a judgment, the choice of the law-maker and examination of legislative solutions chosen by the law-maker and their compliance with the equality principle stated in the Constitution of Romania belonging to the Romanian constitutions of Romania and the administrative courts.

At the same time, the Steering Board decided to issue specialized opinions, without legal value with title of recommendation regarding the aspects notified by the petitioner and aiming to inform the institutions of the Ministry of Labour, Family and Social Protection, Ministry of Health of Romania and Ministry of Administration and Interior.

In relation to the seven head of claim, i.e. the refusal to grant the right to balneary treatment through the unified system of public pensions, the Steering Board ascertained the perpetration of a discrimination deed by Bucharest Pensions

Unit, in accordance with art. 2 par. 1 in conjunction with art. 10 lett. h) of G.O. no. 137/2000, republished, applying the sanction of warning, as stipulated by art. 26 par. 1 of G.O. no. 137/2000, in conjunction with art. 7 of G.O. no. 2/2001 on the legal regime of contraventions.

GROUND: RELIGION

10.

*Religion (Muslim religion persons) and ethnicity (Arab persons). Discriminatory statements.
Field: infringement of the right to dignity.*

The Steering Board was self-notified regarding the statements of defendant G.B on GSP TV regarding persons of Muslim religion and originating from Arab countries, during 8 -18 January 2012: *„I was disgusted when I saw thousands Romanians taking to the streets to defend an Arab against President Traian Basescu. Even if Basescu were wrong, you are not allowed to defend an Arab! I was disgusted to look on TV! I am disgusted with Romanians who took to the streets! Arafat should go to his country, to his Arabs, there! How should I keep an Arab against the President of my country! They should avoid assigning an Arab in all their lives.”*

Through **decision no. 88/29.02.2012**, the Steering Board of NCCD ascertained that the statements of the defendant constitute a differentiation based on nationality, ethnicity (the Arab one) and religion (Muslim) which results in the violation of the right to dignity therefore are relevant the provisions of art. 2 par. 1 of G.O. no. 137/2000 republished. Given that the statement was made for the press, with the purpose of getting to the public in Romania, it can be ascertained that the defendant had a behaviour manifested in public. Also, the Steering Board concluded that the statements could

infringe dignity and create a hostile, degrading atmosphere against the community of Arabs and those of Muslim religion. Moreover, some statements of those analyzed have a nature of nationalist/ chauvinist propaganda, of inciting to racial or national hatred: „*you are not allowed to defend an Arab*” „*Arafat should go to his country, to his Arabs*”, „*They should avoid assigning an Arab in all their lives*”.

Thus, the Steering Board decided that in the case are relevant the provisions of art. 2 par. 1 in conjunction with art. 15 of G.O. no. 137/2000, republished and the defendant was sanctioned by contraventional fine amounting to 3000 lei according to art. 26 of G.O. no. 137/2000, republished.

GROUND: ETHNICITY

11.

Ethnicity and socio-professional situation. Exclusion of Roma and students from the option of renting a studio. Field: access to services, infringement of the right to dignity.

Through its self-notification, the Steering Board notifies that an announcement was published of renting a studio by excluding students and Roma.

The owner of the daily magazine and of the website hosting the real estate ad explains following the investigations undertaken in the case that he is not responsible for the materials published. He also mentions that the announcement was not published in the printed version of the newspaper and it was immediately blocked, once the illegal wording was found. Also, he shows that under the terms and conditions for publishing an ad the liability for the materials lies with the person who publishes it; moreover, since the ad belongs to a private person, the defendant considers that the personal preferences could be published.

In order to fully settle the case, NCCD requested the Directorate

for Personal Records and Data base Administration to identify the person who published the announcement and the latter explained that a person cannot be identified based on a phone number. Thus, Vodafone Romania SA was requested to identify the person who posted the announcement and the company replied that the identity of the person in question cannot be disclosed, except when requested from the relevant prosecutor's office or court. Although NCCD asked the same once again, showing the institution's capacity of personal data operator and providing clarifications regarding the contraventional nature of deeds subject to analysis which necessitate NCCD's ruling, the company Vodafone Romania SA refused to convey these data, based on the same grounds.

Analyzing the evidence of the file, NCCD's Steering Board ascertains that the defendant did not delete the analyzed announcement on its own initiative but following the inquiry initiated in the case and it ascertained, through **decision no. 103/28.03.2012** that this case falls within art. 2 par. 1 and 6 in conjunction with art. 10 lett. c and art. 15 of G.O. no. 137/2000, republished and it applied the sanction of warning and it issued a recommendation to the owner of the site i.e. to filter the discriminatory announcements and refuse to publish them.

12.

Ethnic affiliation (Roma and Jewish). Discriminatory statements. Field: harassment, infringement of the dignity right.

The self-notification shows that the defendant published on 10.10.2011 the article entitled *Sokeres, Gypsy? Shalom, Jewish!* with the following content:

„At the request of certain organizations, the Romanian Academy made changes to the new DEX, which will be printed shortly. The great Romanian linguists were convinced by the National Council for Combating Discrimination and corrected the

definition of the words „Gypsy” and „Kike”. Considered offensive, these were replaced with „Roma” and „Jewish”. The ground of those who are in charge for those considering themselves discriminated was related to the pejorative nature of the two words, which are not recommended for use on reason that they are offensive.

What the people from the National Council for Combating Discrimination have missed or willingly omitted was the uselessness of the approach, since in the collective memory the „Roma” with a clean image in the DEX will always be the „Gypsy” who eats swans in Vienna and the rehabilitated Jew will always be Kike for too many of us.

The two words now considered offensive are very old and the pejorative meaning was given by the bad behavior of some of the representatives of the ethnic groups. All Europe knows that Romanian Gypsies steal, are burglars, brawlers and often arrive to prison. About „Kikes” there is no sense speaking, their addictions along history being well-known. That they are not all the same, that each of the two nations has remarkable individuals is a different discussion. We are talking here about the meaning of the two words, which cannot be erased by a simple amendment in DEX.

When we speak about Gypsydom we refer to ugly things, which we are ashamed of and we want to hide. That it comes from Gypsy, the guilt is ours and to us, Romanians there is no need to be explained by others that we discriminate them when we use this word. If there is anyone who is trying to contradict me, I invite them to visit some places in Iasi, the real „Roma” places. Dirt, promiscuity, fighting, scandals and this can be seen behind the houses from the famous Cuza Voda st. or in some buildings from Sararie. Then, no day comes without the Police issuing notes including a crime committed by a Roma. Their clans are known by the entire town and the „celebrity” of some has long went outside the borders. Obviously, the behavior of ethnic group members who are outlaw severely damages the image of all Romanians. I am however bothered by the fact that when you bring into discussion such obvious things,

the ugly things that they do they immediately react and say that they are discriminated. But us Romanians, aren't we discriminated by foreigners when we suffer because of the Gypsies?

Jewish people like to be praised and play victims. They are Jewish, are heroes of pogroms, are history makers ad so on. They complain being called Kike, sometimes, but without explaining why they get upset. What are the reasons for the resentment? Should we assume that they are related to usury, to businesses with lands and buildings?

It would be a pity not to remind the beautiful things related to the two ethnic groups and we cannot move forward without praising the Gypsy craftsmen, woodworkers, coppersmiths and goldsmiths, or the descendants of Israel who are successful in their careers in music, medicine, art, philosophy and economics. But we must recognize that it is useless to get upset with us when we call them the names with „pejorative meanings”, since the misbehaviors of the old generations are at their basis. And we must also recognize that a simple modification in the DEX does not clean the sins because of which some of them are named „Gypsy” or „Kike”.

The defendant, through the opinion given explained that he did not pursue to discriminate any of the ethnic communities, repeatedly publishing articles by which he exposed the situation of the Jewish community. He submitted at the file the opinion of the author, who considers that the material is an editorial, which is between journalism and literature.

Through **decision no. 2 of 11.01.2012**, the Steering Board decided that the deeds object of the self-notification are discrimination according to art. 2 par. 5 in conjunction with art. 15 of **G.O. no. 137/2000**, republished and it decided to apply the contraventional fine to the daily newspaper amounting to 600 lei, according to art. 26 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished.

13.

Ethnic affiliation. Infringement of the right to dignity.

Petitioner N.G. considers that he is discriminated through the message posted on the internet by the defendant, prefect of Mures county when the petition was filed in which he states that some projects for the Northern population of the county are delayed by the claims of the heirs of some „Hungarian counts”. The defendant invokes the tardiness exception, alleging that the petitioner has had the trial since 5 years ago, showing, in fact, the circumstances of the retrocession trial.

The Steering Board ascertained that the defendant posted on the internet the message entitled „Dear people from Mures” in which he indicated that the investment for the development of the Northern area of Maramures county are blocked by the trials of land claiming by „*heirs and alleged heirs of former Hungarian counts*”. The petitioner is a heir of Baron K., who built the commune hall in Brancovenesti, kindergartens and established the theatre in Cluj and Targu-Mures, etc.

As regards the tardiness exception, the Steering Board ascertained that the object of the petition does not refer to pending trials, but to messages posted by the defendant, which existed also at the moment of registration of the petition by NCCD. Consequently, the Steering Board rejects the tardiness exception raised by the defendant.

The Steering Board ascertained through **decision no. 222/11.07.2012** that the provisions of art. 15 of G.O. no. 137/2000 are relevant, the deed of the defendant being a behaviour manifested in public, which aims to violate dignity and create an intimidating, hostile environment against the petitioner. Thus, the statement of the defendant that investments which are intended to develop the northern area of Maramures county are blocked by the trial of land retrocession by „*heirs and alleged heirs of former Hungarian counts*” is discrimination according to art. 2 par. 1 in

conjunction with art. 15 of G.O. no. 137/2000, republished.

It was decided to apply the contraventional sanction of warning to the defendant and at the same time was issue a recommendation i.e. to avoid in the future making discriminatory statements.

14.

Ground – ethnicity. Behaviour inciting to racial hatred, posting of banners with racist and xenophobic messages

On 24 September 2012, at the end of the football game between Steaua Bucharest Club and Rapid Bucharest which took place on National Arena the defendants, officials of Steaua Bucharest football team had a racist behavior, inciting to racial hatred. Also, the petitioners show that the banners of the supporters of Steaua Bucharest football team had a racist and xenophobic message against the supporters and players of Rapid Bucharest. It is also mentioned that Mr. Gabriel Safta, the broadcaster of Steaua Bucharest chanted in the amplifier „We have been and are...” and then he allowed the supporters of Steaua Bucharest to continue the chanting with „mad with the Gypsies” and Mr. Mihai Stoica played by gestures a crow in front of the supporters of Rapid Bucharest.

Through **decision no. 362 of 3.10.2012**, the Steering Board ascertained that the deed of the defendant Gabriel Safta is discrimination, according to the provisions of art. 2 par. 1 in conjunction with art 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, subsequently amended and it decided to sanction him by contraventional fine amounting to 1000 lei, according to art. 2 par. 11 and art. 26 par. 1 of G.O. no. 137/2000 in conjunction with art. 8 of G.O. no. 2/2001 on the legal regime of contraventions, subsequently amended and supplemented. The deed of the defendant Mihai Stoica is discrimination according to the provisions of art. 2 par. 1 in

conjunction with art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination subsequently amended; he was sanctioned by warning, according to art. 5 par. 2 and art. 7 par. 3 of G.O. no. 2/2001 on the legal regime of contraventions, subsequently amended and supplemented.

Also, the Steering Board recommends that all defendants manifest exigency in the future and avoid such actions or inactions which may lead to discrimination.

15.

Discriminatory statements which violate the dignity of Roma persons.

The petition refers to the statements made by the defendant in a TV interview, violating the dignity of Roma persons. The petitioner alleges that the defendant manifested contempt in relation to a disadvantaged category, creating a situation of belittlement and defamation, exactly when this category was mostly followed by the public.

The Steering Board sets down that in a TV interview the defendant made statements regarding the appearance and origin of the petitioner, statements which could offend human dignity and Roma persons and which trigger a feeling of inferiority and humiliation. The seriousness of the deed is also given by the capacity of the defendant, of member of the European Parliament, a public rank and opinion making which requires the person with such a status to prove increased responsibility when expressing various public opinions.

Through **decision no. 201/04.07.2012**, the Steering Board ruled with unanimity of votes that the deeds are discrimination according to art. 2 par. 1 in conjunction with art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it sanctioned the defendant by warning. Moreover, the Steering Board recommends that the

defendant show more caution in order to avoid in the future statements which may offend human dignity and endeavour to observe the non-discrimination principle as regards the freedom of expression.

16.

Ground – ethnicity. Imprinting the titles of institutions only in Romanian in an area where Hungarian citizens have a weight of over 90%

The petitioner considers discriminatory the fact that in an area where Hungarian citizens have a weight of over 90%, the defendants did not imprint the title of the institution in Hungarian language. The petitioner shows that according to art. 19 of Law no. 215/2001 „In the administrative – territorial units where citizens belonging to national minorities have a weight of over 20% in the number of citizens, the local authorities, the public institutions subordinated to them and the decentralized public services shall ensure the use of maternal language in the relations with them, according to the provisions of the Constitution, of this law and of the international treaties ratified by Romania”. The petitioner mentions that as a member of the Hungarian community in Romania he feels his rights are violated, he does not feel safe, he feels discriminated, different, negative, like a secondary citizen and his maternal language a secondary language which, although largely used, not worth to be used by the Police bodies.

Through **decision no. 440/29.10.2012**, the Steering Board ascertained that the notified deeds are discrimination, according to the provisions of art. 2 par. 1 and art. 10 lett. h) of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it recommends that the Police of Targu Secuiesc, Covasna county and Police Station Corund, Harghita county take the necessary measures to correct the situation and for the future consider the provisions of art. 19 of Law no. 215/2001.

17.

Ground: ethnicity. Discriminatory attitude against Roma children and the petitioner, school mediator and Romani language teacher

The notification of the petitioner reports the discriminatory attitude towards Roma children and her. The petitioner considers discriminatory the fact that the defendant addresses expressions like „ugly Gypsies, beggars, thieves” and she gossips her with the pupils saying she is „stupid, crazy, without faculty”. The petitioner states that she took action in this case not only on her behalf, but on that of Roma and pupils of the school, „wonderful children who belong to the Roma group, originating from the Placement Center and being children with special educational needs. There are approximately 260 pupils in the school, of which 70% belong to the Roma ethnic group. All employees, teachers, support staff and caregivers earn a living thanks to these children and it is unthinkable that someone discriminates them only because they belong to this group, as they are not guilty to be born in this group, whichever that is.

Through **decision no. 480/12.11.2012**, the Steering Board ascertained that the deeds notified by the petitioner are discrimination, according to the provisions of art. 2 par. 1 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction the defendant by warning, it recommends that she endeavour to use an appropriate language in the communication with children and to respect the principle of equal opportunities in relating to them. Also, the Steering Board informs the defendant regarding the provisions of art. 2 par. 7 of G.O. no. 137/2000, republished stipulating that „constitutes victimization and shall be contravenitionally sanctioned according to this ordinance any adverse treatment, as a reaction to a complaint or court action regarding the infringement of the principle of equal treatment and non-discrimination” and it recommends that there be no adverse treatment against children

following this petition. The Steering Board recommends that School classes I-VIII Petru Pavel Aron from Blaj, Alba county, through representative endeavour to use an appropriate language in school in the communication with children and observe the principle of equal opportunities in relating to them.

18.

Ground: ethnicity. Publishing on the on-line version of the newspaper „Jurnalul National” – INTACT Media Group – of an article which generated under the heading Comments several discriminatory opinions against the Roma

The petitioner reports that on 2 May 2012, the defendant published the article „The Government pretends that it investigates Gypsy white collars”. In the on-line version of the newspaper, under the heading comments there was a big group of racist and discriminatory opinions regarding the Roma community in Romania which seriously injures the right to dignity of this community. The petitioner considers discriminatory the fact that the comments posted are not filtered, violating the personal dignity of the Roma community. The petitioner mentions that the right to the freedom of expression is limited, as stipulated by article 10 of the European Convention on Human Rights, being the only right guaranteed by the Convention which involves special liability, being at the same time at the core of a democratic society.

Through **decision no. 602/17.12.2012**, the Steering Board ascertained that the aspects notified by the petitioner are discrimination according to the provisions of art. 2 par. 1 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction the defendant by warning. At the same time, the Steering Board recommends that Jurnalul National, through representative show exigency in relation to how the right to the freedom of expression is exercised with regard to the reputation and rights

of others, in order to ensure respect for personal dignity and the non-discrimination principle, which are guaranteed in Romania through the Constitution and G.O. no. 137/2000.

19.

Ground: ethnicity. Segregation on Roma affiliation grounds.

The management of the reported school established at the beginning of school year 2011 a 1st class exclusively of Roma pupils. Upon the notification of the petitioner, County School Inspectorate Olt did not make any modification regarding the composition of the class in question. The Steering Board sets down the segregation of Roma children by establishing the primary class exclusively of children of Roma origin. Therefore, the Steering Board sets down the ethnicity ground as underlying class I B, from children enrolled by parents who wished to enroll them in the class in question, without knowing anything in relation of the establishment of class exclusively on ethnicity criteria, assumed exclusively by the management of the school. The school director has the obligation that once the primary schools are established, he should ensure that pupils coming from a socially „ethnically disadvantaged” category should not be segregated. „**The international convention on the elimination of all forms of racial discrimination**, (which Romania ratified on 14 July 1970 through Decree no. 345, published in the „Official Journal of Romania”, part I, no. 92 of 28 July 1970) stipulates in art. 3 that the state parties condemn especially racial segregation and undertake to forbid and eliminate on the territories under their jurisdiction all such practices.”

Through **decision no. 559/12.12.2012**, the Steering Board ascertained that the aspects notified by the petitioner are discrimination, according to the provisions of art. 2 par. 1 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction National

College Ioniță Asan by contraventional fine amounting to 2000 lei. The Steering Board sanctions County School Inspectorate Olt, for not making a decision regarding the continued deed he had been informed of, as regards the different treatment applied to the Roma pupils with contraventional fine amounting to 2000 lei. Also, the Steering Board requires that C.S.I. Olt de-segregate class I B and monitor the school unit.

GROUND: SOCIO-PROFESSIONAL CATEGORY

20.

Socio-professional ground (probation personnel). Non-inclusion of probation counsellors in Government Decision no. 762/2010. Field: Access to health services.

Petitioner E.Ț., probation counsellor in the Probation Service attached to the Tribunal reports that she does not benefit from free social assistance, drugs and prostheses, since the defendant, in G.D. no. 762/2010, the document regulating the relevant field omitted to include the socio-professional category she is part of, that of probation counsellors. She then continued by reporting that she requested the settlement of expenses for drugs and medical assistance.

The Ministry of Justice, first of the institutions reported in this case explains through the opinion offered that she cannot be accused of discrimination since it submitted the proposal for amending G.D. no. 762/2010. The second defendant quotes the non-jurisdiction *ratione materiae* of NCCD in forcing the defendant to settle the requested damages.

The General Secretariat of the Government shows, through its opinion that NCCD cannot censor legal norms.

Subsequently, on 31.01.2012 the first defendant reports that Government Decision no. 762/2010 was amended by including the professional category of the probation personnel.

Given the documents of the file and the legal provisions

relevant for the case, the Steering Board ruled through **decision no. 77/29.02.2012** on the aspects notified through the memorandum. Thus, the Steering Board admitted the exception of the lack of competence *ratione materiae* raised regarding the damages, confirming that only the courts can rule on the existence and extent of such damages. The Steering Board shows, however that he has the jurisdiction to rule on a government decision as regards the discriminatory effects these trigger.

On the merits, the Steering Board ascertains that the omission of the probation personnel from the category of persons benefitting from the provisions of G.D. no. 762/2010 is discrimination according to art. 2 par. 1 of G.O. no. 137/2000, republished and it recommends that the defendants, in the future avoid such situation, or, should a similar omission occur, that they urgently correct the error.

GROUND: OTHERS

21.

Domicile. Issuing a decision establishing local taxes in 2011, in a differentiated way, according to the taxpayers domicile.

Petitioner T.S. mentions that individuals, house owners in Bradulet commune but with the domicile in another locality pay more than the individuals with the domicile in Bradulet, Arges county, thus leading to a differentiated treatment in terms of local taxes for 2001, on the ground of the domicile. The petitioner considers that a contradiction occurs, the persons that don't have the domicile in the locality paying a higher guard tax since they live a small period of time in the commune and a higher tax for garbage collection since, for a short period of the year they generate more garbage than a local. The Local Council of Bradulet commune shows that

through the imposition of the taxes it did not intend to discriminate between persons as these were established such as to ensure the financing of the sanitation service of the locality and that of goods security. Through **decision no. 81 of 09.03.2012**, the Steering Board ascertained that the notified deeds are discrimination according to art. 2 par. 1 and art. 10 lett. h) of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished in terms of the effects generated through the sanitation tax and the tax for the organization of public guard according to Decision no. 49/27.12.2010 of the Local Council of Bradulet commune, Arges county and it decided to sanction the defendant by warning, recommending that it endeavour to observe the principle of equality of opportunities in establishing local taxes, irrespective of the domicile of house owners.

22.

Refusal to sell tickets at the game of Petrolul team, on reason that the identity paper was provisionally issued.

The defendant alleges that the access of viewers to the Sports Arena „Ilie Oana” is made based on a technical system of ticket purchase which allows scanning the identification data as specified on the identity card and not in other documents of identification, provisionally released by the local government bodies. The Board set down that both the identity card and the provisional identity card specify the name, surname, names of the parents, place of birth, domicile, issuing authority, number, series and the most important elements of personal identification, the personal number code. Thus, through **decision no. 203/04.07.2012** was ascertained the infringement of the provisions of art. 2 par. 1 and art. 10 lett. f) of G.O. no. 137/2000 and the defendant was sanctioned with contraventional fine amounting to 1000 lei.

23.

Discriminatory working conditions. Status of litigation between the parties.

Petitioner C.C. alleges that subsequent to the court ruling by which he was reinstated on the same position, capacity and wage before dismissal, the employer re-hired him under degrading and humiliating conditions. Thus, as office he was offered the loft, following to be moved in the company's cloakroom. Also, he does not perform the tasks of electronician, but of archivist. The petitioner mentions that he is treated in a degrading and humiliating manner because he had the courage to go to court and report the employer's abuse.

The defendant requests the rejection of the petition as groundless and illegal, indicating that in the correspondence with the petitioner, previous his reinstatement he was informed about the intention of re-hiring him on the previously held position, but this will be done, for objective reasons, the latest on 18.04.2012. Due to actions to be performed which had to be carried out and which took more than estimated the company at the moment of issuing the response, the reinstatement was delayed for the date of 23.04.2012. Thus, the defendant considers that he acted in good faith and notified the petitioner about this delay. The delay was given by the need to arrange the office so as to have the same conditions as before.

The Steering Board sets down that the petitioner was reinstated on a different position and in inappropriate conditions. The Steering Board cannot ignore the premeditation of the defendant's actions and cannot accept his opinion that the petitioner had insisted to restart work, but, upon his insistence, he offered him something provisional, in a provisional space and for objective reasons it did not succeed to rearrange the office. Also, the Steering Board considers that arranging a space for an electronician's office does not require such a long time and should no be too burdensome.

Through the Steering Board decision no. 302/12.09.2012 it was decided with unanimity of votes that the notified aspects fall under the provisions of art. 2 par. 1 and 5 in conjunction with art. 6 lett. b) of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it sanctioned the defendant by contraventional fine amounting to 2000 lei, according to art. 2 par. 11 and art. 26 par. 1 of G.O. 137/2000 in conjunction with art. 8 of G.O. no. 2/2001 on the legal regime of contraventions, subsequently amended and supplemented. Moreover, the Steering Board recommends that the defendant endeavour to ensure the respect of the fundamental human rights and freedoms, i.e. the right regarding equality in the economic activity and in field of employment and profession and to eliminate the discriminatory conditions which may infringe the right of employment and in the field of labour.

24.

Introduction in the methodological norms regarding the enrollment of children in school in the second stage of a separation criterion which refers the occupation of parents, favouring children whose parents work in the field of education

The notification of the petitioner concerns the methodological norms regarding the enrollment of children in school second stage, as a result of providing a separation criterion which refers to the parents' occupation, favouring children whose parents work in the field of education. The petitioner considers discriminatory the fact that are favoured children whose parents work in education, compared to children whose parents work in another field. The petitioner considers that this provisions may pave the way for other arbitrary and discriminatory provisions and also that the free access to educational services is equally important as access to education. The Steering Board ascertains that are relevant the provisions of G.O. no. 137/2000, art. 2

par. 4 stipulating that „any active or passive behaviour which, through the effects it generates favours or unfavours without justification or subjects to an unfair or degrading treatment a person, a group of persons or a community in relation to other persons, groups of persons or communities draws the contraventional liability according to this ordinance, if it is not subject to criminal law”.

Through **decision no. 535/03.12.2012** the Steering Board ascertained that the deeds notified by the petitioner are discrimination according to the provisions of art. 2 par. 4 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it recommends that the Ministry of Education, Research, Youth and Sport eliminate the discriminatory provision from the methodological norms of MERYS Order no. 3064/19.01.2012.

GROUND: GENDER

25.

Gender ground. Assigning a number of places in the police schools differently on the gender criterion, compared to those assigned to national minorities, which are common

The petitioner states that M.A.I. assigns differently places for admission to the police schools. Thus, he shows that places for the majority individuals are assigned differently on gender grounds (more places for men) compared with places for minorities, which are common. As an example, he explains as follows: in Police Academy Al. I. Cuza places assigned to men are depending on major 20, 42, 15, 40 and to women 5,2,3 compared to places for national minorities which are common (3 and 2 places). This situation is also found in the other military schools.

The respondent alleges that the legitimate aim related to the differentiated treatment reported is represented by the need to provide personnel for the operational M.A.I. structures

in relation to the peculiarity of their missions. The personnel has to face challenges and extreme conditions characterizing the operational work, especially given that in recent years there has been an increase in the cases of assault against police officers, some of them resulting in serious injuries.

Through **decision no. 485 of 12.11.2012** the Steering Board sets down that the notified deeds are discrimination, falling under the provisions of art. 2 par. (4) of Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, subsequently amended and supplemented, republished. In this regard, the Steering Board recommends that the defendant, in the future, show exigency and eliminate any criteria which, through the effects generated, favour or unfavour without justification or subjects to a discriminatory treatment a person or a group of persons in relation to other persons or groups of persons.

26.

Ground: gender. Infringement of the right of female persons to take part in sports activities

The petitioner, Romanian legal person which promotes the integration of the principle of equal opportunities for women and men in public policies and associated practices notifies the fact that on 21 October 2012, when preparing the tickets for sale for the football game between Dinamo – Rapid on 22.10.2012, the ticket selling office of Rapid stadium posted an ad with the following content: „Women shall not receive tickets to this game”.

The defendant alleges that the decision of not offering tickets to female persons was taken following the violent events which occurred recently and in the context of football having transformed into a war. Thus, through this decision it was intended to protect these persons.

Through **decision no. 489 of 21.11.2012**, the Steering Board ascertains the infringement of provisions of art. 2 par. (1) and art. 10 lett. (f) of Government Ordinance no. 137/2000, republished and it sanctions the defendant, the League of Rapid Supporters with contraventional fine amounting to 3000 lei, according to art. 2 par. 11 and art. 26 par. 1 of G.O. no. 137/2000 in conjunction with art. 8 of G.O. no. 2/2001 on the legal regime of contraventions, subsequently amended and supplemented. Also, S.C.. Fotbal Club Rapid S.A. is sanctioned by warning, according to the provisions of art. 26 par. (1) of G.O.no. 137/2000 in conjunction with art. 5 par. (2) lett. (a) and with art. 7 par. (3) of Ordinance no. 2/2001 on the legal regime of contraventions.

GROUND: HIV

27.

HIV infection ground. Mentioning „HIV infection” on the medical certificates submitted to certain non-medical institutions.

The notification of the petitioner refers to a differentiated treatment regarding the mention of the diagnosis „HIV infection” on the medical certificates addressed to certain non-medical institutions. The petitioner considers discriminatory the fact that the certificates issued for enrollment in school, employment, enrollment in professional training courses, unemployment services, exemption from sports classes mention the HIV diagnosis infringing the right to life of the patient. The petitioner shows that the diagnosis „HIV infection” as any other medical diagnosis constitutes professional secrecy and can be disclosed only to the person in question or to another physician in attendance. However, for years this diagnosis has been mentioned by physicians on the medical certificates submitted to certain non-medical institutions.

NCCD’s **decision no. 95 of 17.02.2009** establishes the

classification of the file following the mediation in which the Ministry of Public Health stated that it would send a letter informing physicians that this diagnosis should not be mentioned on certificates. The petitioner has no knowledge if the Ministry of Health would have sent to physicians a letter regarding the confidentiality of the diagnosis and he informs that family physicians still mention the diagnosis of HIV/AIDS on the medical certificates issued to patients, which hinders the non-discriminatory access to education, labour and social protection. In this regard, the petitioner submits a certificate dated 12.01.2012 issued to be used in class, which specifies that the patient suffers from „therapeutically controlled HIV infection“.

The Ministry of Health informs that in accordance with art. 8 of Law no. 584/2002, civil servants and employers are obliged to maintain confidentiality. Disclosure of the diagnosis by medical personnel to these would therefore be a practice leading to breach of confidentiality. The petitioner shows that professors, teachers and other persons involved in the educational process are not considered civil servants, according to Law no. 188/1999 (r2) on the status of civil servants and a potential employer does not have the same obligations to the person applying for a job. Besides, disclosure of the diagnosis before enrollment in school/courses, employment, etc may influence the admission/employment decision thus resulting in rejection/non-employment of the person in question. In case the medical information are absolutely necessary for schools, courses, social and labour units they can be requested and issued after admission and not before, so that they would not be a ground for discrimination.

The petitioner considers that a minimum measure to avoid a discrimination situation would be the modification of the medical certificate form, by excluding headings which

contain confidential medical diagnoses and have a potentially discriminatory content.

Through decision no. 479/12.11.2012 the Steering Board ascertained that the deeds notified by the petitioner constitute discrimination according to the provisions of art. 2 par. 3, art. 2 par. 4 and art. 15 of G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination, republished and it decided to sanction the Ministry of Health by warning.

Chapter V

National Council for Combating Discrimination in the written press

In the course of 2012, NCCD followed the articles that refer to the activity field of the Council, thus monitoring 16 national publications: *Adevărul*, *Cotidianul*, *Cronica Română*, *Curentul*, *Curierul Național*, *Evenimentul Zilei*, *Gazeta Sporturilor*, *Gândul*, *HotNews*, *Jurnalul Național*, *Libertatea*, *Mediafax*, *ProSport*, *Revista 22*, *România Liberă*, *Ziare.com*.

Unlike the previous years, the activity of the National Council for Combating Discrimination was much more visible in the media and an increase in the frequency of references to NCCD is obvious. Thus, if in 2010 94 articles were reported, 140 in 2011, the number of referrals to NCCD in 2012 in the written press has doubled compared o 2011, totaling 275 articles referring to the activity of the National Council for Combating Discrimination.

Compared to the previous years, the articles published in 2012 which referred to the President of the institution are in a much higher number (in 2012, 129 articles compared to 26 in 2010 and 35 in 2011). Most of these references emerged following NCCD's decision of sanctioning racist manifestations in football.

- — One of the most publicized cases during 2012 was the notification of League of Rapid Supporters relating the racist manifestations which took place during the derby Steaua – Rapid. Following hearings, it was decided that the deed of announcer Gabriel Safta of inciting to racist schanting constitutes discrimination and was sanctioned by NCCD with fine amounting to 1000 lei and the deed

of the manager of FC Steaua Club of imitating a bird was sanctioned by warning.

- In October, the manager of Steaua was again followed by the press and NCCD after waving and placing a tricolour flag in the gate of CFR Cluj team.
- The financier of Steaua, George Becali was also followed by the Council this year because of his statements regarding Raed Arafat. More specifically, he declared that he is „disgusted” that „people supporting Steaua took to the streets to defend an Arab”. Following this statements, George Becali was sanctioned with fine amounting to 3000 lei. He was at the same time reported by two officials from Dinamo and Cluj for having made racist remarks against them. The press reminded the sanctions imposed on him over time, including the warning ruled by NCCD in 2010 for the statements regarding the alleged homosexual orientation of the Bulgarian footballer Ivan Ivanov and the refusal of a possible transfer of the player for this ground. Following the racist and discriminatory manifestations of the owner of Steaua, NCCD notified UEFA and as a consequence a disciplinary inspector was appointed to investigate the likely cases of racism and discrimination.
- Following NCCD’s decisions of sanctioning discrimination deeds in football, NCCD President Asztalos Csaba was verbally abused in the street. The topic was extensively followed in the press and generous space was reserved to tell the reactions of NGO’s (members of the Anti-Discrimination Coalition in Romania), which, to show its support wrote an open letter to PM Ponta the start of an investigation. Also, the DLP first deputy-president Cristian Preda, PM Victor Ponta, the Democrat Union of Magyars in Romania, the National Institute for the Study of the Holocaust in Romania „Elie Wiesel” have taken a stand

on this issue and publicly condemned acts of violence against NCCD's President.

- Despite the public debate of previous discriminatory cases, incidents also occurred at the derby between Dinamo and Rapid as the supporters of Dinamo displayed discriminatory and racist banners. NCCD was self-notified in the case of the League of Rapid Supporters which announced that at de game with Dinamo female supporters were not allowed to buy tickets.
- A high number of articles aimed to report the forced displacement of Roma from Baia Mare in the toxic factory Cuprom, deed which was publicly condemned by NCCD. The NAR (National Agency for Roma) President submitted to the Council a complaint against the mayor Catalin Chereches and the Local Council of Baia Mare. Last year, the mayor was also accused of discrimination, also at international level after having approved the building of a separating wall which isolated Roma from a district from the other inhabitants of the town. The mayor of Baia Mare was fined by NCCD, but the Court of Appeal Cluj absolved him, considering the Council Decision illegitimate.
- The newspapers also reported the hearing of the appeal filed by FACIAS regarding NCCD's warning to President Traian Basescu for the statements referring to „disabled descendants” of a monarch. The organization requested the annulment of the warning and change of the sanction with an administrative fine. The Court of Appeal Bucharest rejected as groundless the request of FACIAS.
- The Amnesty International 2012 report notes in the chapter on the observance of human rights in Romania the statements made by President Traian Basescu with regard to Roma and the fact that he has been several times investigated and even sanctioned by NCCD for these reasons. Another Romanian politician mentioned in the quoted document is the mayor of Baia Mare. Amnesty International reminds the intention

of the municipality of Baia Mare of building a wall to define an area inhabited mostly by Roma from the neighborhoods in which live majority people.

- The 2012 edition of the DEX observes NCCD's recommendation from the previous year and modifies the definitions considered offensive of certain words such as „Roma”, „Kike” or „Gypsy”.
- At the end of the year, the sanctioning activity of the Council was closely followed in the case of the notification of ARAS supported by UNOP and APADOR-CH. These have notified the fact that physicians mention the diagnosis „HIV infection” on the medical certificates issued for the non-medical institutions which require this document for enrollment in school, employment, enrollment in professional training, unemployment, for exemption from sports classes, etc. NCCD sanctioned the Ministry of Health by warning for differentiated and discriminatory treatment against persons infected with HIV.
- An item followed by newspapers was NCCD's self-notification regarding the press release drawn-up by „Cutu-Cutu” Association in which community dogs were compared with Jews. The Association for the defense of dogs published several links to videos with violent content to draw attention on the fact that dog shelters are like „extermination camps”.
- Three Hungarian hockey players from the „under 16” squad of Romania were fined by NCCD for discrimination on ethnic origin grounds, after being found guilty of harassing their Romanian team-mate, which did not speak Hungarian. The incident happened in the cloakroom of national hockey team „under 16” in December 2011. NCCD applied a fine of 2000 lei to the Romanian Federation of Ice Hockey, which it found guilty of „passive behavior which led to the perpetration of the discrimination deed, by creating an intimidating, hostile, degrading or offensive environment to minor C.M.”.

- Another publicized case was that in which NCCD fined with 1000 lei the head of cabinet of Mures Prefecture who posted a message on Facebook (“Arbeit macht frei”) considered to „violate human dignity” against anti-Government protesters.
- The press also followed NCCD’s decision of sanctioning with contraventional fine amounting to 8000 lei the campaign „Hate!” initiated by the pharmaceutical company „Secom” considering that this is a discrimination deed which violates the right to dignity of persons with disabilities or those with psychiatric disorders.
- The press also debated NCCD’s self-notification in case of the manifest entitled „The new call for Hungarians in Baia Mare!”, signed by the representatives of the Magyar community who declared that they are concerned, among other things, about the spread of mixed marriages.
- Following the notification received from a lawyer who wanted to enroll his child at Goethe College, NCCD initiated an investigation in order to establish if the manner of enrolling children in the German Goethe College in Bucharest was based or not on discriminatory grounds.
- The main conclusion of the survey „Perceptions and attitudes regarding discrimination in Romania” conducted by TNS CSOP Romania at the request of the National Council for Combating Discrimination were mentioned in the written press. Thus, it was reminded that 49% of the Romanians affirm that the phenomenon of discrimination is often found in Romania, 31% of those interviewed declared that they would not feel comfortable around a gay person, 22% around a person infected/ill of HIV/AIDS and 15% around a Roma person. As regards Roma persons, 43% of those interviewed have a bad and very bad opinion of them.

- Another issue reported in the media is related to the complaint of the NGO Group of Action for Public Interest against the vice-president of the County Council of Gorj, Madalina Ciocoi. The latter was reported to the National Council for Combating Discrimination after having declared that there were no Olympic pupils at the school where she would have taught as there was „a bunch of Gypsies”.
- The Roma organizations filed a complaint at NCCD against journalist Grigore Cartianu, editorial manager of Adevarul newspaper and against the trust Adevarul Holding concerning the editorial „The Gypsy coup” considered as violating the dignity of the Roma minority in Romania through the insults against the representative of the Roma ethnic group.
- In October, the press brought to public attention the report of the Minorities Commission of the Council of Europe (COE) which mentioned that Romania has made significant steps regarding the rights of national minorities and fight against discrimination of Roma, but there are still prejudices. It is appreciated that NCCD continues to fight independently and vigorously against discrimination.
- The Anti-Discrimination Alliance of all Fathers (T.A.T.A.) requested the National Council for Combating Discrimination to sanction the speech of the Ministry of Labour, Mariana Campeanu, accusing her of ignoring the rights of men, implying that only women benefit from child allowances, increased from 1 October. Another request from T.A.T.A. concerned the modification of school handbooks, since the figure of the father appears more rarely in the primer compared to that of the mother.

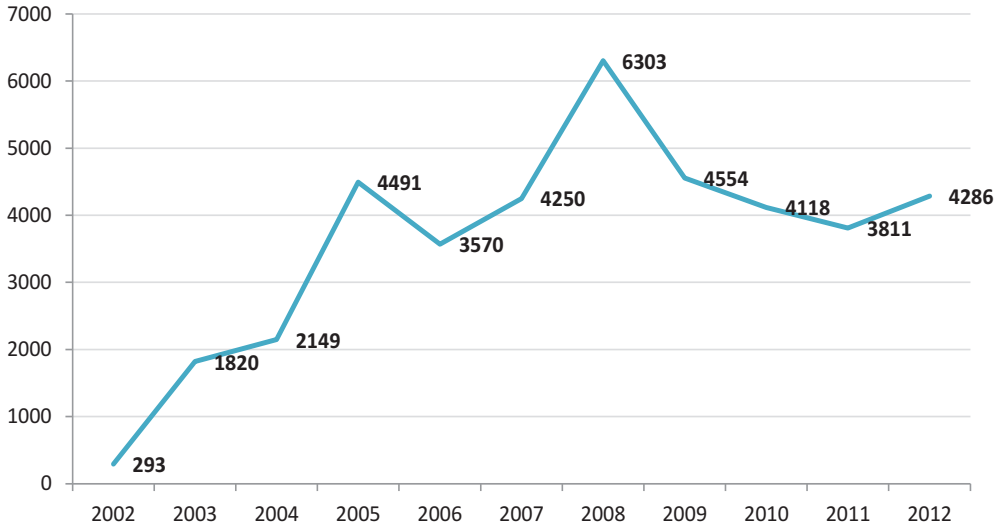
Chapter VI

Budgetary expenses, financial data

The **budget execution** in 2012 was 94.14%, the budget allotted to the National Council for Combating Discrimination being 4286 thousand lei, put forward on chapters in the attached table:

TITLE OF THE INDICATOR	CODE	ALLOTED	USED
State budget	51.01	3 923	3 711
Personnel expenses	51.01.10	2 779	2 751
Goods and services	51.01.20	728	652
Other transfers	51.01.55	5	5
Projects financed from external grants	51.01.56	176	91
Other expenses	51.01.59	175	154
Capital expenses	51.01.77	60	58
External grants	51.08	363	324
Total buget		4 286	4 035

Budget evolution during 2002-2012 (thousands lei)



The personnel of the National Council for Combating Discrimination

- In 2012, the personnel scheme of NCCD was made up of 90 positions of which 69 were financed. At the end of the year, of all positions, 64 were filled.
- The average age is 37 years.
- 89% of employees are University graduates and 11% are undergraduates.

Conclusions

NCCD continued in 2012 to express itself independently in the activity to prevent and sanction all forms of discrimination in Romania. In this regard, in 2012 there are the most numerous ascertainments of discrimination deeds since the existence of the institution and implicitly the most numerous contraventional sanctions applied. This result intervenes in the presence of constant criticism regarding the quality and professional capacity of the persons appointed by the Romanian Parliament in the Steering Board of the institution.

As regards the settled complaints, we emphasize the following aspects:

- — Romanian citizens belonging to the Roma minority are subjected to discrimination deeds, especially through racist speeches, racial segregation or limiting the access to various services. The social background of certain Roma communities (those who live without access to minimum infrastructure conditions, ghettos – for example see the cases: Baia Mare, Pata Rat – Cluj Napoca and Ferentari – Bucharest) remains a serious one. The lack of strategies to manage such situations subject the members of this community to major disadvantages in the access to education, health and labour services;
- — the segregation forms impede directly the quality of education for vulnerable groups (social status, Roma);
- — discrimination cases on the labour market had an increased dynamic, thus the situation of women regarding employment and maintenance of employment poses certain issues, especially sexual harassment and layoffs on grounds of maternity. Discrimination on the age ground is a constant challenge;

- the LGBT community also faced discriminatory attitudes in the society, although the number of petitions was not significant but the members of this group, along with persons infected with HIV/AIDS are the most marginalized and exposed to the hatred speech;
- disabled persons remain exposed to discrimination in the access to services, education and the labour market;
- the use of the of national minorities language in local government, i.e. the enforcement of the law regarding the use of the official language generated a number of petitions;
- human dignity remains the most touched right as a result of discrimination cases.

The administrative disputes activity had the same dynamics as the courts maintained 90% of NCCD's decision.

As regards the combating activity, NCCD made progress in the observance of the terms for settling petitions. The lack of a technical solution (documents management software) encumbers the activity of the institution.

NCCD's programs and prevention activities were limited by the scarce budget, but, even under these conditions a number of events were accomplished which effectively contributed to promoting the non-discrimination principle. In this regard, the program concerning the continuous training of magistrates in the field of non-discrimination is an example of good practices (260 magistrates trained in 2012).

NCCD had a significant activity of representing Romania externally (90% of the budget for this activity was ensured by external partners) and in preparing reports in the field of human rights, of questionnaires and other necessary materials for the assessment of the fulfillment of international obligations undertaken by Romania in the field.

The year 2012 marks a decade of existence for NCCD and is a good occasion of reflection and critical analysis on the legislative and institutional evolution in order to identify priorities for the next period. In 10 years of existence, NCCD accumulated an important knowledge base and it trained a number of specialists in the field, which are poorly turned to account.

The challenges of the following period are:

- — maintenance of high level of *de jure* and *de facto* independence of the institution;
- — maintenance of a high level of professionalism of the human resources of the institution;
- — turning to account and enriching the knowledge base;
- — maintenance of a pro-active attitudes in the field;
- — bringing about a substantive change in the Romanian society, through the effective introduction in the organizational structure of the non-discrimination principle.

In this regard, NCCD proposes the following:

- — to improve the legislative framework in the field of non-discrimination: reviewing G.O. 137/2000 (regulating the prohibition of segregation, of discrimination by association, advertisement, etc.);
- — to harmonize the legislative provisions through the elaboration of a Romanian Code of Non-discrimination to regulate in a unitary, effective manner a series of social relations which are currently managed separately by a number of laws, thus leading to legal confusion and conflicts of jurisdiction. Such a code must comprise the fields regulated by: G.O. 137/2000 on preventing and sanctioning all forms of discrimination, Law no. 202/2002 on equal opportunities between women and men, Law no. 448/2006

- on the protection of disabled persons, etc.;
- to effectively implement the non-discrimination principle in the organizational culture of the key sectors for the Romanian society, such as: education, health, public services, labour. Thus, these sectors should be forced to elaborate codes on observing non-discrimination, introduction in the study plans of the subject and periodical assessment can be effective solutions which do not involve significant budgetary expenses (requiring each university of implement a code of equal opportunities and non-discrimination; requiring school inspectorates to elaborate and implement a non-discrimination code in education; introduction in the pedagogic module of the subject non-discrimination; requiring employers with more than 100 employees to adopt a non-discrimination code in labour, etc.).

NCCD expects comments on the institution's 2012 activity report and invites social and institutional partners to dialogue with a view to identifying optimal solutions in the non-discrimination field for the future period.

Structure of the Steering Board in 2012:

Csaba Ferenc ASZTALOS – President

Sorina Claudia STANCIU – Vice-president

Theodora BERTZI

István HALLER

Cristian JURA

Maria LAZĂR

Anamaria PANFILE

Ioana Liana CAZACU

Vasile Alexandru VASILE

Contributions to the 2012 activity report:

In the elaboration of the activity report of the National Council for Combating Discrimination for 2012, I wish to thank for the materials, support and information made available by all NCCD's departments.

I thank for the contribution of the colleagues:

Division of Programs and International Relations: George Lica and Diana Pană;

Office of Communication and Public Relations: Beatrice Spoitoru, Laura Niculescu, Denisa Lazăr;

Legal and Inspection Division: Cristian Nuică, Silvia Dumitrache, Ștefan Vasilescu;

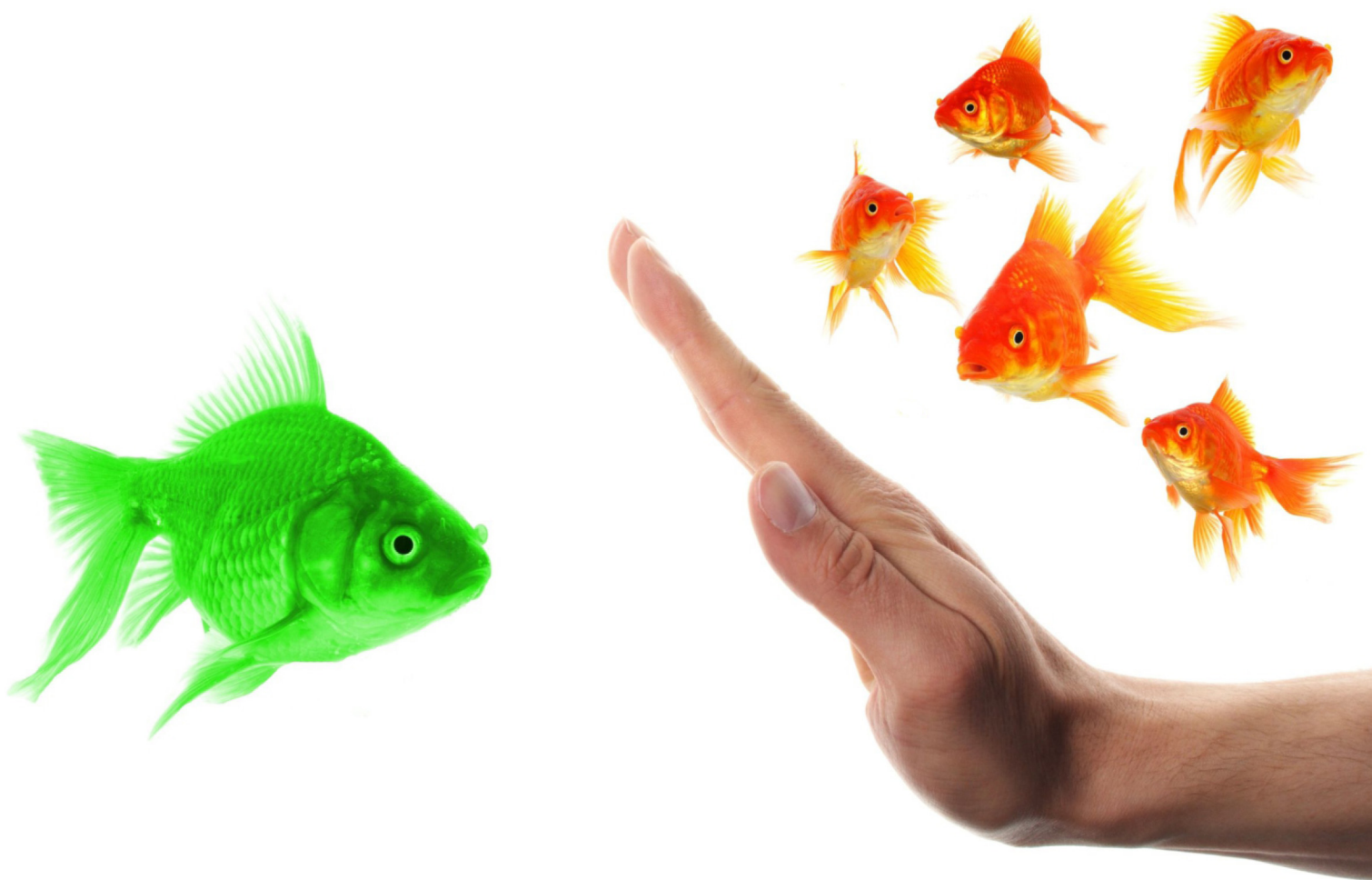
Economics and Human Resources Division;

Office of Assistance to the Steering Board.

Andreea Banu, Head of Project Management Office,
Coordinator of the activity report



CONSILIUL NAȚIONAL PENTRU COMBATEREA DISCRIMINĂRII



RAPORT DE ACTIVITATE 2013

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Cuvânt înainte

Consiliul Național pentru Combaterea Discriminării a încheiat un an cu o activitate intensă pe toate paliere de atribuții legale. Materialul de față se dorește a fi o prezentare **simplică și clară** a rezultatelor unei activități **complexe** depuse de Consiliu pe anul 2013.

Raportul conține informații în următoarele domenii de activitate a CNCD:

- ✓ activitatea de prevenire: programe, cursuri, formare și studii;
- ✓ activitatea de sancționare: petiții, soluții, sancțiuni;
- ✓ puncte de vedere emise de Consiliu către instanțele de judecată;
- ✓ activitatea de contencios în instanțele de judecată;
- ✓ activitatea de relații internaționale;
- ✓ activitatea de comunicare;
- ✓ execuția bugetară, resursele umane și materiale.

Recomand raportul pentru studiu și critică în vederea identificării soluțiilor de îmbunătățire a activității Consiliului.

Cu respect,

Csaba Ferenc ASZTALOS

Președinte C.N.C.D.

Modificări legislative

Din punct de vedere legislativ, în anul 2013 au fost aduse modificări și adaptări Ordonanței Guvernului nr. 137/2000, prin două acte normative. Modificarea a intervenit ca urmare a Scrisorii de punere în întârziere emisă de Comisia Europeană în Cauza 2012/2099 (neconformitatea legislației naționale române cu Directiva 2000/43/CE de punere în aplicare a principiului egalității de tratament între persoane, fără deosebire de rasă sau origine etnică).

◆ **Legea nr. 61 din 21 martie 2013, publicată în Monitorul Oficial al României nr. 158 din 25 martie 2013 și care a intrat în vigoare la data de 28 martie 2013:**

Actul normativ a adus modificări importante în ceea ce privește **partajarea sarcinii probei**, atât în petițiile adresate Consiliului Național pentru Combaterea Discriminării, cât și în acțiunile introduse în fața instanțelor de judecată

Totodată, **procedura de numire a membrilor Colegiului director C.N.C.D.** a suferit modificări și **termenul de comunicare a hotărârilor C.N.C.D.** a fost extins la 30 de zile.

În ceea ce privește **partajarea sarcinii probei** între petent și reclamat, prin modificările aduse, nu se mai prevede obligativitatea petentului de a dovedi că a existat un act de discriminare asupra sa, ci de a crea o prezumție simplă, prin prezentarea faptelor a căror victimă se consideră a fi fost. Astfel, reclamatului îi revine sarcina de a dovedi, prin probe, că nu a avut loc o încălcare a principiului egalității de tratament. Aceeași situație este reglementată și pentru procedura desfășurată în fața instanțelor de judecată în acțiunile în care obiectul principal este o faptă de discriminare.

Un amendament deosebit de important a fost adus procedurii de numire a membrilor Colegiului director C.N.C.D., pentru a preîntâmpina situații de blocare a activității de soluționare a dosarelor, prin neîntrunirea cvorumului de 5 voturi. În acest sens, în situații de încheiere a mandatelor membrilor Colegiului director, procedura de numire pentru noii membri se va declanșa cu 60 de zile anterior vacantării acestora.

◆ **Ordonanța de urgență a Guvernului nr. 19 din 27 martie 2013 publicată în Monitorul Oficial nr. 183 din 2 aprilie 2013 aprobată prin Legea nr. 189 din 25 iunie 2013 publicată în Monitorul Oficial nr. 380 din 27 iunie 2013:**

Modificările au vizat introducerea în partea generală a O.G. nr. 137/2000 ca excepție la discriminare a diferenței de tratament atunci când aceasta, bazată

✓ Termenul de comunicare al hotărârii C.N.C.D.

✓ Partajarea sarcinii probei

✓ Procedura de numire a membrilor Colegiului director

✓ Discriminarea se amendează:
1 000 – 30 000 lei
Persoană fizică

2 000 – 100 000 lei
Grup sau
comunitate

✓ Termenul de prescripție a sancțiunii:
6 luni de la constatarea de către C.N.C.D. a faptei de discriminare

✓ O.G. nr 137 / 2000 republicată

fiind pe o caracteristică, reprezintă o cerință profesională reală și determinată, în temeiul naturii activităților ocupaționale sau a contextului în care se desfășoară, cu condiția ca obiectivul să fie legitim și cerința proporțională.

O altă modificare importantă o constituie mărirea **cuantumul amenzilor contravenționale** aplicate urma constatării unei fapte de discriminare. În actuala reglementare, discriminarea care vizează o **persoană fizică** poate fi sancționată cu amendă contravențională de la **1.000 lei la 30.000 lei**, iar discriminarea care vizează un **grup de persoane sau o comunitate** poate fi sancționată cu amendă contravențională **de la 2.000 lei la 100.000 lei**. Modificarea cuantumului în care poate fi aplicată sancțiunea contravențională a amenzii s-a produs pe considerentul unificării legislației naționale privind sancționarea tratamentului diferențiat și a avut în considerare cuantumul ridicat al amenzilor contravenționale ce puteau fi aplicate în situația unui tratament diferit pe criteriul gen, așa cum este reglementat de Legea nr. 202/2002, republicată, și care acordă atribuții de sancționare a unor fapte de discriminare și Consiliului Național pentru Combaterea Discriminării.

Termenul de prescripție a aplicării sancțiunii contravenționale a amenzii a fost modificat, astfel că dacă anterior noilor reglementări termenul de prescripție al amenzii contravenționale era de 6 luni de la comiterea faptei sau de la data la care persoana vătămată lua la cunoștință sau putea să ia la cunoștință de comiterea faptei, după intrarea în vigoare a noilor norme aplicarea sancțiunii contravenționale a amenzii se prescrie în termen de **6 luni de la data soluționării petiției de către Consiliu**.

Tot prin noile reglementări s-a introdus și posibilitatea ca în cazul constatării unei fapte de discriminare, Consiliul sau, după caz, instanța de judecată să oblige partea vinovată de comiterea unei fapte de discriminare să **publice în mass-media** un rezumat al hotărârii sau al sentinței judecătorești.

Alte modificări au vizat abrogarea unor excepții de la discriminare, în ambele forme, directă și indirectă.

Forma republicată a Ordonanței Guvernului nr. 137/2000 a fost publicată în Monitorul Oficial nr. 166 din **7 martie 2014**.

Date statistice privind petițiile primite în anul 2013 și activitatea de soluționare

Comparativ cu ceilalți ani, de la înființarea Consiliului Național pentru Combaterea Discriminării, anul 2013 se remarcă prin următoarele aspecte:

- **Cel mai mare număr de petiții** (858);
- **Cele mai multe petiții** pentru criteriul **naționalitate** (61) și **orientare sexuală** (13);
- **Cele mai multe hotărâri elaborate de Colegiul director** (824¹);
- **Cele mai multe constatări** ale faptelor de discriminare (135);
- **Cele mai multe hotărâri de necompetență** (341²);
- **Cele mai multe amenzi** (110) s-au ridicat la suma de **267 800 lei** (comparativ, în anul 2012 cele 35 de amenzi au totalizat 114 000 lei).

La nivelul anului 2013 am avut:

- Cele mai multe petiții primite: pentru criteriile **categorie socială** (414) și **altele** (121);
- Cele mai multe petiții primite corelate cu domeniile **angajare și profesie** (459³);
- Cele mai multe petiții provin din **regiunea centru** (115) și **Sud Muntenia** (400);
- Cele mai puține petiții primite: **criteriile rasă** (3), **boală cronică necontagioasă** (9);
- Cele mai puține petiții primite legate de domeniile **locuință** (43) și **locuință** (2);

¹ Hotărârile au fost emise de Colegiul director pentru petiții primite în același an și pentru anii anteriori și includ mai multe capete de cerere

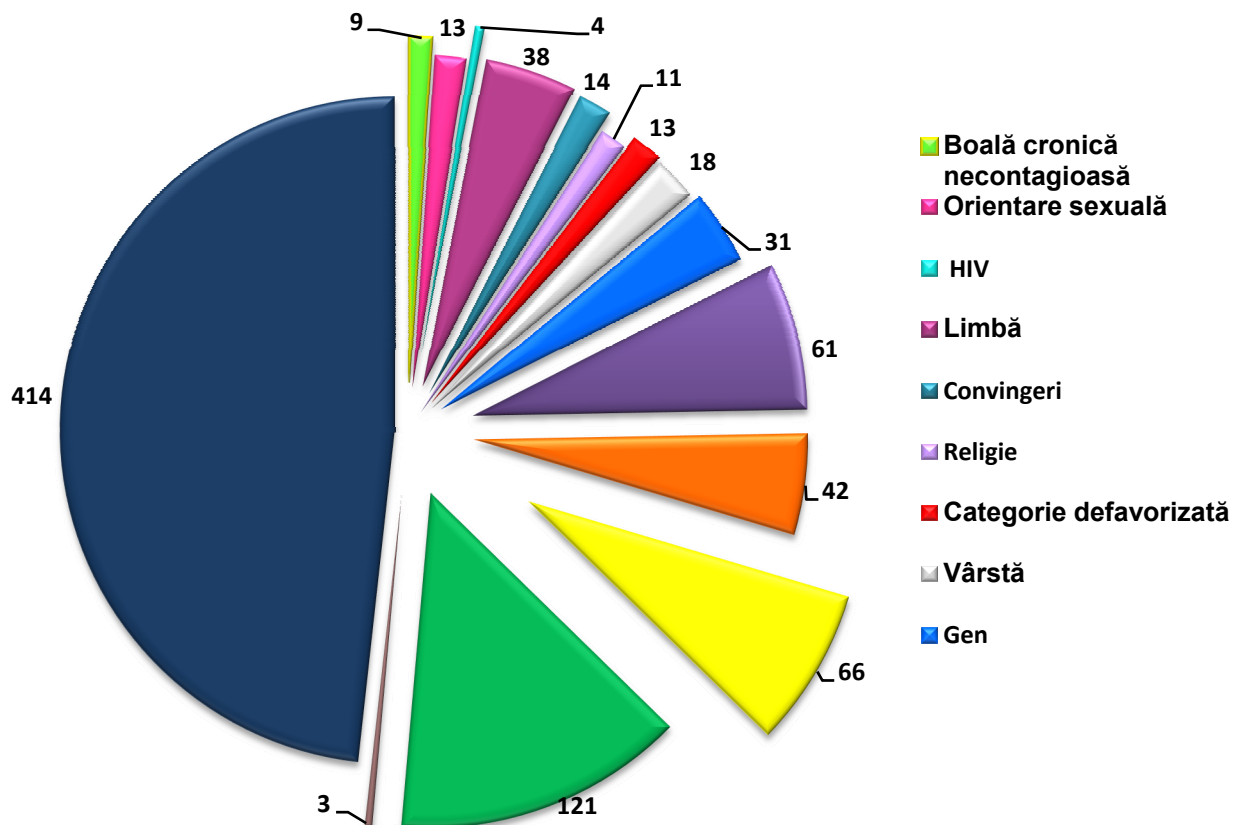
² Acest aspect este corelat cu criteriul categorie socială care este reprezentat de 414 dosare, număr generat de creșterea petițiilor care reclamă aspecte ce vizează recorelarea pensiilor odată cu apariția Legii nr. 263/2010 privind sistemul unitar de pensii publice

³ *Ibidem*

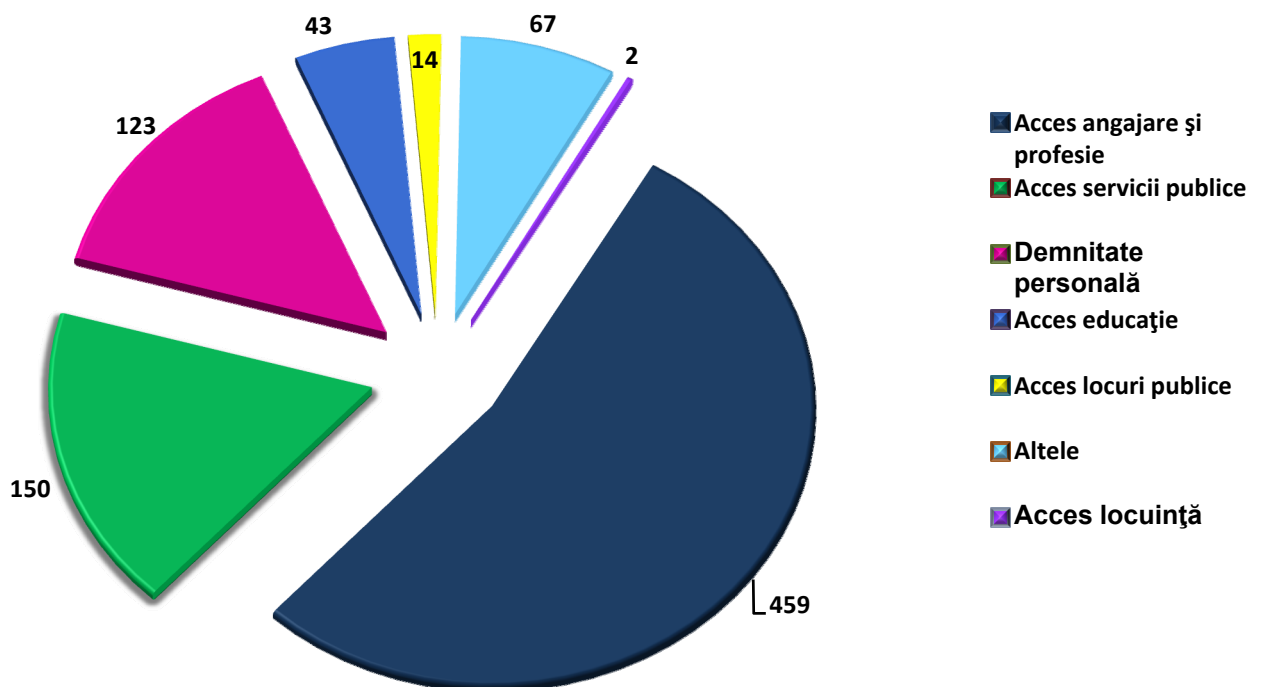
Anul 2013
comparativ cu
2002 – 2012

Anul 2013

Repartizarea dosarelor pe criterii în 2013



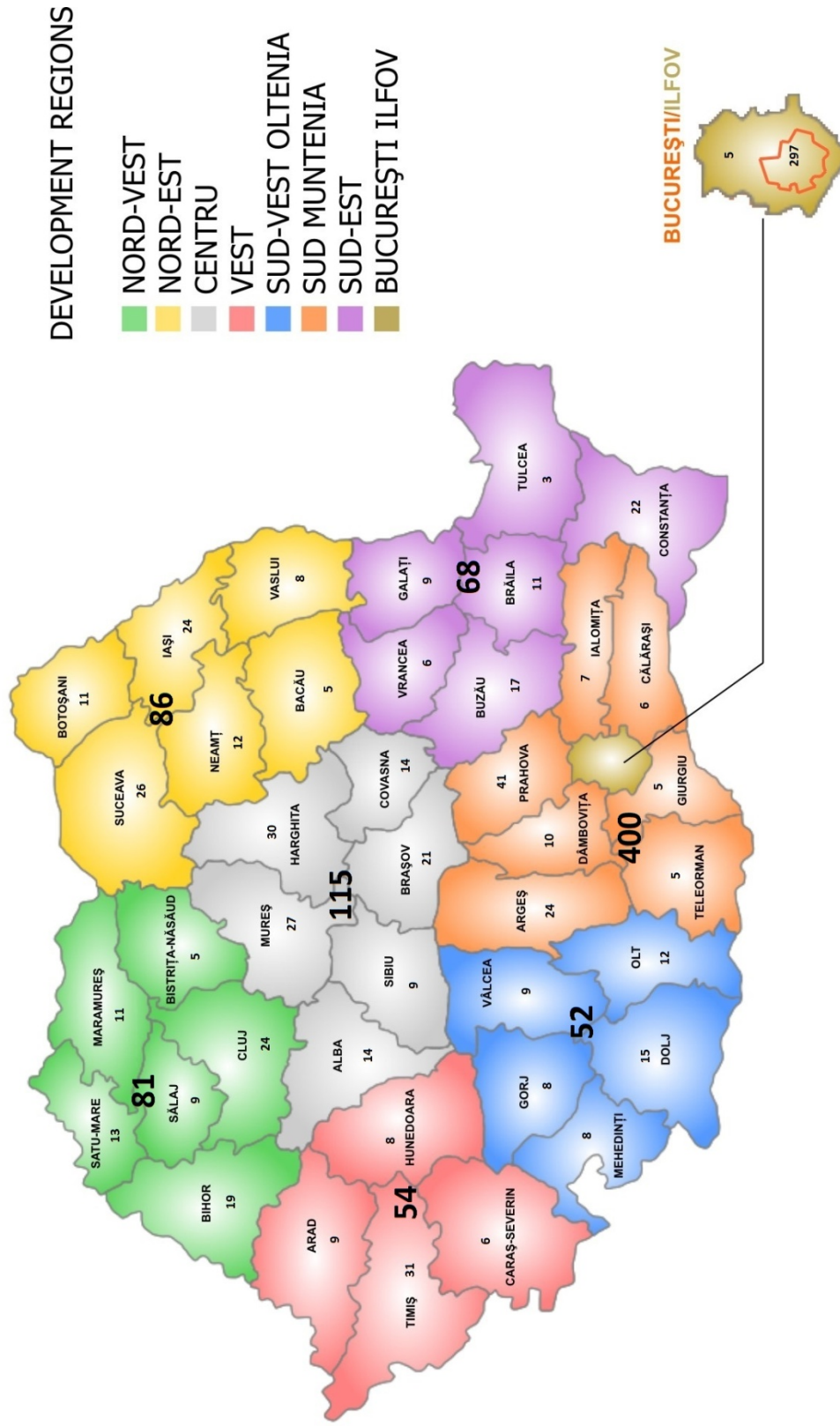
Repartizarea dosarelor pe domenii în 2013



Distribuirea petițiilor primite de C.N.C.D. în perioada 2002- 2013

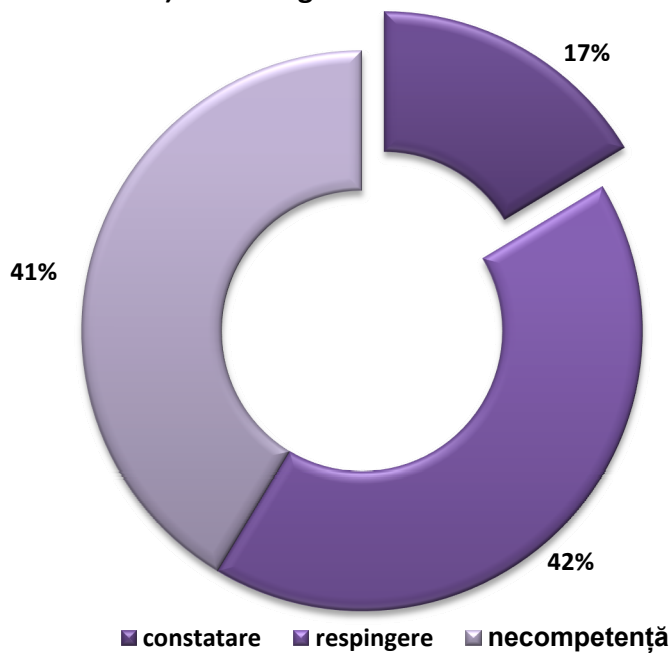
CRITERII	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Boală cronică neontagioasă	0	0	6	2	3	2	4	2	0	1	6	9
Orientare sexuală	1	5	6	9	6	7	6	6	4	8	3	13
Infectarea HIV	0	1	15	10	5	3	7	1	3	1	5	4
Limba	0	2	1	2	2	7	11	13	16	10	43	38
Convingeri	4	12	23	19	8	10	14	13	4	2	15	14
Religie	2	9	9	11	8	12	15	6	6	5	5	11
Categorii defavorizată	2	0	10	6	4	26	22	9	7	14	10	13
Vârstă	6	11	14	17	10	10	24	10	9	16	5	18
Gen	3	14	13	9	11	22	32	9	18	15	21	31
Naționalitate	1	12	21	39	20	39	54	28	42	33	49	61
Handicap	3	31	18	21	20	70	55	49	38	42	45	42
Etnie	34	66	45	85	69	82	62	62	54	62	61	66
Altele	52	184	108	61	132	32	159	96	83	81	69	121
Rasă	0	0	1	1	2	0	0	2	1	0	0	3
Categorii sociale	26	126	63	90	132	514	372	222	193	175	211	414
TOTAL	134	473	353	382	432	836	837	528	478	465	548	858

Repartizarea petițiilor primite în 2013 în funcție de județe și regiuni de dezvoltare



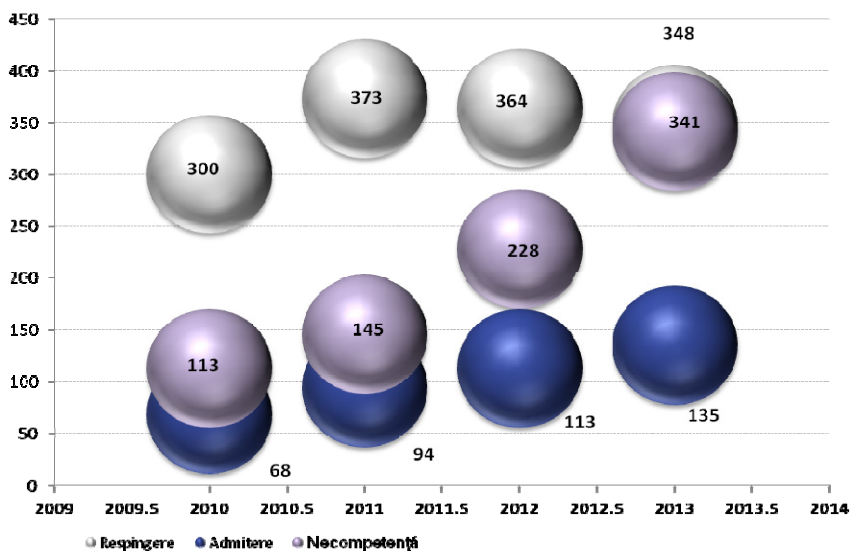
Activitatea de soluționarea petițiilor în anul 2013

Pronunțările Colegiului director în anul 2013



- 135 constatare
- 348 respingere
- 341 necompetență

Modalitatea de soluționare a dosarelor comparativ în perioada 2010-2013

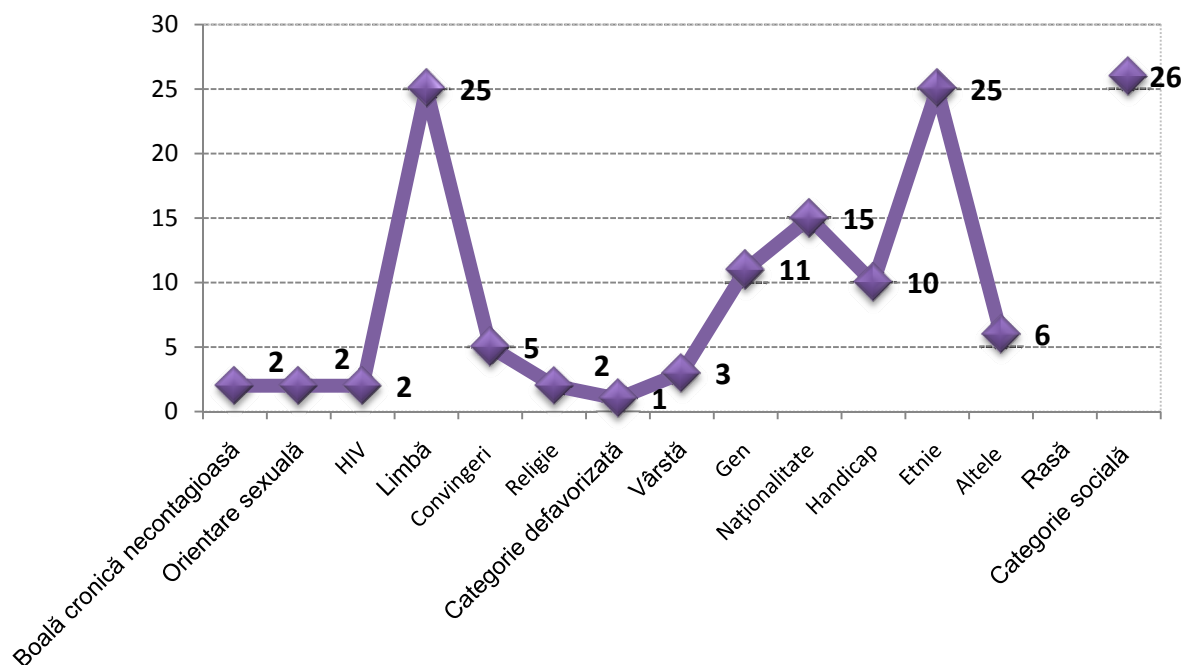


Față de anii anteriori, în 2013 avem:

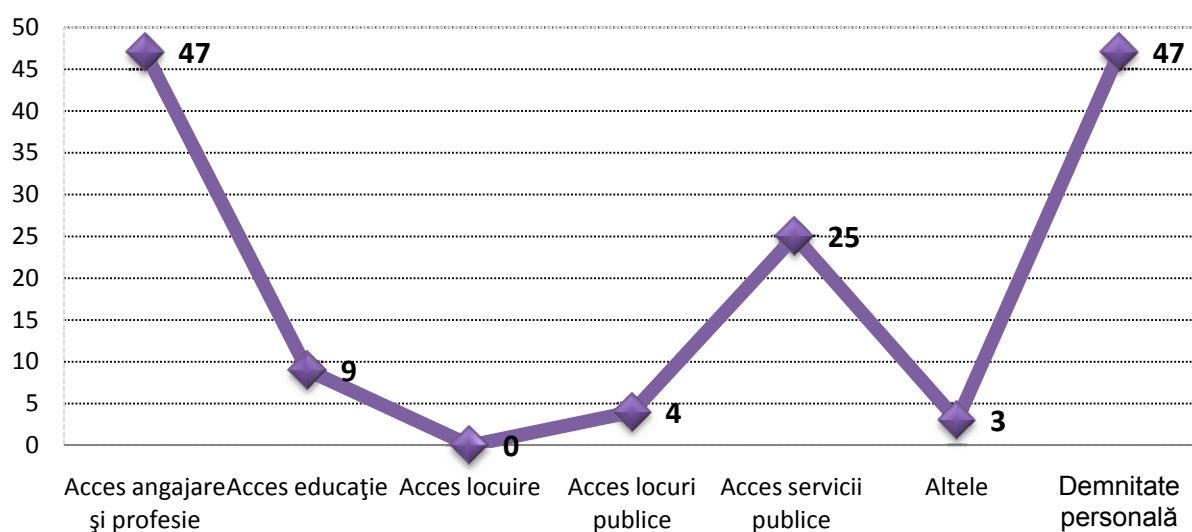
- cel mai mare număr de constatări
- cel mai mare număr de petiții primite care nu sunt de competența instituției

Hotărâri de constatare în anul 2013:

Constataările în funcție de criterii în anul 2013



Constataările în funcție de domenii în anul 2013



Criteria / Sanctions	Fine	Recommendation	Warning
Chronic non-contagious disease	3	1	
Sexual orientation	3		
Language	5	18	9
Convincing	5		
Age	3		
Disadvantaged category	1		
Religion	2		
Gender	9	2	1
Nationality	15	6	3
Disability	7	4	3
Ethnicity	14	6	11
Others	5	3	2
Social category	37	8	4
HIV	1		1

110 fines
48 recommendations
34 warnings

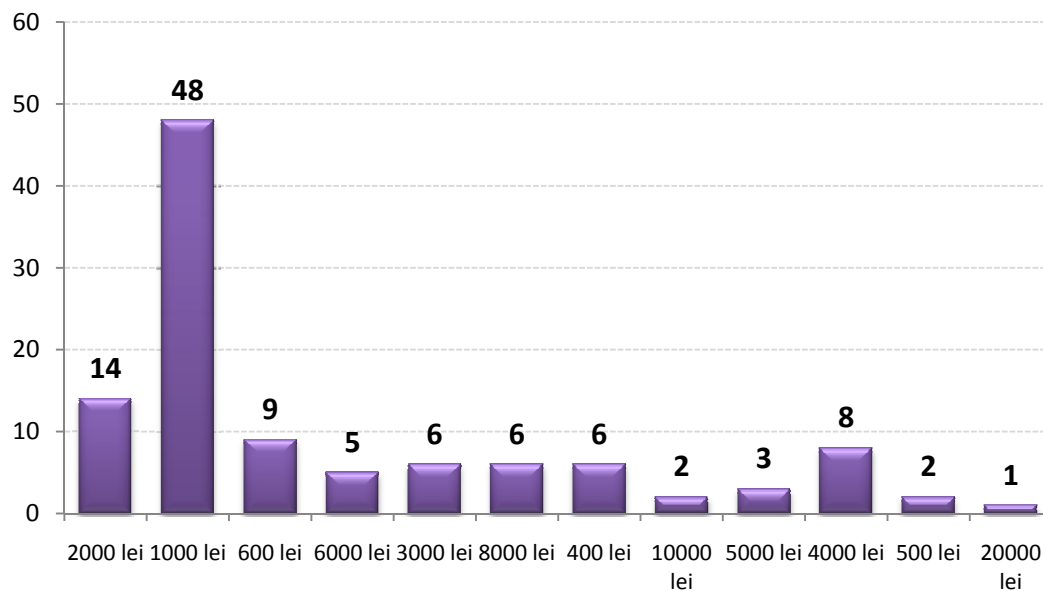
Quantum of fines
400 lei minimum
20 000 lei maximum

The most fines (48) in a quantum of 1 000 lei

Area/Sanctions	Fine	Recommendation	Warning
Access to employment and profession	59	12	6
Access to education	7	4	1
Access to housing			
Access to public places	3	1	1
Access to public services (TOTAL)	9	16	8
<i>administrative</i>	5	16	8
<i>bancare</i>	2		
<i>de sănătate</i>	1		
<i>de transport</i>	1		
<i>juridice</i>			
Others	1	2	1
Personal dignity	31	13	17

Total of fines amounts to the sum of 267 800 lei, a sum comparable with the budget of the National Council for Combating Discrimination allocated to projects.

Amenzile din 2013 în funcție de quantum și număr



Activitatea de consiliere juridică oferită de Consiliul Național pentru Combaterea Discriminării

-număr de persoane consiliate-

Asistență telefonică	3000	consiliere
Asistență la sediul C.N.C.D.	900	consiliere
Asistență via e-mail	436	consiliere
Total	4336	

Cazuistica de contencios

1. Prin autosesizarea înregistrată sub nr. 4.161/12.07.2011, respectiv petițiile înregistrate sub nr. 3.981/05.07.2011 și nr. 4.284/19.07.2011, se reclama ca eventuală faptă de discriminare: „ridicarea unui zid despărțitor între locuințele sociale ocupate în majoritate de romii din strada Horea din municipiul Baia Mare și strada principală (aleea pietonală și șoseaua destinată circulației autovehiculelor). Zidul este din beton și are o înălțime de aproximativ 2 m și o lungime de aproape 100 m.”

Analizând înscrisurile și lucrările dosarului în raport cu motivele invocate de către părți și dispozițiile legale aplicabile, Colegiul Director al C.N.C.D., prin Hotărârea nr. 439/15.11.2011, a decis că aspectele sesizate întrunesc elementele constitutive ale unei fapte de discriminare, astfel cum este prevăzută de art. 2 alin. 5 și art. 15 din O.G. nr. 137/2000, aplicând contravenientului - primarul municipiului Baia-Mare – C.C. sancțiunea contravențională cu amendă în cuantum (cumulat) de 6000 lei.

Hotărârea C.N.C.D. nr. 439/15.11.2011 a fost supusă controlului judecătoresc de către contravenient, context în care Curtea de Apel Cluj, prin Sentința Civilă nr. 141/24.02.2012, a admis contestația acestuia, sub consecința anulării actului administrativ-jurisdicțional adoptat în cauză de către Consiliul Național pentru Combaterea Discriminării.

În motivarea Sentinței Civile nr. 141/24.02.2012, instanța de fond a reținut, în linii mari, că prin ridicarea zidului împrejmuitor incriminat, terenul aferent celor trei blocuri nu ar fi fost separat complet de aleile pietonale situate în zona imediat adiacentă, fiind asigurate două căi de acces auto și pietonale, motiv pentru care nu s-ar putea constata o segregare etnică în sensul marginalizării grupului de romi în cauză. Mai motivează instanța de fond că împrejmuirea unui spațiu construit nu constituie în sine o măsură degradantă sau de natură a aduce atingere demnității umane. Rațiunea zidului rezidă în producerea frecventă a unor accidente de circulație pe strada Horea din Baia Mare, astfel că decizia de a edifica gardul în litigiu este una proporțională.

Consiliul Național pentru Combaterea Discriminării a recursat Sentința Civilă nr. 141/24.02.2012, sub aspectul nelegalității și netemeinicii acesteia, pentru considerentele ce se circumscriu motivelor prevăzute de art. 304 pct. 9 din C. Pr. Civ., respectiv „când hotărârea pronunțată este lipsită de temei legal, ori a fost dată cu încălcarea sau aplicarea greșită a legii”.

În argumentarea recursului declarat, C.N.C.D. arăta, în esență, că mecanismul probării întrunirii constituentelor juridice ale discriminării din perspectiva art. 2 alin. 5 și art. 15 din O.G. nr. 137/2000R, sub aspect tehnico-juridic, impune stabilirea faptului că tratamentul vătămător (precugetat sau, după caz, generat involuntar, corelativ elementului subiectiv-volițional, sub oricare dintre formele vinovăției) are la bază, în speță, criteriul apartenenței etnice, că se identifică încălcarea sau restricționarea exercitării în condiții de egalitate a unui drept, printr-un comportament (manifestat în public) de natură a leza demnitatea și prestigiul uman și, concomitent, că absentează scopul legitim justificativ. În scopul declarat de a proteja minorii care locuiesc în blocurile sociale de pe strada Horea din Baia Mare față de traficul care se desfășoară pe artera de circulație auto, autoritatea publică locală construiește un „zid” despărțitor între locuințele sociale ocupate în majoritate de romii din strada Horea din municipiul Baia Mare și aleea pietonală, iar în subsidiar șoseaua destinată circulației autovehiculelor.

Contrar celor susținute de reclamantul-intimat, respectiv însușite de către instanța de fond, C.N.C.D. opina în sensul că măsura aleasă este lipsită de justețe și rezonabilitate, fiind vădit în antiteză cu scopul declarat ca legitim, întrucât, așa cum rezultă din probele administrate, cele mai frecvente accidente rutiere în anul 2011, în care sunt implicați **pietoni**, s-au produs pe B-dul București din municipiul Baia Mare, adică artera principală a localității (zonă în care nu s-a construit defel vreun „zid” care să dețină caracteristici similare), ci nicidecum în zona în care există construcția litigioasă. Prin urmare, este lesne de sesizat că reclamantul-intimat a aplicat soluții diferite unor cazuri similare, deși deținea datoria înfățișării unei conduite *a pari* în situații analoge.

De asemenea, Consiliul învedera că nu ar putea fi primită nici teza caracterului pozitiv al măsurii în cauză, întrucât o astfel de „măsură afirmativă” ar trebui, în chip logico-juridic, să favorizeze destinatarii, în sensul asigurării dezvoltării lor firești și realizării efective a egalității de șanse a acestora în raport cu majoritatea. Măsura aplicată în cauză deturneză vădit scopul socio-juridic propriu „politicii afirmative/pozitive”, în sensul în care acțiunea intimatului mai degrabă dezavantajează grupul vulnerabil social, atât material cât și moral, căci nu poate fi explicat și nici dedus rațional cum poate o măsură, percepută substanțial ca izolare social, să conducă la egalizarea șanselor în scopul dezvoltării firești (socio-umane) a comunității apreciate ca defavorizată (identitar sau prin comportamente active de marginalizare).

Or, o asemenea măsură nu generează defel o transformare *in melius* a condiției socio-culturale a comunității vulnerabile. Dimpotrivă, măsura izolării, fie și în plan simbolic, a grupului etnic vulnerabil, în scopul eliminării și prevenirii săvârșirii unor fapte antisociale, plecând de la anumite antecedente (rutiere) în rândul comunității, creează impresia unei vinovății colective, provocând percepția corelației dintre fărâdelege și apartenența etnică, cu efectul culpabilizării publice a etniei însăși.

Separat de accepția fizică, construcția în cauză, respectiv „asumarea instituțională” a acesteia, înalță și un „zid mental”, menit să aprovizioneze imuabil sentimente reciproce de ostilitate, vrajbă, falsă trufie vs. inferioritate umană, împiedicând admiterea ideii de „societate comună”, nedivizată, nici măcar la nivel mental, pe criterii diferențiale, *a fortiori* de natură rasială sau etnică.

În concluzie, C.N.C.D. declara (printre altele) că, în speța dedusă examinării judiciare, putem vorbi despre o formă a „hărțuirii publice”, ca expresie a „desconsiderației publice socio-umane”, materializată printr-o acțiune de tip segregacionist (segregarea socială nu echivalează cu o izolare fizică exhaustivă, de tipul prizonieratului sau a gulagului, fiind suficientă o separare de natură a îngreuna, fie și simbolic, socializarea), care, în esență, ilustrează, atât sub reflecție (subiectivă) lăuntrică-interiorizată, cât și terță, transpusă în reflectarea publicului, o veritabilă “emblemă a stigmatizării” unei comunități etnice - vulnerabilă social.

Înalta Curte de Casație și Justiție, prin Decizia nr. 6402/27.09.2013, admite recursul declarat de Consiliul Național pentru Combaterea Discriminării împotriva Sentinței civile nr. 141 din 24 februarie 2012 a Curții de Apel Cluj – Secția a II-a Civilă, de Contencios Administrativ și Fiscal. Modifică sentința atacată, în sensul că respinge acțiunea reclamantului primarul municipiului Baia-Mare – C. C., ca nefondată. Irevocabilă.

2. C.N.C.D. s-a autosesizat, urmare articolelor apărute în presă, cu privire la mesajul postat în data de 19 ianuarie 2012 pe pagina de facebook a reclamantului M.M. Mesajul avea următorul conținut :
“Arbeit macht frei (Munca te face liber - n.r.) - asta sa înțeleagă protestatarii”.

Analizând înscrisurile și lucrările dosarului în raport cu motivele invocate de către părți și dispozițiile legale aplicabile, Colegiul Director al C.N.C.D., prin Hotărârea nr. 60/2012, a decis că aspectele sesizate întrunesc elementele constitutive ale unei fapte de discriminare, astfel cum este prevăzută de art. 2 alin. 1, coroborat cu art.

15 din O.G. nr. 137/2000R și, în consecință, a decis sancționarea contravențională a numitului M.M. cu amendă contravențională în cuantum de 1000 lei.

În contextul controlului judiciar aplicat Hotărârii C.N.C.D. nr. 60/22.02.2012, Curtea de Apel Târgu Mureș, prin Sentința Civilă nr. 21/17.01.2013, a respins acțiunea reclamantului M.M., menținând, prin urmare, hotărârea Consiliului ca temeinică și legală. Prin hotărârea judecătorească în cauză, instanța a pronunțat o soluție în deplină concordanță cu cele opiniate *expressis verbis* de către Consiliu în faza procesuală, anume că prin comportamentul împlicinat, reclamantul, desconsiderând drepturile legale, constituționale și convenționale ale persoanelor la libertatea conștiinței exteriorizată material (sub garanția spiritului tolerant și nediscriminatoriu) prin exprimarea convingerilor personale și intime de factură socio-politică, circumstanțiat fructificării dreptului constituțional și convențional la manifestare și protestare, vatămă violent demnitatea și prestigiul uman al persoanelor în cauză. Utilizarea afirmației "Arbeit macht frei", indiferent de context, stabilește *de plano* o relație cu simbolistica sloganului nazist condamnat. Iar folosirea acesteia într-un cadru public sau accesibil publicului, direct sau prin intermediere, mai ales cu ocazia exprimării unor sentimente opoziționiste, de intoleranță, repudiere și dispreț la adresa unor categorii de persoane, cu atât mai mult provoacă asocierea cu semnificația autentică a sloganului fals și cinic, care purta rolul amăgirii și, în final, al disculpării utilizatorilor pentru atrocitățile pe care acesta, sloganul, urma să le "adăpostească".

Mai arăta Consiliul, și reține instanța, că metoda prin care reclamantul a găsit de cuviință să-și exprime cuvântul dezaprobat și depreciativ față de o categorie de persoane, prin utilizarea într-o formă literală exactă a unui slogan nazist ofensant *per se* atât pentru adresanți, cât și pentru lumea întreagă, nu răspunde regulii proporționalității impuse între libertatea de exprimare și demnitatea umană, ca valoare morală fundamentală a omului (regulă necesară într-o societate democratică, pentru ca demnitatea umană să nu rămână un simplu concept iluzoric).

Sentința civilă nr. 21/17.01.2013, pronunțată de Curtea de Apel Târgu Mureș, a fost recurată, astfel că respectiva cauză formează în continuare obiectul dosarului cu nr. 144/43/2012, aflat pe rolul Înaltei Curți de Casație și Justiție.

3. Prin memoriile înaintate Consiliului spre a fi soluționate, petenta, Federația pentru Drepturi și Resurse pentru Persoanele cu Tulburări în Spectrul Autist (FEDRA), reclama o fapta de discriminare constând în efectele ofensatoare ale materialului publicitar realizat de către pârâtul - S.C. Secom Producție Servicii S.R.L. în construcția căruia a fost utilizat un limbaj cu conotație peiorativă la adresa persoanelor (și a familiilor acestora) care suferă de autism, Alzheimer, ADHD, Parkinson. Mesajele prezumate a fi discriminatorii aveau următorul conținut: „*Urăște-ți băiețelul care nu e ca ceilalți băieței. Urăște-ți băiețelul care nu te lasă să-l iei în brațe. Urăște-ți băiețelul care nu e în stare să se plimbe cu tine în parc. Urăște partea din el care îl face așa. Sub masca acesta este un copil frumos, care vrea să îți spună mai multe, dar nu poate. Poți să-l aduci mai aproape prin multă muncă, grijă și iubire. Grăbește-te, fiecare zi e importantă. Ajută-ți băiețelul să devină fiul pe care ți l-ai dorit dintotdeauna, cu Neuro Optimizer*”.

„*Urăște-ți tatăl care nu mai știe că-ți plac cireșele. Urăște-ți tatăl ce nu mai știe care este echipa ta de fotbal preferată. Urăște-ți tatăl care nu mai are povești noi de spus. Urăște-l, pentru că acesta nu este tatăl tău. Este doar boala care încet, încet și puțin câte puțin, ia chipul lui. Boala care poate fi învinsă prin grija și iubirea ta. Grăbește-te, fiecare zi e importantă. Adu-ți tatăl adevărat înapoi cu Neuro Optimizer*”.

Analizând înscrisurile și lucrările dosarului în raport cu motivele invocate de către părți și dispozițiile legale aplicabile, Colegiul Director al C.N.C.D., prin Hotărârea nr. 509/26.11.2012, a decis că aspectele sesizate vizând mesajul împricinat, întrunesc elementele constitutive ale unei fapte de discriminare, astfel cum este prevăzută de art. 2 alin. 1, coroborat cu art. 15 din O.G. nr. 137/2000R și, în consecință, a decis sancționarea contravențională a S.C. Secom Producție Servicii S.R.L. cu amendă contravențională în cuantum de 8000 lei.

În urma demarării controlului judiciar față de Hotărârea C.N.C.D. nr. 509/26.11.2012, Curtea de Apel București, prin Sentința Civilă nr. 3549/14.11.2013, a respins acțiunea reclamantei S.C. Secom Producție Servicii S.R.L., menținând, prin urmare, hotărârea Consiliului ca temeinică și legală. În pronunțarea acestei soluții judecătorești, instanța de judecată și-a însușit întru totul cele învederate expres de către Consiliu, prin lucrările procesuale administrate, anume în sensul că, *grosso modo*, **prin limbajul utilizat în construcția materialului publicitar**, al cărui constituent lingvistic principal, menit să reprezinte, în context, asocierea sensului “urii” față de o boală, conduce la stigmatizarea persoanelor suferinde care personifică *in abstracto* respectiva boală (cu atât mai mult prin juxtapunerea cu imaginea, reală sau imaginară, a unor persoane cu handicap), **reclamanta vatămă demnitatea persoanelor (și a familiilor acestora) care suferă de autism, Alzheimer, ADHD, Parkinson.**

Sentința Civilă nr. 3549/14.11.2013 este supusă recursului în termenul legal incident.

4. Petentul - T.T. a sesizat C.N.C.D. în vederea constatării unei situații discriminatorii creată de către Credit Europe Bank (România) S.A. prin săvârșirea unor acte cu caracter discriminatoriu concretizate prin refuzul de a acorda un card de credit/credit bancar pe motivul neîndeplinirii condițiilor de eligibilitate, întrucât petentul nu are domiciliul/locul de muncă într-o zonă acoperită din punct de vedere teritorial de către Credit Europe Bank (România) S.A.

Potentul T.T. susținea că se introduce un criteriu discriminatoriu prin crearea unei diferențe în ceea ce privește accesul la serviciile oferite de o instituție bancară pe criteriul categorie socială urban versus rural (în ceea ce privește prezența teritorială a unităților bancare) încălcându-se, astfel, principiul egalității de tratament precum și principiul nediscriminării.

Prin Hotărârea nr. 455/21.12.2010, Consiliul Național pentru Combaterea Discriminării a stabilit că faptele prezentate **constituie fapte de discriminare**, potrivit prevederilor **art. 2 alin. (1)**, coroborat cu dispozițiile **art. 10 alin. d)** din **O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare.**

În urma contestării în instanță a Hotărârii C.N.C.D. nr. 455/21.12.2010 de către reclamanta Credit Europe Bank (România) S.A., Curtea de Apel București, prin Sentința civilă nr. 7271/02.12.2011 pronunțată în dosarul nr. 2501/2/2011, a respins cererea ca neîntemeiată motivând că justificarea impunerii criteriului de eligibilitate menționat prin dispozițiile Regulamentului B.N.R. nr. 18/2009 nu este pertinentă, deoarece trimiterea la sintagma “regiuni geografice” nu acoperă măsura impusă, prin care s-a limitat accesul la creditare în funcție de prezența în localitatea de domiciliu a petentului T.T. a unei unități a reclamantei.

Prin Decizia nr. 7201/12.11.2013, Înalta Curte de Casație și Justiție a respins, în acord cu cele învederate de către intimatul C.N.C.D., ca nefondat recursul declarat de către Credit Europe Bank (România) S.A.

5. Petenții - Ordinul Profesional al Polițiștilor din România – filiala Prahova, Partidul Democrat Liberal – Organizația de Femei și Ministerul Muncii, Familiei și Protecției Sociale au sesizat C.N.C.D. în vederea constatării unei situații discriminatorii creată de către chestor dr. S.I. prin săvârșirea unor acte cu caracter discriminatoriu concretizate prin susținerea, în cadrul unei conferințe de presă organizate de Inspectoratul Județean de Poliție Vâlcea, a unor afirmații cu caracter discriminatoriu la adresa femeilor angajate în structurile Poliției Române. De asemenea, a mai susținut faptul că s-ar impune pe viitor să se stabilească un număr limitat de locuri pentru femei și altul pentru bărbați în funcție de necesitățile sistemului.

Prin Hotărârea nr. 412/17.10.2011, Consiliul Național pentru Combaterea Discriminării a stabilit că faptele prezentate **constituie hărțuire**, potrivit prevederilor **art. 2 alin. (5)** coroborat cu **art. 15 din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare** și a dispus sancționarea persoanei reclamate S.I. cu amendă contravențională în cuantum de 1000 de lei.

În urma contestării în instanță a Hotărârii C.N.C.D. nr. 412/17.10.2011 de către reclamantul S.I., Curtea de Apel Pitești, prin Sentința civilă nr. 48/08.02.2013 pronunțată în dosarul nr. 5633/109/2011, a respins plângerea, conform solicitării C.N.C.D., motivând că afirmațiile susținute în cadrul conferinței de presă a Inspectoratului Județean de Poliție Vâlcea aduc atingere dreptului la demnitate al femeilor polițist și egalității în exercitarea dreptului la muncă pe baza criteriului de gen. De asemenea, instanța a primit apărarea C.N.C.D. în sensul că nu poate fi reținută drept justificare obiectivă împrejurarea susținută de către reclamant cum că legislația europeană și națională permite ca în anumite domenii să se stabilească distinct condiții de recrutare pentru femei și bărbați, ținând cont de natura activităților ce urmează a fi desfășurate.

Sentința civilă nr. 48/08.02.2013 a rămas irevocabilă prin nerecurare.

6. Petenta - A.L. a solicitat Consiliului Național pentru Combaterea Discriminării să constate o situație discriminatorie creată de societatea angajatoare Bursa de Valori București S.A. prin directorul general V. I., prin săvârșirea unor acte cu caracter discriminatoriu concretizate prin constrângeri, presiuni, hărțuiri și intimidări de natură a aduce atingere dreptului său la demnitate personală, culminând cu încetarea raportului de muncă al acesteia.

Petenta A.L. susținea că se introduce un criteriu discriminatoriu prin nerespectarea dreptului la muncă precum și aplicarea unui tratament inegal și discriminatoriu încălcându-se, astfel, principiul egalității de tratament precum și principiul nediscriminării.

Prin Hotărârea nr. 40/31.01.2012, Consiliul Național pentru Combaterea Discriminării a stabilit că faptele prezentate reprezintă fapte de discriminare în conformitate atât cu prevederile **art. 2 alin. (1)** cât și cu dispozițiile **art. 6 lit. a)** din **O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare.**, prin intimidare la locul de muncă și restricționarea muncii prin interzicerea accesului în incinta societății. De asemenea, Consiliul Național pentru Combaterea Discriminării a sancționat persoana reclamantă cu avertisment în baza prevederilor art. 26 alin. (1) din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare.

În urma contestării în instanță a Hotărârii C.N.C.D. nr. 40/31.01.2012 de către reclamanta Bursa de Valori București S.A., Curtea de Apel București, prin Sentința civilă nr. 932/06.03.2013 pronunțată în dosarul nr.

1891/2/2012, respinge ca neîntemeiată acțiunea reținând, conform celor învederate de către C.N.C.D., că în cauză a existat o diferență de tratament concretizată prin excluderea (concedierea) săvârșită de Bursa de Valori București S.A. în condițiile în care nu a existat o justificare obiectivă și rezonabilă a acestei diferențe, iar scopul actului de discriminare a fost înlăturarea exercitării dreptului la muncă în cadrul Bursei de Valori București S.A. De asemenea, instanța a mai stabilit faptul că a existat distincție între situații analoage sau comparabile, fără ca acestea să se bazeze pe o justificare rezonabilă și obiectivă, în sensul concedierii petentei A.L., deși nu se impunea restructurarea și desființarea postului, din cadrul departamentului, petenta fiind în vârstă în raport cu ceilalți salariați, iar directorul general a urmărit întinerirea colectivului.

Sentința civilă nr. 53/05.02.2013 a rămas irevocabilă prin nerecurare.

7. Petentul - Forumul Civic al Românilor din Covasna, Harghita și Mureș a sesizat C.N.C.D. în vederea constatării unei situații discriminatorii creată de către președintele Consiliul Județean Harghita, județul Harghita, prin impunerea cunoașterii limbii maghiare la concursul pentru funcția de manager persoană fizică în spitalele din rețeaua proprie a Consiliului Județean Harghita.

Potentul Forumul Civic al Românilor din Covasna, Harghita și Mureș susținea că se introduce un criteriu discriminatoriu prin îngrădirea dreptului cetățenilor României, care nu sunt cunoscători ai limbii maghiare, de a participa la concursul mai sus-amintit.

Prin Hotărârea nr. 197/04.07.2012, Consiliul Național pentru Combaterea Discriminării a stabilit că aspectele sesizate intră sub incidența prevederilor art. 2 alin. (1) și art. 7 alin. (2) din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare.

În urma contestării în instanță a Hotărârii C.N.C.D. nr. 197/04.07.2012 de către reclamantul Consiliul Județean Harghita, Curtea de Apel Târgu Mureș, prin Sentința civilă nr. 53/05.02.2013 pronunțată în dosarul nr. 497/43/2012, respinge cererea de chemare în judecată motivând, în acord cu cele învederate de către C.N.C.D., că instituirea cunoașterii limbii maghiare nu corespunde obiectivului pentru care a fost instituită (ocuparea unui post de manager de spital), acesta nefiind unul legitim. De asemenea, instanța a mai stabilit faptul că cerința impunerii cunoașterii limbii maghiare la concursul pentru funcția de manager persoană fizică în spitalele din rețeaua proprie a Consiliului Județean Harghita nu este proporțională, nefiind relevant vreun eventual caracter al proporționalității între persoanele de etnie diferită, naționalitatea română fiind cea minoritară în cuprinsul județului Harghita.

Sentința civilă nr. 53/05.02.2013 a rămas irevocabilă prin nerecurare.

Activitatea birourilor teritoriale ale C.N.C.D.

De la an la an, remarcăm o creștere a numărului de persoane și implicit a interesului acestora de a se adresa direct birourilor teritoriale ale C.N.C.D., fie exclusiv pentru acordare de asistență de specialitate și consiliere, fie în scopul depunerii de sesizări, realizându-se astfel o comunicare mai eficientă între petenții din mediul local și sediul central.

În anul 2013, în cadrul biroului Târgu Mureș s-a prezentat un număr de **aproximativ 60 de persoane** care au semnalat consilierului juridic potențiale fapte de discriminare - aproximativ jumătate dintre acestea manifestându-și intenția de a formula sesizări concrete cu privire la aspectele prezentate în cadrul audiențelor. Conform opiniei consilierului juridic, inacțiunea persoanelor de a nu-și concretiza plângerile verbale în sesizări scrise s-a bazat pe faptul că acestea au dorit să fie ascultate de autorități și să aibă confirmarea că autoritățile statului nu manifestă indiferență față de problemele lor.

Domeniile și criteriile în care au fost semnalate posibile fapte de discriminare sunt: categorie socială, vârstă, etnie, limbă, handicap, religie, accesul la serviciile publice administrative și juridice, dreptul la demnitatea personală, dreptul de proprietate, dreptul la tratament egal în fața instanțelor judecătorești, dreptul la un salariu egal pentru o muncă egală, dreptul la angajare în muncă.

Consilierul juridic a monitorizat presa regională, transmițând sediului central articolele având ca obiect încălcarea principiului nediscriminării. Astfel, în urma monitorizării presei locale din județul Mureș, a celei regionale, precum și a unor publicații naționale reprezentative, au fost **identificate articole având ca subiect discriminarea**, semnalarea unor posibile cazuri de discriminare sau încălcarea drepturilor conform criteriilor prevăzute de O.G. nr. 137/2000 republicată. În urma monitorizării unor **site-uri de recrutare**, s-a constatat corelația unor articole cu criterii de discriminare, prezente fiind predominante cele referitoare la vârstă și gen.

Reprezentantul C.N.C.D. în județul Mureș **a participat la conferințe și dezbateri organizate de către instituții și organizații locale**, precum „Integrarea europeană-între tradiție și modernitate”; „Insula interactivă a persoanelor cu dizabilități în comunitate”, respectiv conferința organizată de către CISPER Centru Târgu Mureș cu ocazia finalizării Campaniei pe Ocupare pentru persoanele de etnie romă, acțiuni în cadrul cărora a prezentat participanților conceptul de discriminare, modalitățile de prevenire a fenomenului discriminării, precum și prevederile O.G. nr. 137/2000 republicată.

✓ **CONSULTANȚĂ JURIDICĂ**

✓ **MONITORIZAREA PRESEI LOCALE ȘI INTERNET**

✓ **REPREZENTAREA INSTITUȚIEI LA NIVEL LOCAL**

Fapte de discriminare constatate de Colegiul director al C.N.C.D.

1. Partida Romilor Pro Europa a sesizat apariția **unui articol de presă**: "Scandal în Baia Mare: Romii, mutați cu forța într-un combinat toxic. ONG-urile trag un semnal de alarmă.", în care apar opinii rasiste și discriminatorii la adresa comunității rome din România și care aduc atingere dreptului la demnitatea personală a acestei comunități. Prin **hotărârea nr. 104 din 06.03.2013**, Colegiul director a constatat că faptele sesizate reprezintă discriminare, potrivit art. 2 alin. 1, și încalcă dreptul la demnitate al persoanelor aparținând comunității rome, conform art. 15 al O.G. nr. 137/2000. De asemenea, s-a dispus sancționarea cu avertisment a părții reclamate.

2. Petentul a sesizat C.N.C.D. cu privire la **declarațiile** reclamatului în public, considerate a fi instigare la xenofobie și ofensă la adresa cetățenilor români de etnie romă, declarații analizate și prin nota de autosesizare a Colegiului director din data de 22.03.2013: [*premierul britanic*] „să înțeleagă și să facă o listă cu românii corecți care lucrează în Anglia, îngrijind bătrâni, necăjiți” [...] „Dar când apare câte-un gabor din acesta primitiv sau câte un descreierat care îi dă în cap la o italiancă, apare că tot poporul român e violator, e țigan, e cerșetor ș.a.m.d. Sigur că te supără”; „Ce a îngrijorat foarte tare a fost modul primitiv în care s-au comportat anumiți cetățeni ai noștri, majoritatea țigani, care s-au dus cu obiceiurile țigănești de aici în alte părți. Și pe mine m-ar deranja să-mi apară o șatră în fața casei. Trebuie să recunoaștem acest lucru: trebuie să ni-i disciplinăm acasă prin politici clare.” Prin **hotărârea nr. 319 din 22.05.2013**, Colegiul director a analizat în primă instanță excepțiile invocate, respectiv excepția lipsei calității procesuale active a petentului, invocată de reclamat, excepție care a fost respinsă având în vedere existența unei autosesizări cu obiect identic. Pe fond, Colegiul director constată că afirmațiile privind „gaborii primitivi, obiceiurile infracționale țigănești și șatrele indezirabile” reprezintă discriminare conform art. 2 alin. 1 coroborat cu art. 15 al O.G. nr. 137/2000, dispunând în același timp aplicarea față de reclamat a unei amenzi contravenționale în valoare de 4.000 lei.

3. Organizația petentă supune dezbaterii C.N.C.D. faptul că i s-a refuzat **accesul unei persoane de etnie romă**, dintr-un grup de 3 persoane, într-un club din București, paznicii spunându-le că nu este deschis clubul. După ce tânărul rom a plecat, ceilalți doi au putut intra. Petenta arată că tânărul rom este student, se îmbracă decent, nu consumase alcool și nu a avut un comportament care ar fi putut motiva refuzul clubului. Reclamatul formulează un punct de vedere prin care neagă faptele, afirmând că nu sunt lăsați să intre persoanele care se află într-o stare evidentă de ebrietate, au un comportament obscen, agresează fizic sau verbal alte persoane, produc daune sau provoacă dezordine. Din moment ce reclamatul nu a probat că ar fi existat un alt motiv privind refuzul tânărului de etnie romă, Colegiul director arată că se poate constata că apartenența etnică a fost singurul motiv pentru refuz. Simple afirmații precum cele că nu sunt lăsați să intre persoanele care se află într-o stare evidentă de ebrietate, au un comportament obscen, agresează fizic sau verbal alte persoane, produc daune sau provoacă dezordine nu pot fi reținute drept probe privind existența unui alt motiv de refuz. Astfel, prin **hotărârea nr. 608/16.10.2013**, Colegiul director al C.N.C.D. constată că refuzul accesului unei persoane de etnie romă în club reprezintă discriminare

conform art. 2 alin. 1, art. 14, art. 10 lit. f și încalcă dreptul la demnitate conform art. 15 din O.G. nr. 137/2000. În acest sens, Colegiul director a considerat oportună aplicarea în sarcina reclamatului a amenzii contravenționale în cuantum de 8.000 lei.

4. Petenții B.N. și Ș.T., cetățeni de etnie romă, arată că vecinii lor au făcut **afirmații** la adresa etniei rome cu un potențial caracter discriminatoriu, pe fondul unei dispute survenite între petenți și aceștia. Petenții precizează că vecinii lor au manifestat un comportament ce a vizat atingerea demnității acestora și care a dus la crearea unei atmosfere degradante, umilitoare, ofensatoare, folosind expresii precum "nu suport țiganiile că mirosoare urât ...am bani suficienți să te distrug", "țigan împuțit,...jegos,...cioară, a făcut trimitere la Antonescu, în sensul în care ... nu a apucat să omoare toți țiganii, ..." Prin **hotărârea nr. 451/17.07.2013**, Colegiul director a constatat că faptele sesizate constituie discriminare, potrivit art. 2 alin. 1 și art. 15, și a dispus sancționarea celor două părți reclamate G.I. și G.S. cu amendă contravențională în cuantum de 400 lei pentru fiecare.

5. La un post de televiziune au fost făcute următoarele **afirmații**: „țiganiile care au comis infracțiuni pe teritoriul Franței și Germaniei, în urmă cu 10 ani, noi am vrut să le ridicăm pașapoartele”, „Când se căsătoresc la 12 ani! Cum să mai meargă la școală?!” „Infracționalitatea: 20% români, 80% romi!” „Eu am luat râie și păduchi de la ei!”, „De ce să-i respect mai mult pe țigani decât pe români”, dacă reclamata s-ar fi născut romă „îmi duceam crucea...”, „De ce fac atâția copii?”, „Trimiți avangarda de hoți, cerșetori și prostituate în Europa”, „...nu le mai dați bani, ca să nu se mai înmulțească”, „să se creeze țara țiganilor”, „clanurile țigănești care ne fac de râs!”, „Furtul de cupru și de fier vechi”. Ulterior, prin punctul de vedere formulat, reclamata a arătat că afirmațiile au fost făcute cu bună-credință, au bază factuală de netăgăduit, prezentând o serie de articole de presă care se referă la romi, invocând totodată libertatea de exprimare. Colegiul director a constatat că mai multe afirmații ale reclamatei vizează atingerea demnității, crearea unei atmosfere de intimidare, ostile, îndreptate împotriva persoanelor rome, pe criteriul apartenenței etnice. Mai mult, afirmațiile incită la ură rasială, la refuzul acordării unor resurse financiare, la marginalizarea comunității de romi (pentru a evita paraziții care, în accepțiunea reclamatei, pot fi luați de la romi), chiar excluderea lor totală din societate (prin crearea unei țări a „țiganilor”). Prin **hotărârea nr. 171/09.04.2013**, Colegiul director a constatat că afirmațiile reclamatei care au făcut obiectul petiției reprezintă discriminare conform art. 2 alin. 1 coroborat cu art. 15 și art. 12 alin. 1 al O.G. nr. 137/2000, republicată și a dispus aplicarea sancțiunii avertismentului și recomandă reclamatei ca în viitor să se abțină de la afirmații cu caracter discriminatoriu.

6. Sesizarea petentului vizează refuzul **accesului unor cetățeni de etnie romă** în incinta Primăriei loc. Dărmănești, jud. Bacău. Petentul consideră discriminatoriu faptul că gardianul public care se ocupă cu paza Primăriei loc. Dărmănești a refuzat accesul unor cetățeni în primărie, doar pentru că erau de etnie romă. Prin **hotărârea nr. 728/11.12.2013** Colegiul director a constatat existența unui tratament diferențiat, discriminatoriu potrivit art. 2 alin 4 și art. 15 din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată, în ceea ce privește comportamentul pasiv al Instituției Primarului Dărmănești, jud. Bacău, față de refuzul accesului unor cetățeni de etnie romă în incinta primăriei și a dispus sancționarea Instituției Primarului Dărmănești, reprezentată legal de domnul Primar S. C., cu o amendă contravențională în valoare de 1.000 lei. Totodată Colegiul director a constatat existența unui tratament diferențiat, discriminatoriu potrivit art. 2 alin. 1, art. 10 lit. a) și art. 15 din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată, și a dispus sancționarea domnului P. C. cu o amendă contravențională în valoare de 1.000 lei, pentru faptele prevăzute de art. 10 lit. a) și art. 15 din O.G. 137/2000, republicată.

7. În urma **comentariilor postate pe pagina personală Facebook** de către președintele organizației de tineret PNL Alba, Colegiul director al C.N.C.D. s-a autosesizat, Partida Romilor Pro Europa a sesizat C.N.C.D., iar Romani Criss a făcut cerere de intervenție în nume propriu și a solicitat C.N.C.D. să-și decline competența Parchetului de pe lângă Tribunalul Alba: *“Am introdus noi apa în țigănie...(apropo, când întrebi pe cineva de acolo unde locuiește, mai nou zice țigănime, zice lângă Dedeman...) . Ei bine dragii mei acolo s-a introdus apa și un strat subțire de pavele (așa de dragul votului), dar este total insuficient! În loc de apă va fi enorm de greu să introducem mentalitatea și educația acolo și mai ales, zic eu, educația sexuală ...știi că falșii umaniști mă vor critica aspru, dar susțin în continuare sterilizarea femeii rome, dacă după prima naștere la ancheta socială se dovedește că nu are condiții și nici intenția de a crește primul prunc în condiții cât de cât umane! De ce o mai lăsăm să îl nască și pe al 2-lea și pe al 5-lea...să plătească statul ajutoare sociale și să punem noi zece lacăte pe poartă??? Iubesc omul indiferent de culoarea, religia, originea lui, însă ceea ce facem noi acum, adică familiile de români care au un copil maxim doi, iar familii de țigani și mă refer aici la țiganii cei mai needucați și neintegrați...de la cincă copii în sus... este o dovadă de inconștientță și iresponsabilitate față de viitorul acestei țări și cred că le asigurăm un viitor foarte “sigur” copiilor noștri, pe când vor fi ei mari, iar ponderea va fi de 5 la 1”*. Prin hotărârea nr. **69/19.02.2013**, Colegiul director a admis excepția de necompetență a C.N.C.D., invocată de Romani Criss, iar dosarul a fost transmis spre competență soluționare Parchetului de pe lângă Tribunalul Alba. În urma rezoluției Parchetului de pe lângă Tribunalul Alba, Colegiul director repune pe rol soluționarea afirmațiilor ce fac obiectul prezentei spețe, în conformitate cu prevederile art. 2 alin.1 și 15 din O.G. nr. 137/2000 republicată. Astfel, având în vedere afirmațiile postate, prevederile legale în vigoare și Sentința nr. 21 din 17 ian 2013 a Curții de Apel Tg. Mureș, Colegiul director constată că nu se poate admite invocarea libertății de exprimare. Prin **hotărârea nr. 643/23.10.2013**, Colegiul director constată incidența prevederilor art. 2 alin. 1 și art. 15 din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată și sancționează reclamatul cu amendă contravențională în cuantum de 8.000 lei.

8. Petentul, expert pe probleme ale romilor în cadrul aparatului de specialitate al primarului comunei B., reclamă prin petiția din data de 23.04.2013 că reclamatul, la ședința Consiliului local, a utilizat în sens peiorativ cuvântul „țigan”, considerând că romii sunt leneși, care trebuie puși la muncă, iar activitatea lor trebuie monitorizată, el nu-i mai suportă și nu îi mai poate tolera. A mai afirmat „vă suportăm în comunitatea noastră de sute de ani și vă ducem în spate”. Reclamatul a fost oprit de primar, care a închis ședința pentru a opri această manifestare a xenofobiei. Analizând **afirmațiile** reclamatului, Colegiul director constată că afirmația reclamatului reprezintă o diferențiere evidentă, romii fiind prezentați exclusiv în conotație negativă, ca fiind prea mult tolerați și prea mult sprijiniți de majoritari. Aplicând principiile C.E.D.O., Colegiul director constată că afirmațiile reclamatului nu contribuie la nici o formă de dezbateră publică capabilă să ducă la un progres al relațiilor umane, ci creează o stare ostilă, degradantă, umilitoare, ofensatoare. Această formă de expresie diseminează, incită, promovează intoleranța etnic, prin urmare trebuie sancționată. În această decizie, Colegiul director a ținut cont de faptul că discriminarea a vizat o comunitate, că reclamatul este consilier local, deținând o funcție publică și că reprezintă un model de comportament pentru comunitate. Astfel, Colegiul director a decis prin **hotărârea nr. 547/18.09.2013** că afirmațiile reclamatului reprezintă discriminare directă conform art. 2 alin. 1 coroborat cu art. 15 din O.G. nr. 137/2000 și a considerat oportună aplicarea față de reclamat a unei amenzi contravenționale în valoare de 4.000 lei.

9. Pe pagina oficială de internet a primăriei Cristuru Secuiesc, jud. Harghita, a fost postat ziarul Kereszturi Kisvaros al cărui conținut cuprindea **articole exclusiv în limba maghiară** (<http://www.keresztur.ro>). Prin **hotărârea nr. 65 din 06.02.2013**, Colegiul director a constatat că se întrunesc elementele constitutive ale unei fapte de discriminare conform art. 2 alin. 1, art. 10 alin h) din Ordonanța de Guvern nr. 137/2000, privind prevenirea și sancționarea tuturor formelor de discriminare și a recomandat conducerii autorității publice locale să realizeze ziarul și în limba română.

10. Într-un cotidian de circulație națională a fost publicat articolul „*La Carcaliu, satul lui Terente, pe urmele tablourilor furate în Olanda*”, considerând a fi discriminatorii următoarele **afirmații**, în contextul scrierii articolului cu referire la un presupus hoț, român, care discreditează comunitatea lipovenilor: „*a găsit un sat de pensionari și lipoveni bețivani*”; „*principalele evenimente mondene sunt slujbele de la biserica lipovenească și bețiile cu votcă de la birtul din centrul satului*”; „*un boschetar lipovean rumen la față*”; „*o duzină de lipoveni chercheliți sporovăiesc veseli. Culmea, beau votcă și joacă șah! Toată lumea scrumează și scuipe pe jos. După o oră înăuntru miroși ca un amestec de distilerie cu o tutungerie incendiată*”. Prin **hotărârea nr. 357 din data de 29.05.2013**, Colegiul director a constatat că afirmațiile publicate reprezintă discriminare, conform art. 2 alin. 1 al O.G. nr. 137/2000, și încalcă dreptul la demnitate, conform art. 15 al O.G. nr. 137/2000. Conform art. 26 alin. 1 al O.G. nr. 137/2000, s-a dispus aplicarea față de persoana juridică care publică cotidianul a unei amenzi de 2000 lei; față de redactorul șef 1000 lei și față de jurnalistul care a semnat articolul 1.000 lei.

11. Petentul consideră discriminatoriu faptul că, prin activitatea sa cotidiană, Inspectoratul Școlar Județean Mureș nu garantează prevederile legale legate de folosirea limbilor minorităților naționale, garantate prin legislația în vigoare. Petentul consideră că este discriminare faptul că informațiile de interes public, afișajul public din incinta inspectoratului (inscripțiile birourilor, tăblițele informative), pagina web, adresele interinstituționale, inclusiv informațiile referitoare la procesul educațional, metodologie, conținând date și informații adresate secțiilor cu limba de predare maghiară din instituțiile de învățământ din județul Mureș se realizează într-o singură limbă, română, încălcându-se astfel **drepturile lingvistice** ale elevilor, părinților și cadrelor didactice de naționalitate maghiară. Prin **hotărârea nr. 632/23.10.2013**, Colegiul director a constatat existența unui tratament diferențiat, discriminatoriu potrivit art. 2 alin. 1 și art. 10 lit. h) din O.G. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată și a dispus sancționarea Inspectoratului cu avertisment pentru faptele prevăzute de art. 10 lit. h) din O.G. nr. 137/2000, republicată. Totodată, Colegiul director recomandă Inspectoratului Școlar Județean Mureș să ia măsurile necesare remedierii situației și pe viitor să aibă în vedere prevederile art. 19 din Legea nr. 215/2001.

12. Petentul K.G. semnaleză faptul cã partea reclamatã a postat pe site-ul de socializare Facebook, într-un comentariu postat pe pagina primarului municipiului Satu Mare, **mesaje** cu potențial caracter discriminatoriu la adresa persoanelor de naționalitate maghiarã. Petentul considerã cã partea reclamatã, prin comentariile postate, a incitat la discriminare pe criterii etnice iar fapta sa a condus la crearea unei atmosfere ostile, degradante și umilitoare la adresa comunitãții maghiare din municipiul Satu Mare. Totodatã, este o circumstanțã agravantã faptul cã aceste comentarii au fost postate de cãtre o persoanã publicã, partea reclamatã fiind un sportiv cunoscut în municipiul Satu Mare. Prin **hotãrãrea nr. 381/12.06.2013** Colegiul director a constatat cã faptele sesizate constituie discriminare, potrivit art. 2 alin. 1 și art. 15, și a dispus sancționarea părții reclamate G.D. cu amendã contravenționalã în cuantum de 600 lei.

13. Petentul sesizeazã asupra faptului cã pagina de internet a Primãriei comunei Joseni, județul Harghita (www.gyergyualfalu.ro) gãzduiește **informații redactate în exclusivitate în limba maghiarã**. Lipsa informațiilor de interes public în limba romãnã pe acest site o considerã discriminare la adresa sa pe criteriile naționalitate și limbã. Prin **hotãrãrea nr. 566/18.09.2013** Colegiul director a constatat existența unui tratament diferențiat, discriminatoriu potrivit art. 2 alin 1, art. 10 lit. h) din O.G. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicatã. Potrivit art. 26 alin.1 din OG 137/2000 se sancționeazã partea reclamatã cu amendã contravenționalã în cuantum de 600 lei.

14. Petentul sesizeazã faptul cã primarul localitãții Tãrgu Mureș face discriminãri față de populația maghiarã din oraș, **nepermițându-le sã desfășoare douã evenimente ale organizațiilor maghiare în spațiile publice** (piața Teatrului și piața Trandafirilor) și anume "*Sãrbãtoarea pâinea nouã*" (eveniment religios) și festivalul "*Forgatag*" (eveniment cultural). Prin **hotãrãrea nr. 740/11.12.2013** Colegiul director a constatat cã faptele sesizate constituie fapte de discriminare potrivit art. 2 alin. 1 și art. 10 lit. h) din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicatã și a dispus sancționarea părții reclamate, primarul municipiului Tãrgu Mureș, jud. Mureș, cu amendã contravenționalã în cuantum de 2.000 de lei, potrivit art. 26, alin. 1 din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicatã.

15. Prin petiția formulată în data de 21.05.2013, M.S. consideră **discriminatorii atât postările** reclamatului pe grupul de discuții din care a făcut parte, precum și **excluderea sa din acest grup**, creat pentru abonații revistei. Reclamatul a postat o scrisoare cu tema „Un sârb, despre unguri – pe scurt și foarte clar”, în care prezintă opinia unui profesor de istorie sârb din Novi Sad, privind maghiarii și istoria Ungariei, ajungând la următoarea concluzie privind relația româno-maghiară: „În încheiere, ca să sintetizez relația dintre băștinașii valahi și alogenii unguri, îmi îngădui un scenariu: un ungur pribeag bate la ușa unui valah. Acesta, ospitalier, îl primește în casă. Îi întinde masa, oferindu-i ce are mai bun în cămară. Ungurul, în timp ce se ospătează, pune ochii pe nevasta valahului (frumoasă, bineînțeles), considerând că ar fi normal ca după ospăț valahul să îi ofere și un desert, adică nevasta. Indignat de faptul că, după ce s-a săturat, valahul nu-i oferă și nevasta, ungurul îi trage o palmă zdravănă valahului și încă una. Înainte ca mămăligarul să se dezmeticească, ungurul fuge pe uliță, strigând din toți răunchii: săriți oameni buni, că mă omoară valahul, sunt o victimă. Așa că, valahi, fiți înțelegători și dați-le și nevasta, dar vă avertizez că nu le va ajunge. Următoarea lor dorință va fi casa voastră.” Petentul a răspuns la această postare, arătând că textul are un caracter șovin, naționalist, solicitând reclamatului să evite crearea unui precedent pe grup care poate provoca escaladarea de discuții cu astfel de teme. Reclamatul a răspuns următoarele: „... eu personal i-aș fi condus de mult (pe „cetățenii români de origine maghiară”) spre graniță cu bilet doar de DUS... și interdicție de a mai pune piciorul în ROMÂNIA”, cerând petentului să-și exprime sentimentele față de România. Cei care și-au exprimat indignarea au fost excluși din grup. Reclamatul, prin punctul de vedere formulat, invocă excepția necompetenței materiale a C.N.C.D., pe considerentul că acesta funcționează ca organism jurisdicțional în contradicție cu prevederile Constituției României; de asemenea, invocă excepția inadmisibilității petiției ca vădit nefondată și lipsită de obiect, pe considerentul că petiția nu este motivată în drept conform art. 11 lit. d din Procedura internă de soluționarea petițiilor și sesizărilor. Pe fond, reclamatul arată că grupul de discuții la care se face referire în petiție nu este public, fiind dreptul său de a alege cu cine dorește să comunice; își poate alege în mod liber prietenii. Colegiul director arată că în practica instituției nu sunt refuzate petițiile care nu arată cu exactitate prevederile legale pe care se bazează o petiție. Prin **hotărârea nr. 551/18.09.2013**, Colegiul director a analizat în primă instanță excepțiile invocate, respectiv excepția necompetenței materiale a C.N.C.D. și excepția inadmisibilității petiției ca vădit nefondată și lipsită de obiect, respingându-le. Pe fond, Colegiul director a analizat conținutul mesajelor postate de reclamat, constatând că există o deosebire, prin afirmația reclamatului conform căreia maghiarii ar trebui să fie expulzați din România. Totodată postarea textului istoricului indică o diferențiere evidentă, maghiarii fiind prezentați exclusiv cu o conotație negativă, românii exclusiv în conotație pozitivă și drept victime ale maghiarilor. Astfel, Colegiul director a decis că fapta reclamatului de a posta mesaje negative la adresa maghiarilor și de a promova expulzarea maghiarilor reprezintă o discriminare a petentului și o încălcare a demnității, conform art. 2 alin. 1 coroborat cu art. 15 din O.G. nr. 137/2000. Cu privire la acest capăt de cerere, s-a decis aplicarea amenzii contravenționale de 2.000 lei față de reclamat, conform art. 26 alin. 1 din O.G. nr. 137/2000 modificat de pct. 5 al art. I din O.U.G. nr. 19 din 27 martie 2013, publicată în Monitorul Oficial al României nr. 183 din 2 aprilie 2013. În ceea ce privește cel de-al doilea capăt de cerere, respectiv excluderea petentului din grupul de discuții, Colegiul director constată că există o deosebire, unii au fost excluși din grup, alții nu, însă nu aduce atingere unui drept prevăzut de lege sau de tratate internaționale ratificate de România. Petentul nu a probat că în calitate de abonat al revistei în discuție că ar avea dreptul de a beneficia și de alte servicii, cum ar fi participarea la discuții din cadrul grupului. Astfel, excluderea petentului din grupul de discuții aferent revistei nu reprezintă discriminare conform art. 2 alin. 1 din O.G. nr. 137/2000.

16. Petentul, în calitate de agent de turism, a dorit să facă rezervări pentru el și alte persoane de naționalitate română, domiciliată în România, prin intermediul unei agenții de turism din Ungaria, pentru un sejur în cadrul Complexului Mercur Minerva din stațiunea Mamaia, însă hotelul nu a acceptat rezervările pentru cetățenii români deoarece oferta era valabilă doar pentru cetățenii germani sau polonezi cu domiciliul în cele două state. Petentul susține că a procedat așa pentru că la promoțiile de înscrieri timpurii, prețurile practicate de agențiile de turism maghiare pentru piața din România sunt mult mai mici. Reclamata susține că politica și strategia de marketing a societății este apanajul exclusiv al conducerii S.C. și vizează practicarea unor prețuri de cazare atractive pentru deschiderea de noi piețe și atragerea turiștilor străini. Cu privire la situația dată, partea reclamată susține că nu a desfășurat și nici nu desfășoară relații contractuale cu agenția de turism din Ungaria la care face referire petentul. Astfel, consideră că nu a încălcat drepturile niciunui cetățean. Prin **hotărârea nr. 442/10.07.2013**, Colegiul director reține că refuzul reclamatei nu a avut legătură cu existența sau inexistența unor relații contractuale cu statele din care se dorea rezervarea/achiziționarea unor produse/pachete, ci refuzul este legat de cetățenia, respectiv domiciliul persoanelor care doresc să cumpere. Ori, **libertatea de a alege, de a cumpăra/achiziționa** nu trebuie să fie limitată ori îngrădită pe baza unor criterii atât de importante cum sunt cetățenia ori domiciliul persoanei/lor, în special între statele membre ale UE. Colegiul director mai reține că singura deosebire ori diferențiere obiectivă care se impune în astfel de situații este permisă doar între minori și majori. Prin urmare, Colegiul director decide că faptele sesizate intră sub incidența prevederilor art. 2 alin 1 coroborat cu art. art. 10 lit. f) din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată și dispune sancționarea părții reclamate cu amendă contravențională în cuantum de 6.000 lei.

17. Petenta, salariată a C.N. Poșta Română în funcția de economist, în cadrul Serviciului Contabilitate, susține că în luna mai 2012 a înștiințat angajatorul cu privire la starea sa de **graviditate**. În luna iunie 2012, ca urmare a unor măsuri de reorganizare, angajatorul a anunțat scoaterea la concurs a posturilor din cadrul Serviciului Contabilitate, comunicând totodată că avea posibilitatea de a participa la concurs. La interviul organizat au fost declarate „respinse” doar salariatele care erau în stare de graviditate sau se aflau în concediu de creștere copil. În urma interviului, petenta susține că a fost emisă decizia de concediere. Aplicarea acestei măsuri nelegale de concediere a supus petenta unui stres ce i-a provocat suferință fizică, existând riscul de a pierde sarcina. Partea reclamată, C. N. Poșta Română depune la dosar un punct de vedere prin care susține faptul că petenta deși a fost respinsă la interviu, nu a fost concediată așa cum susține în petiție. Acest fapt este rezultat din adresa ITM, unde se menționează că petenta figurează cu contract de muncă activ de la data angajării, aspect neprobat de părțile reclamate. Prin **hotărârea nr.61/06.02.2013**, Colegiul director constată existența unei fapte de discriminare, respectiv constată încălcarea dispozițiilor art.2 alin.5 coroborate cu dispozițiile art.6 lit. a din O.G. nr.137/2000, republicată. Față de aceste aspecte, având în vedere dispozițiile art. 26 din O.G. nr.137/2000, republicată, Colegiul director dispune sancționarea contravențională a reclamatului (Compania Națională Poșta Română S.A. - Direcția Regională de Poștă N.E., prin Director) cu o amendă contravențională în cuantum de 2.000 lei.

18. S.C. Raiffeisen Bank S.A. - Sucursală tratează diferențiat petenta după întoarcerea acesteia din concediul de **maternitate** prin desfacerea contractului individual de muncă. Petenta menționează că i s-au pus la dispoziție posturile vacante, la care a aplicat prin e-mail, dar nu a fost chemată la interviu și nici nu i s-a răspuns. Petenta se consideră discriminată având în vedere că pe postul ocupat de ea figurează un alt angajat, iar ea nu a fost chemată la interviu pentru ocuparea unui nou post așa cum i se promisese. Raiffeisen Bank SA arată că nu a luat decizia încetării raporturilor de muncă cu salariața în considerarea situației salariatei (maternitate urmată de concediu de îngrijire copil), ci exclusiv pe baza criteriilor profesionale, performanța și vechimea în cadrul organizației. Colegiul director a analizat în ce măsură criteriul invocat de petentă, starea maternală, a stat la baza tratamentului diferențiat. Colegiul director constată că petenta a fost anunțată cu privire la desființarea postului său la întoarcerea din concediul de creștere a copilului. Colegiul director apreciază că prin acest tratament diferențiat, anume desfacerea contractului de muncă, neoferirea unui post similar cu cel deținut anterior și nechemarea la interviu pentru ocuparea altui post, petentei i-a fost îngădit dreptul la muncă și la o remunerație echitabilă. Prin **hotărârea nr.169/03.04.2013** Colegiul director a dispus constatarea existenței unui tratament diferențiat, discriminatoriu potrivit art. 2 alin. 1 și art. 6 lit. a) și g) din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată și sancționarea S.C. Raiffeisen Bank S.A. cu amendă contravențională în valoare de 4.000 lei, pentru faptele prevăzute de art. 6 lit. a) din O.G. 137/2000, republicată, conform art. 26 alin. 1 din O.G. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată și sancționarea S.C. Raiffeisen Bank S.A. cu amendă contravențională în valoare de 2000 lei, pentru faptele prevăzute de art. 6 lit. g) din O.G. 137/2000, republicată, conform art. 26 alin. 1 din O.G. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată.

19. B.R., în calitate de administrator judiciar Euro Insol SPRL, s-a plâns unei jurnaliste TV cu privire la situația unei categorii de angajate din cadrul S.C Hidroelectrica S.A, aflate în **concediu de creștere și îngrijire copil ori de lăuzie**. Petenta F.S.H, în calitate de reprezentantă a persoanelor ce fac obiectul petiției, sesizează faptul că reclamata arată intenția de a le concedia odată cu demararea procedurilor de insolvență și reorganizare a societății, arătând totodată și un dispreț față de acestea, lezând demnitatea umană și creând o atmosferă de intimidare, ostilă, degradantă și ofensatoare; „Hidroelectrica este o societate de producție, nu de lăuze”, denumindu-le „fătuci care au făcut copii pe bandă rulantă și nu au mai dat de mulți ani pe la Hidroelectrica, plimbă aerul prin curtea instituției, pentru că sunt neveste și amante de șmecheri; eu ce să fac? Să dau afară inginerii care sunt în producție sau să le dau pe fetele astea care nu au mai dat de 4-6 ani pe la Hidroelectrica și care sunt, oricum personal TESA”. Colegiul director, prin **hotărârea nr. 562/18.09.2013**, a constatat că aspectele sesizate în petiție sunt discriminatorii potrivit art. 2 alin 1 și art. 15 din O.G nr.137/2000, republicată și a dispus sancționarea părții reclamate pentru declarația făcută potrivit art. 15 și art. 26 alin 1), din O.G nr.137/2000, republicată, cu amendă contravențională în cuantum de 10.000 lei.

20. Petenta F.O., asistent de farmacie în cadrul S.C. FT SRL, susține că după întoarcerea din concediul de creștere copil, nu a mai fost primită în unitate. În urma sesizării la ITM, petenta a fost chemată de către angajator, aceasta având accesul limitat la locul de muncă, efectuând supravegherea farmaciei de pe scaun, la ușa de la intrare, fiind umilită pentru a o determina să demisioneze de la locul de muncă. Petenta consideră că scopul acestui comportament este de a o determina să își dea demisia. Prin **hotărârea nr. 661/06.11.2013** Colegiul director apreciază că faptele prezentate constituie discriminare potrivit dispozițiilor art. art.2 alin.1, art. 2 alin.5, art. 2 alin.7 și art. 6 lit. b din O.G. nr.137/2000, privind prevenirea și sancționarea tuturor formelor de discriminare, republicată și dispune sancționarea părții reclamate S.C. Farmexim Trade SR.L, cu amendă contravențională în cuantum de 6000 lei, potrivit art. 26 din O.G.137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată.

21. Petenta arată că la revenirea din concediul de creștere al copilului a primit un preaviz, conform căruia contractul său de muncă încetează la o dată imediat viitoare. Cu ocazia audierii reclamata a afirmat că societatea are probleme financiare și că nu are cunoștință privind o legislație care ar interzice desfacerea contractului de muncă al persoanelor care se întorc din concediul de creștere a copilului. Prin **hotărârea nr. 680/20.11.2013**, Colegiul director a decis următoarele: comunicarea unui preaviz privind desfacerea contractului de muncă la revenirea din concediul de creștere al copilului reprezintă discriminare conform art. 2 alin. 1, art. 2 alin. 5 și art. 6 lit. a) din O.G. nr. 137/2000 respectiv art. 6 alin. 3 din Legea nr. 202/2002, societatea comercială fiind sancționată cu amendă contravențională în valoare de 10.000 lei conform art. 26 alin. 1 din O.G. nr. 137/2000 respectiv art. 37 alin 1 și alin, 3 lit. b din Legea nr. 202/2002. De asemenea, neacordarea posibilității de exercitare a atribuțiilor de serviciu la revenirea din concediul de creștere al copilului reprezintă discriminare conform art. 2 alin. 1, art. 2 alin. 5 și art. 6 lit. b) din O.G. nr. 137/2000 respectiv art. 6 alin. 3 din Legea nr. 202/2002, pentru această faptă fiind aplicată sancțiunea cu amendă contravențională în valoare de 5.000 lei pentru neacordarea posibilității de exercitare a atribuțiilor de serviciu la revenirea din concediul de creștere al copilului, conform art. 26 alin. 1 din O.G. nr. 137/2000 respectiv art. 37 alin 1 și alin. 3, lit. b din Legea nr. 202/2002.

22. Asociația petentă consideră discriminatorie existența unui standard ocupațional pentru ocupația de maseur, în care se precizează că maseurul cu **deficiențe vizuale** nu poate dobândi competențele necesare pentru masajul terapeutic, masajul reflexogen și/sau drenajul limfatic. În ceea ce privește răspunderea juridică, Colegiul director constată că instituția reclamată a luat ființă prin reorganizarea altor instituții în atribuțiile cărora intră elaborarea, avizarea, aprobarea standardelor ocupaționale. În urma analizării înscrisurilor existente la dosar cu privire la faptele susținute în petiție, Colegiul director constată că instituția reclamată nu a luat nicio măsură de la înființare pentru modificarea standardului ocupațional care face obiectul petiției, nici chiar din momentul comunicării petiției aflată spre soluționare pe rolul C.N.C.D. către reclamată. În consecință, reclamata răspunde juridic pentru conținutul standardelor ocupaționale existente în prezent. Prin urmare, Colegiul director a constatat prin **hotărârea nr. 320 din 22.05.2013** că standardul ocupațional pentru ocupația de maseur, conform căruia maseurul cu deficiențe vizuale nu poate dobândi competențele necesare pentru masajul terapeutic, masajul reflexogen și/sau drenajul limfatic reprezintă discriminare conform art. 2 alin. 1 coroborat cu art. 5 al O.G. nr. 137/2000. În cauză s-a decis aplicarea amenzii contravenționale în valoare de 4.000 lei, având în vedere următoarele considerente: discriminarea vizează un grup de persoane; conform studiilor existente, categoria persoanelor cu dizabilități poate fi considerată ca fiind categorie defavorizată, în special privind posibilitățile de angajare; discriminarea produce efecte în domeniul angajării.

23. Colegiul director al Consiliului Național pentru Combaterea Discriminării reține că este sesizată o posibilă faptă de discriminare, individualizată prin **neacordarea unui credit bancar**, solicitat în condițiile exercitării de către petentă a unui drept conferit de legea nr.448/2006. Aceste drepturi se referă la anumite facilități pentru persoanele cu dizabilități, în condițiile în care acestea solicită acordarea unui credit bancar, în vederea achiziționării unui singur mijloc de transport și pentru adaptarea unei locuințe conform nevoilor individuale de acces. Colegiul director a pronunțat **hotărârea nr. 672/20.11.2013** apreciind că faptele prezentate constituie discriminare potrivit dispozițiilor art. 2 alin.3 și art.10 lit. d) și h) coroborate cu dispozițiile art. 20 alin.6 din O.G. nr.137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată. Se sancționează partea reclamată, CEC Bank, prin reprezentant, cu amendă contravențională în cuantum de 4000 lei, potrivit art.26 din O.G.137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată. Se sancționează partea reclamată, OTP Bank, prin reprezentant, cu amendă contravențională în cuantum de 4.000 lei, potrivit art.26 din O.G.137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată.

24. Centrul European pentru Drepturile Copiilor cu Dizabilități arată că minorul în vârstă de 7 ani a fost diagnosticat cu sindromul Asperger (tulburare de spectru **autist**). El a fost înscris la școala reclamată, fiind evaluat de un medic psihiatru care a recomandat **integrarea lui într-o școală normală**. Mama a informat școala asupra diagnosticului stabilit. Organizația petentă arată că dizabilitatea minorului constă în relaționarea față de alte persoane, motiv pentru care este recomandat celor cu acest diagnostic să se integreze într-un mediul școlar normal. Lipsa comunicării cu alți copii poate duce la o depresie profundă și tentative de suicid. Neînțelegând situația minorului, părinții celorlalți copii au exercitat presiuni asupra conducerii școlii pentru mutarea copilului. Școala reclamată a menționat că minorul a fost înscris la școala reclamată în primă instanță, însă ulterior a fost transferat la o altă școală. De asemenea, reprezentantul școlii reclamate aduce ca argumente, în apărarea sa, faptul că în aceeași clasă s-a mai înscris un elev cu dizabilități, s-a încercat adaptarea curriculei școlare, dar minorul s-a manifestat agresiv, motiv pentru care ceilalți părinți au trimis sesizări către conducerea școlii reclamate. În ședința Consiliului de Administrație al școlii s-a propus formularea unei recomandări către mama minorului pentru a fi transferat la o altă clasă paralelă, cu un număr mai mic de elevi și unde nu există alți elevi cu cerințe educaționale speciale, însă mama a refuzat această soluție, arătând că relația între învățătoare și minor este bună; astfel, școala nu a emis nici un document privind mutarea sau transferarea minorului, fără acordul mamei. În urma studierii înscrisurilor la dosar, Colegiul director constată că, în conformitate cu adeverința medicală depusă la dosar, minorul a fost diagnosticat cu sindromul Asperger, în conformitate cu care minorul este apt din punct de vedere psihologic și comportamental spre a frecventa școala de masă. Reclamata afirmă că „părinții fac legea”, iar ea nu se poate opune. Dacă părinții vor mutarea minorului, reclamata nu poate face nimic. Prin urmare, pentru binele școlii, sugerează necesitatea mutării copilului. Colegiul director constată că reclamata a promovat mutarea copilului într-o altă clasă, realizându-se astfel o faptă de diferențiere față de ceilalți copii, determinată de existența dizabilității acestuia, fiind afectat dreptul la educație, dreptul la sănătate și dreptul la demnitate. Prin **hotărârea nr. 644/30.10.2013**, Colegiul director constată că promovarea mutării copilului într-o altă clasă de către reclamată reprezintă discriminare conform art. 2 alin. 1 din O.G. nr. 137/2000, reprezentând o deosebire pe bază de dizabilitate care are ca efect restrângerea exercitării, în condiții de egalitate, a dreptului la educație și al dreptului la sănătate. De asemenea, față de minorul în cauză s-a creat un cadru ostil, degradant, inclusiv prin inacțiunea reclamatei față de părinții care cereau clar excluderea din clasă a copiilor „handicapați”, dar și prin acțiunea reclamatei de a prelua această idee și de a promova mutarea minorului. În consecință se constată hărțuirea de către reclamată a minorului în cauză. Prin urmare, faptele prezentate de petent reprezintă discriminare conform art. 2 alin. 1, art. 2 alin. 5, art. 11 alin. 1 și art. 15 din O.G. nr. 137/2000, fiind aplicată sancțiunea cu amendă contravențională în valoare de 1.000 lei, Totodată, Colegiul director recomandă reclamatei să informeze părinții privind soluția dată de către C.N.C.D. în cauză, iar pe viitor să nu mai accepte nici o presiune din partea părinților privind excluderea copiilor cu dizabilități din clase, pentru care există o recomandare medicală în sensul de a frecventa o școală normală.

CATEGORIE SOCIALĂ

25. Petenta sesizează posibilul caracter discriminatoriu al taxei de curățenie în valoare de 2 lei /persoană/vizită, instituită prin Hotărârea Consiliului Județean Satu Mare nr. 98/2013 prin care se reține în sarcina fiecărui cetățean obligația de a achita suma de 2 lei pentru a putea intra în clădirea Spitalului Județean Satu Mare. Petenta consideră că o astfel de măsură suprimă accesul la servicii medicale pentru persoanele cu venituri modeste. Prin **hotărârea nr. 704 din 04.12.2013**, Colegiul director respinge excepția lipsei obiectului petiției, invocată de partea reclamată (unanimitate de voturi pentru ale membrilor prezenți la ședință), respinge excepția lipsei calității procesuale active, invocată de partea reclamată (unanimitate de voturi pentru ale membrilor prezenți la ședință), constată că aspectele sesizate de petentă constituie fapte de discriminare potrivit art. 2 alin. 3 și art. 10 lit. h) din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată (7 voturi pentru și 1 vot împotriva ale membrilor prezenți la ședință) și a dispus sancționarea părții reclamate, Consiliul Județean Satu Mare, cu amendă contravențională în cuantum de 1000 lei, potrivit art. 26 alin. 1 din O.G. nr. 137/2000 (6 voturi pentru și 2 voturi împotriva ale membrilor prezenți la ședință).

RELIGIE

26. Petentul consideră discriminatorie publicarea unui text pe blogul reclamatului (persoană fizică), un blog găzduit de un cotidian de tiraj național, unde se afirmă despre Biserica Ortodoxă Română că ar fi „o organizație anti-umană, criminală, anti-viață, al cărei scop pare a fi propășirea suferinței și mizeriei, a misticismului și necunoașterii, pentru propria bunăstare”. Petentul se consideră vizat în mod direct de o astfel de afirmație, în calitate de creștin ortodox. În ceea ce privește persoana reclamatului persoană fizică, Colegiul director a încercat identificarea reclamatului la singura sursă posibilă, cotidianul care a găzduit blogul unde a fost postat articolul, însă acesta nu a dat curs solicitării. Astfel, deși Colegiul director a depus toate diligențele posibile, necesare soluționării petiției, pentru a afla informații despre persoana reclamatului, persoană fizică, autorul articolului postat pe blogul constituit pe site-ul cotidianului, identificarea primului reclamat nu a fost posibilă. În consecință s-a introdus în cauză al doilea reclamat, care găzduiește blogul în cauză. Prin urmare, prin **hotărârea nr. 712/04.12.2013**, Colegiul director a dispus clasarea petiției ca fiind incompletă privind primul reclamat conform prevederilor art. 11 alin. 1 al *Procedurii interne de soluționare a petițiilor și sesizărilor* (cu unanimitatea de voturi a membrilor prezenți la ședință) și a decis respingerea excepția lipsei calității procesuale active a petentului, invocată din oficiu (cu 7 voturi pentru, 1 împotriva ale membrilor prezenți la ședință). De asemenea, Colegiul constată că afirmațiile găzduite de cel de-al doilea reclamat reprezintă discriminare și încalcă dreptul la demnitate al persoanelor de religie ortodoxă, conform art. 2 alin. 1 și art. 15 din O.G. nr. 137/2000 (cu 5 voturi pentru, 2 voturi împotriva ale membrilor prezenți la ședință), faptă sancționată cu amendă contravențională în valoare de 2000 lei față de societatea comercială, deținătoare a blogului.

27. Punctul de vedere cu privire la instituirea unei limite de vârstă diferită pentru pensionarea bărbaților și femeilor, art. 53 alin. (1) din Legea nr. 263/2010

Raportat la România, prevederile art. 53 alin. (1) din Legea nr. 263/2010 stabilesc o limită de vârstă de pensionare de 63 de ani pentru femei și 65 de ani pentru bărbați. Limitele se ating gradual, în timp. Potrivit art. 56 alin. (1) lit. c) C. muncii, încetarea de drept a contractului individual de muncă intervine la data îndeplinirii cumulative a condițiilor de vârstă standard și a stagiului minim de cotizare pentru pensionare. Din interpretarea coroborată a celor două prevederi legale rezultă că vârsta standard de pensionare este motiv de concediere. Or, vârsta standard de pensionare este diferită pentru femei în comparație cu bărbații. În cazul de față, vârsta la care protecția împotriva concedierii a încetat este inseparabil legată de genul angajatului. Prin urmare, suntem în prezența unei discriminări directe, care se produce atunci când o persoană este tratată mai puțin favorabil, pe criteriul de sex, decât este, a fost sau va fi tratată într-o situație comparabilă - art. 2 alin. (1) din Directiva 2002/73/CE. Scopul art. 53 alin. (1) din Legea nr. 263/2010 coroborat cu art. 56 alin. (1) lit. c) C. muncii este și reglementarea circumstanțelor în care angajații pot fi concediați. Or, din această perspectivă, femeile și bărbații între 63-65 de ani sunt într-o situație comparabilă sub aspectul dreptului la muncă în condiții de egalitate. Marja de apreciere recunoscută de jurisprudența în domeniu a Curții Europene a Drepturilor Omului trebuie interpretată în coroborare cu cea a CJUE, în sensul în care statele membre au dreptul să aprecieze și să implementeze măsuri afirmative în privința vârstelor de pensionare, pentru a compensa inegalitățile între femei și bărbați, dar aceste măsuri nu pot fi interpretate ca motive de concediere obligatorie pe criteriul sexului, respectiv pensionarea femeii la o vârstă diferită față de bărbat nu poate fi atributul exclusiv al voinței angajatorului. Pensionarea femeii la o vârstă diferită de bărbat trebuie să fie atributul voinței exclusive a femeii. Femeia, privită în mod individual, este în poziția de a cântări dacă pensionarea la o vârstă mai redusă decât a bărbatului constituie, în cazul ei, o măsură afirmativă sau, dimpotrivă, o discriminare directă. Prejudicata intervine atunci când generalizăm de la un caz individual la o întregă comunitate sau când, în cadrul unei comunități, nu se acceptă că există diferențe. În acest din urmă caz, ne aflăm în situația în care se aplică o limită de vârstă de pensionare tuturor femeilor, fără a se avea în vedere diferențele de statut existente între acestea. Nu toate femeile au acumulat dezavantaje pe parcursul vieții și nu toate sunt pe o poziție de inegalitate cu bărbații. Astfel, ceea ce pentru unele femei poate să constituie o măsură afirmativă, pentru altele aceeași măsură poate să constituie o discriminare directă. În concluzie, considerăm că prevederile art. 53 alin. (1) din Legea nr. 263/2010 sunt neconstituționale sub aspectul încălcării art. 1 alin. (3), art. 4 alin. (2), art. 16 alin. (1) și art. 41 alin. (1) din Constituția României din 2003, în măsura în care se interpretează că împlinirea vârstei de pensionare în cazul femeii, mai mică decât cea a bărbatului, constituie în mod obligatoriu motiv de concediere din partea angajatorului potrivit art. 56 alin. (1) lit. d) C. Muncii. Considerăm că instanțele de judecată au obligația să aplice în mod direct jurisprudența CJUE în materie. *De lege ferenda*, apreciem că limita de vârstă de pensionare trebuie să fie identică atât pentru femei, cât și pentru bărbați, iar femeile trebuie să dispună de posibilitatea de a obține, la cerere, pensionarea la o vârstă mai redusă decât bărbatul (o diferență de maxim 2 ani), în funcție de evaluarea sa personală. Diferența de vârstă de pensionare între sexe trebuie reevaluată în timp, în funcție de evoluția societății.

28. În urma **afirmațiilor ministrului culturii**, Daniel Barbu: “Am fost cutremurat când mi-am dat seama câte Festivaluri «Shakespeare» sau cât de amplu am putea face evenimentul, Festivalul «Shakespeare» de la Craiova, dacă nu am avea acel program sau dacă acel program ar fi la jumătate. Nu vreau să par cinic în fața dvs. Cu tot respectul pentru respectiva categorie de concetățeni ai noștri. Bugetul pentru tratarea și combaterea HIV/SIDA este jumătate din bugetul total al programelor Ministerului Culturii. Nu suntem în Africa, nu avem milioane de bolnavi. Eu am fost cutremurat de aceste cifre”, Colegiul director s-a autosesizat. Reclamatul nu și-a formulat apărări, întrucât consideră că a greșit. Urmare acestui fapt, a prezentat scuze public și și-a înaintat demisia din funcția de ministru al culturii. Independent de soluția pe care o va adopta Colegiul director, reclamatul a considerat necesar să facă cunoscut contextul în care a făcut afirmațiile în cauză și la ce anume s-a referit. Astfel, acesta susține că se afla într-un mediu privat, nu știe cine și cum l-a înregistrat, ulterior făcând publice afirmațiile. Mai mult, susține că nu s-a referit nicio secundă la persoanele infectate, ci la programele de finanțare. De asemenea, UNOPA, susține că sancțiunea cea mai potrivită ce putea fi aplicată în acest caz i-a fost aplicată reclamatului de către opinia publică. Apreciază scuzele prezentate precum și gestul acestuia de a-și prezenta demisia și consideră că sancțiunea este proporțională. Prin urmare, nu solicită C.N.C.D. sancționarea reclamatului cu amendă contravențională. Luând în considerare contextul, anume faptul că domnul Barbu și-a dat demisia din funcția de ministru al Culturii, că și-a cerut public scuze, a recunoscut că a comis o eroare și faptul că UNOPA a acceptat aceste scuze, respectiv a apreciat ca aceste consecințe sunt suficiente, Colegiul director a apreciat ca se impune aplicarea sancțiunii contravenționale a avertismentului. Prin **hotărârea nr. 747/16.12.2013**, Colegiul director a constatat încălcarea prevederilor art. 2 alin. 1 și art. 15 din O.G. nr. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată, sancționând reclamatul cu avertisment (art. 5 alin 2 și art. 7 alin. 3 din O.G. nr.2/2001 privind regimul juridic al contravențiilor, cu modificările și completările ulterioare). Totodată, Colegiul director recomandă părții reclamate să manifeste mai multă prudență atunci când își exprimă punctul de vedere cu privire la anumite situații și, în felul acesta, să evite să aducă atingere demnității umane, indiferent de categoria vizată.

CRITERIUL PROFESIONAL

ALTE CRITERII

29. Petenta se consideră discriminată pentru că nu i s-a **acordat sporul de 15% pentru titlul de doctor în drept**. Petenta susține că este judecător la Curtea de Apel Ploiești, iar la data de 27.11.2009 a finalizat studiile școlii doctorale și consideră că trebuia să beneficieze de drepturile ce sunt acordate unui absolvent cu titlul de doctor în drept. Colegiul director reține faptul că se aplică un tratament mai puțin favorabil angajaților care au obținut titlul de doctor după intrarea în vigoare a Legii nr. 330/2009 și a OUG. nr. 1/2010 în raport cu angajații care au obținut titlul de doctor înainte de intrarea în vigoare a actelor normative mai sus amintite. Primul grup primește în continuare suma echivalentă sporului de doctorat, chiar și după intrarea în vigoare a noii legi de salarizare, în timp ce al doilea grup nu are chemare la obținerea unei sume echivalente cu sporul de doctorat. Colegiul director reține încălcarea principiului plății egale pentru muncă de valoare egală, parte a dreptului la nediscriminare prevăzut art. 16 alin. (1) coroborat cu art. 41 în Constituția României. Angajații care au obținut titlul de doctor după intrarea în vigoare a legii unice de salarizare sunt în situație comparabilă cu cei care au obținut acest grad academic înainte de intrarea în vigoare a legii în cauză. Astfel, ambele categorii au obținut o calificare academică, prin care se presupune că adaugă un plus de valoare muncii prestate. Deși aparent este un criteriu atipic, momentul obținerii titlului de doctor este cel care determină tratamentul mai puțin favorabil. Există un raport de cauzalitate între momentul obținerii titlului de doctor și tratamentul diferențiat izvorât din lege. Colegiul director reține că prevederile art. 30 alin. (6), art. 48 alin. (1) pct.7 din Legea-cadru nr.330/2009, art. 1 alin. (5), art. 6 alin. (1) din O.U.G. nr.1/2010 nu se justifică, nu respectă principiul egalității și constituie discriminare, prin încălcarea art. 16 alin. (1) coroborat cu art. 41 din Constituția României, art. 1 pct. 1. din Protocolul nr. 12 la Convenția pentru apărarea drepturilor omului și a libertăților fundamentale ratificată de România prin Legea nr. 103 din 25 aprilie 2006, art. 5 alin. (1) din Codul Muncii, art. 2 alin. (1) coroborat cu art. 6 lit. b) și c) din O.G. 137/2000. Prin **hotărârea nr. 671 din 20.11.2013** Colegiul director a constatat că faptele sesizate constituie discriminare și recomandă Consiliului Superior al Magistraturii și Ministerului de Justiție să întreprindă demersurile necesare în vederea armonizării legislației în cauză cu principiul egalității și nediscriminării în raporturile de muncă.

ÎNĂLȚIME

30. Petenta sesizează că nu i s-a permis să se prezinte la examenul de admitere întrucât nu întrunea criteriile de înălțime. Prin **hotărârea nr. 675 din data de 20.11.2013** Colegiul director constată că faptele sesizate constituie discriminare potrivit dispozițiilor art. 2 alin.(3), art.11 alin.(1),din O.G. nr.137/2000, republicată și dispune sancționarea părții reclamate, în speță M.A.I., cu o amendă contravențională în cuantum de 1000 lei, potrivit art. 26 din O.G.137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată.

31. Petenta se consideră **hărțuită la locul de muncă** din motive politice și reclamă un comportament necorespunzător din partea reclamatului, în calitate de vice-primar. În urma analizării actelor de la dosar, s-a constatat că reclamatul, printr-o serie de acțiuni îndreptate împotriva petentei, a creat un cadru intimidant, ostil, degradant față de petentă. Colegiul director constată că aceste fapte au avut legătură cu apartenența politică a petentei, fapt care rezultă și din presa locală, unde este prezentat un adevărat „război” politic, în care fostul primar de o anumită apartenență politică este atacat inclusiv de angajații primăriei, alături de petentă. Deși reclamatul afirmă că nu a cunoscut apartenența politică a petentei, probele depuse la dosar arată contrariul. Prin **hotărârea nr. 106/06.03.2013**, Colegiul director al C.N.C.D. a decis că petenta a fost supusă unui comportament care a creat un cadru intimidant, ostil, degradant pe criteriul politic, ceea ce reprezintă hărțuire conform art. 2 alin. 5 al O.G. nr. 137/2000. Raportat la faptă, Colegiul director consideră că astfel de fapte trebuie sancționate cu amendă contravențională, pe de o parte pentru a proteja angajații instituțiilor publice împotriva ingerințelor politice, pe de altă parte pentru a crea condiții optime de lucru în aceste instituții, în care angajații nu trebuie să fie supuși unor condiții care afectează dreptul la demnitate. Astfel, reclamatul a fost sancționat cu amendă contravențională în valoare de 600 lei.

32. Sesizarea petentei vizează atitudinea de **hărțuire la locul de muncă** prin instituirea regulii de a semna condica de prezență la ora 7.45 și 16.15 fără asigurarea transportului și, de asemenea, prin izolarea într-un birou la mansardă. Petenta consideră discriminatoriu faptul că, deși este asistent medical comunitar și trebuie să se deplaseze în toate satele comunei în vederea consultării persoanelor bolnave, trebuie să ajungă la sediul primăriei la ora 16.15 pentru semnarea condicii de prezență, fără a i se asigura transportul. Totodată, petenta consideră discriminatoriu faptul că a fost izolată într-un birou la mansardă unde căldura este insuportabilă. Aceasta consideră că are parte de acest tratament pentru că este soția fostului primar, iar noul primar vrea să o îndepărteze din primărie. Criteriul invocat de petentă ce a stat la baza tratamentului diferențiat este reprezentat de faptul că aceasta este soția fostului primar și nu împărtășește convingerile politice ale noului primar. Prin hotărârea nr. **713 din 04.12.2013**, Colegiul director a constatat existența unui tratament diferențiat, discriminatoriu potrivit art. 2 alin 3 și art. 6 lit. g) din O.G. 137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare, republicată, în ceea ce privește instituirea regulii de a semna condica de prezență la ora 7.45 și 16.15 și a dispus sancționarea primarului comunei C. A. Rosetti din județul Buzău cu o amendă contravențională în valoare de 1.000 lei, pentru faptele prevăzute de art. 6 lit. g) ale O.G. 137/2000, republicată și, de asemenea, în ceea ce privește izolarea petentei într-un birou la mansardă și neasigurarea transportului în vederea semnării condicii de prezență, a dispus sancționarea primarului cu o amendă contravențională în valoare de 1000 lei, pentru faptele prevăzute de art. 2 alin. 5 și art. 6 lit. g) ale O.G. 137/2000, republicată.

SEGREGARE

Clasă de elită

33. V.D. reclamă situația discriminatorie dintr-o școală generală din București unde, din trei clase formate (clasele a V-a), una este o clasă intensiv engleză (cea ce nu consideră a fi anormal), una este de „elită”, de matematică, iar clasa în care este copilul ei ar fi „clasă de sacrificiu”. Susține că s-a explicat părinților că cei din **clasa de „elită”** vor fi pregătiți pentru concursuri, olimpiade, vor avea cei mai buni profesori din școală, restul vor fi lăsați în ritmul lor, „că nu toată lumea este făcută să învețe carte”. În urma analizării înscrisurilor de la dosar, Colegiul director constată că la școala reclamată au fost formate trei clase din patru existente în clasa a IV-a: clasa A – engleză intensiv iar între clasele B și C elevii au fost împărțiți în funcție de rezultatele obținute la testul de matematică. Astfel testul nu a fost folosit pentru a elimina un plus de elevi care, conform punctului de vedere al Ministerului Educației Naționale, ar fi fost legal, ci pentru a împărți elevii în cei cu rezultate bune și cei cu rezultate slabe la matematică. Astfel, se poate constata că nu există ipoteza emisă nici de Ministerul Educației Naționale (utilizarea testului pentru a elimina elevii care, din cauza numărului mai mic de clase, nu pot fi școlarizate), nici ipoteza emisă de Inspectoratul Școlar al Municipiului București și de școala reclamată, care au susținut că repartizarea elevilor s-a făcut în funcție de opțiunea părinților. Prin **hotărârea nr. 679/20.11.2013**, Colegiul director constată că deși nu a existat un refuz de a înscrie copilul petentei în școală, a existat un refuz de a crea condiții de egalitate în ceea ce privește calitatea educației, astfel că faptele prezentate de petentă reprezintă discriminare conform art. 2 alin. 3, art. 2 alin. 5 și art. 11 alin. 1 din O.G. nr. 137/2000, fiind aplicată sancțiunea cu amendă contravențională în valoare de 1.000 lei. În cazul supus soluționării, s-a considerat oportună și emiterea unei recomandări, în sensul ca reclamata să informeze părinții privind soluția dată de către C.N.C.D. iar, pe viitor, să nu mai accepte nici o presiune din partea părinților privind testarea copiilor și împărțirea lor în clase conform rezultatelor obținute la teste.

CRITERII

MULTIPLE

34. În urma autosesizării Colegiului director conexasă cu sesizarea înaintată de către UDMR Satu Mare cu privire la anunțul de angajare publicat în Ziarul „informația zilei”, ce cuprinde următoarele condiții: „Angajăm vânzătoare pentru bijuterie, de preferat cu experiență în muncă, **persoană tânără, aspect fizic plăcut. Excluz naționalitate maghiară**”, prin hotărârea nr. **748 din 16.12.2013**, Colegiul director a constatat încălcarea prevederilor art. 2 alin. 1, 4 și 6, art. 7 alin 2 și 15 din O.G. nr. 137/2000 R și a sancționat persoana care a dat anunțul la ziar cu suma de 3.000 lei, iar Ziarul care a publicat anunțul cu suma de 2000 lei (art. 2 alin. 11 și art. 26 alin. 1 din O.G. nr. 137/2000 coroborat cu art. 8 alin. 4 din O.G. nr. 2/2001 privind regimul juridic al contravențiilor, cu modificările și completările ulterioare). De asemenea, în conformitate cu prevederile art.26 alin 1 din OG nr. 137/2000R, Ziarul va publica în mass - media un rezumat al hotărârii în speță.

35. Prin petiția formulată, petenta M.M.C. consideră discriminatorii comportamentul și practicile angajatorului după reintegrarea sa pe post, prin sentința instanței definitive și irevocabilă. În fapt, petenta precizează că a fost reangajată la data de 24.07.2013, iar până la data de 30.08.2013, când a intrat în concediu de odihnă, a fost supusă unui **tratament degradant, injust, umilitor**, fiind obligată să rupă manual, în bucăți mai mici de 1 cm, ciornele colegilor, această muncă fiind atent supravegheată. De asemenea, petenta mai precizează că a fost prezentată ca exemplu negativ, arătând astfel altor angajați ce ar putea păți dacă ar avea curajul să-și apere interesele în justiție în contradictoriu cu societatea reclamată. Petenta învederează C.N.C.D. aspectele care au contribuit la crearea unui cadru ostil, umilitor la adresa sa din partea societății angajatoare, biroul ei fiind poziționat la distanță de birourile colegilor; nu a primit card de acces în alte zone ale societății reclamate, similar colegilor, astfel nu a avut acces liber în sala de mese; față de alți angajați a avut obligația de a preda la terminarea timpului de serviciu telefonul mobil, USB-urile, CD-urile; o practică similară nu s-a aplicat împotriva altor colegi, secretara angajată pe locul ei beneficiind de un tratament complet diferit; de asemenea, societatea reclamată a achiziționat în 2012 o mașină de tăiat hârtie. Reclamatul menționează că petiția nu a fost întemeiată în drept, nu este specificat un anume criteriu de discriminare. De asemenea, reclamatul combate afirmația petentei precum că ar beneficia de un tratament ostil diferit de ceilalți colegi, făcând precizarea că toți angajații au obligația de a depozita telefonul mobil, dispozitivele USB și CD-urile. Astfel, reclamatul afirmă că petenta a primit la data reintegrării un card de acces similar colegilor, iar contrar celor afirmate de ea distrugerea manuală a unor documente intră în atribuția petentei, având scopul de a preveni divulgarea unor informații confidențiale. Cu ocazia primei audieri s-a clarificat temeiul în drept, și anume faptul că din moment ce petenta a invocat un tratament degradant, injust, umilitor, aceste fapte se regăsesc în art. 2 alin. 1 și 5, respectiv art. 15 din O.G. nr. 137/2000, însă și criteriul aflat la baza tratamentului advers și anume situația de persoană reintegrată în urma unui proces cu societatea reclamată. Prin **hotărârea nr. 709 din 04.12.2013**, Colegiul director a decis respingerea excepției de neкомпetență invocată de reclamat și că faptele prezentate în petiție reprezintă discriminare directă, hărțuire și încalcă dreptul la demnitate al petentei conform art. 2 alin. 1, art. 2 alin. 5 și art. 15 din O.G. nr. 137/2000. În ceea ce privește sancțiunea aplicată, Colegiul director decide oportună în cauză aplicarea amenzii contravenționale în valoare de 20.000 lei. De asemenea, Colegiul director obligă reclamatul să publice într-un ziar de tiraj național un rezumat al hotărârii de constatare (conținând numărul și data hotărârii, numărul dosarului, reclamatul, obiectul, motivarea de fapt și de drept și dispozitivul), cu respectarea caracterului confidențial al numelui și domiciliului petentei.

VICTIMIZARE

36. Prin sesizarea din data de 26.07.2013, petentul V.C.G. se consideră **victimizat prin desfacerea contractului de muncă în urma acțiunii întreprinse anterior la Consiliul Național pentru Combaterea Discriminării** din data de 29.01.2013. Neprimind salariul timp de 6 luni, a transmis o adresă către Inspectoratul Teritorial de Muncă din București, instituție de la care a aflat că i s-a desfășurat contractul de muncă în data de 26.04.2013, ca sancțiune pentru absențe nemotivate, considerate de acesta fictive. Arată că după ce a depus petiția la C.N.C.D. (29.01.2013) a fost amenințat cu desfacerea contractului de muncă. Reclamatul, prin punctul de vedere formulat în cauză, arată că petentului i s-a desfășurat contractul de muncă prin în data de 26.04.2013, decizia fiind comunicată prin executor judecătoresc și, bineînțeles, atacabilă în fața instanței de judecată, prin urmare invocă necompetența C.N.C.D. Prin **hotărârea nr. 706/04.12.2013** Colegiul director a analizat excepția de necompetență material invocată de reclamat, dispunând respingerea acesteia, arătând că obiectul acțiunii în fața C.N.C.D. este o faptă contravențională (victimizarea), faptă ce poate fi sancționată conform legii cu amendă contravențională doar de către C.N.C.D., nu și de către instanțele de judecată. Pe fond, Colegiul constată că desfacerea contractului de muncă al petentului reprezintă victimizare conform art. 2 alin. 7 din O.G. nr. 137/2000 și aplică sancțiunea cu amendă contravențională în valoare de 8.000 lei față de angajator, instituția reclamată în cauză.

Percepții și atitudini privind discriminarea 2013⁴

Consecvent misiunii și dorinței de a cunoaște cum este perceput fenomenul discriminării în societatea românească, Consiliul Național pentru Combaterea Discriminării a realizat, și în anul 2013, un sondaj de opinie ce a avut următoarele obiective:

- Monitorizarea gradului de cunoaștere din partea populației asupra fenomenului discriminării (noțiuni generale, impactul asupra societății românești, evoluția fenomenului, legislația privind combaterea discriminării, efectele discriminării la nivel social);
- Identificarea grupurilor minoritare afectate de discriminare;
- Identificarea opiniilor populației față de grupurile minoritare aflate sub riscul de a fi discriminate;
- Nivelul de cunoaștere și modul de raportare față de Holocaustul din România din anii celui de-al doilea război mondial;
- Notorietatea pe care instituția abilitată și specializată în combaterea discriminării (C.N.C.D.) o are la nivel social.

Sondajul fost realizat de Institutul Român pentru Evaluare și Strategie (IRES) la comanda C.N.C.D. în perioada octombrie-noiembrie 2013 pe un eșantion reprezentativ de 1.415 de persoane, de peste 18 ani, din mediul rural și urban

Iată câteva dintre datele rezultate în urma aplicării chestionarului de cercetare:

- **67% dintre respondenți consideră că discriminarea se manifestă “des” și “foarte des”.**
- **46% cred că discriminarea va rămâne la fel în următorii ani. Doar 11% au speranța că se va diminua și 28% își exprimă îngrijorarea că va fi și mai des întâlnită.**

⁴ Chestionarul și rezultatele sale complete pot fi consultate la adresa: <http://C.N.C.D..org.ro/noutati/Evenimente/Rezultatele-sondajului-de-opinie-Perceptii-si-atitudini-privind-discriminarea-2013-189/>

CONSECVENȚĂ

REZULTATE

DISCRIMINAREA

✓ **71% dintre români consideră că romilor le este mai greu să găsească un loc de muncă;**

✓ **69 % cred că persoanelor infectate HIV le este mai greu să găsească un loc de muncă.**

CONSILIUL NAȚIONAL PENTRU COMBATEREA DISCRIMINĂRII

Discriminarea este recunoscută ca fiind o problemă actuală a societății românești de către **59%** dintre respondenți. Un procent de **31%** nu consideră că aceasta este printre principalele probleme ale României. Având în vedere că în anul 2011 procentul celor care vedeau discriminarea ca o problemă socială era de **51%**, aceste răspunsuri reflectă o creștere a procentului persoanelor care identifică în discriminare o problemă reală a României. Această creștere poate fi explicată prin faptul că se identifică și se cunosc mai bine situațiile reale de discriminare (**54%** dintre cei chestionați declară că știu “mult” și “foarte mult” despre discriminare), cele care până acum deși aveau loc nu erau recunoscute ca fiind discriminatorii.

Grupurile minoritare despre care se crede că sunt cel mai discriminate în România sunt:

- **persoanele infectate HIV (67%** dintre cred că aceste persoane sunt discriminate „mult” și „foarte mult”);
- **persoanele de etnie romă** (același procent de **67%** cred că romii sunt discriminați în România);
- **persoanele cu dizabilități (62%)**
- **persoanele dependente de droguri (58%)**
- **persoanele cu altă orientare sexuală (50%).**

Este de menționat că aceste categorii se află în mod constant în opiniile românilor ca fiind cele mai discriminate în societate. Acest lucru demonstrează că este vorba de concepții bine structurate la nivelul mentalului colectiv și care pot fi chiar surse ale discriminării. Pe lângă aceste categorii pot să apară și unele față de care până acum opiniile nu erau atât de clar conturate sau care pur și simplu nu intrau în sfera cercetărilor sociologice (persoanele dependente de droguri, copii instituționalizați, românii din zonele unde sunt minoritari etc.). În viitor este necesară o atenție sporită față de categorii de persoane aflate sub risc de discriminare dar care nu au o vizibilitate prea mare în cadrul societății.

Consiliul Național pentru Combaterea Discriminării (C.N.C.D.) este cunoscut de **54%** dintre români. Aceștia au avut ca principală sursă de informare televiziunea (**83%** dintre români au auzit de C.N.C.D. de la televizor). Având în vedere că în anul 2011 notorietatea C.N.C.D. era recunoscută doar de **49%** dintre respondenți, putem spune că vizibilitatea instituției este în creștere.

- **23% au încredere „multă” și „foarte multă” în C.N.C.D.;**
- **35% au „puțină ” încredere;**
- **17% nu au încredere în C.N.C.D.**

„Principalele trei activități către care C.N.C.D. ar trebui să își îndrepte atenția, în opinia celor chestionați, sunt:

- prevenirea actelor de discriminare (**81%**);
- investigarea actelor de discriminare (**80%**);
- sancționarea actelor de discriminare (**79%**).

Prevenirea formelor de discriminare

Promovarea drepturilor și egalității

Carta drepturilor fundamentale a ridicat egalitatea la rang de valoare fondatoare a Uniunii Europene alături de libertate, demnitate și solidaritate. În România, filozofia creării C.N.C.D. a fost aceea de-a acorda importanță atât combaterii discriminării, prin sancțiuni și măsuri corective, cât și prevenirii ei, prin promovarea drepturilor și principiilor egalității. Acțiunile sau programele care pun accentul pe promovarea drepturilor și egalității au urmărit, și în 2013, obiectivele „**Strategiei naționale de implementare a măsurilor de prevenire și combatere a discriminării 2007 - 2013**”.

Apărarea drepturilor și egalității

Toate activitățile derulate conform Calendarului anual de proiecte al Departamentului Programe și Relații Internaționale (D.P.R.I.) care au vizat promovarea egalității de șanse, a relațiilor interculturale și a dialogului între diverse categorii, arată că C.N.C.D. nu s-a bazat nici în 2013 pe o intervenție exclusiv corectivă și sancționatorie, respectând filozofia sa și misiunea de apărare a dreptului la nediscriminare al fiecărui cetățean, de schimbare a mentalităților și de egalitate socială. Eliminarea stereotipurilor, schimbarea prejudecăților și a practicilor discriminatorii au constituit nucleul dialogului și parteneriatelor cu societatea civilă.

Prioritatea: Educația și Sănătatea

Pentru identificarea dificultăților pe care le întâmpină anumite categorii, pentru a le face mai bine cunoscute drepturile, precum și pentru eficientizarea acțiunilor comune cu ONG-urile reprezentante ale acestor categorii sociale, D.P.R.I. a pus în practică o listă de priorități strategice, constituind platforme permanente de dialog și acțiune, mai ales în educație și sănătate, domenii în care proiectele cu impact major derulate în anii precedenți au fost continuate și dezvoltate în 2013.

Copiii și tinerii

Programele D.P.R.I. care au fost bine articulate și valorificate în colaborare cu ONG-uri, cu școli, cu universități sau unități sanitare, au implicat la toate nivelurile mai ales copiii și tinerii, segmentul liant al societății acum, promotorii și în viitor, beneficiarii unui climat al diversității culturale, al comunicării fără stereotipuri și fără prejudecăți.

Pași spre egalitate: Informarea și Formarea

În 2013 toate modulele de acțiune ale D.P.R.I. s-au derulat cu intenția declarată de a informa și a forma, cu pondere în domeniile educației și sănătății, folosind prioritatea „Promovarea egalității în educație și sănătate” dintre obiectivele strategice 2007 – 2013.

1. “Atelier educațional pro-diversitate” – Cel mai complex și mai de impact proiect de promovare a drepturilor și egalității desfășurat în 2013 de către D.P.R.I. Formarea pro-diversitate a celor mai buni elevi din cele mai bune 7 școli din țară (alese prin competiția dintre cele 17 școli de anul trecut) care au desfășurat proiecte locale de calitate în învățământul din România.

Argument

„Atelierul” a funcționat din martie până în decembrie, pe tot parcursul anului desfășurându-se competiții școlare menite să încurajeze și să valorizeze diversitatea. În 2013, cele mai multe școli partenere ale proiectului au fost din mediul rural, din toate zonele țării, iar elevii care s-au înscris în concursuri și-au putut afirma originalitatea și interesul în ceea ce privește spectrul de problematice al diversității și nediscriminarea, sub toate aspectele ei.

Desfășurător

Prima etapă a proiectului a avut scopul de-a sprijini inițiativele pro-diversitate ale profesorilor în plan local și mai ales în mediul rural, dar și cointeresarea familiilor elevilor, a comunității locale pentru obținerea armoniei prin depășirea temerii de ceea ce nu înțelegi.

A doua etapă a constat în participarea primilor trei elevi clasați în concursurile din fiecare școală la cursuri interactive și de grup care s-au desfășurat la Sibiu și în vizitarea unor obiective care întregesc diversitatea culturală, geografică și istorică a zonei.

Grupuri țintă

Beneficiarii direcți ai proiectului au fost elevii și cadrele didactice care cu un an în urmă pregătiseră cele mai bune proiecte pentru nediscriminare în educație.

Beneficiarii indirecti au fost familiile elevilor, comunitățile locale și, în perspectivă, întreaga societate.

Cifre și statistici

7 școli rurale angajate în competițiile pro-diversitate.

Aproximativ 500 de elevi care au primit informații și au luat contact cu problematica diversității.

Un număr de peste 50 de profesori implicați direct în procesul de formare pro-diversitate.

Aproximativ 100 de părinți sensibilizați cu privire la importanța unei educații antidiscriminare.

Mai mult de 50 de autorități locale sesizate, informate și conștientizate în privința susținerii grupurilor vulnerabile la discriminare (romi, persoane cu dizabilități, vârstnici, șomeri).

Concursuri de cunoștințe generale privind diversitatea; Concursuri de cunoștințe despre drepturile omului; Concursuri de poezie, desene și dansuri; Concursuri de culori – desene, costume tradiționale, cunoștințe geografice și istorice despre oameni și culori.

Întâlniri între elevi, cadre didactice, părinți și autorități locale; discuții interactive și dezbateri între și cu cei mai mici membri ai societății, elevii de școli primare și gimnaziale.

Rezultate

Interacțiunea celor mai competitivi elevi din cele mai active școli din țară în promovarea diversității;

Șanse egale în accesul școlilor din mediul rural la acțiunile C.N.C.D. de prevenire a discriminării;

Continuarea în plan local a acțiunilor C.N.C.D. și punerea în valoare a proiectelor desfășurate în anii precedenți pentru egalitatea în educație.

2. "Promovarea dreptului la nediscriminare și egalitate de șanse la nivelul învățământului preuniversitar din București – Egalitate și nediscriminare" – Informarea și educarea tinerilor în materie de nediscriminare și egalitate, prin dezvoltarea deprinderilor de comunicare interactivă, prin creșterea nivelului de cunoștințe privind drepturile omului, prin cunoașterea modului de a beneficia de drepturi și de protecția instituțiilor abilitate să apere și să promoveze principiile nediscriminării și egalității de șanse.

Argument

Un proiect amplu în care au fost angrenați elevi de la 7 la 19 ani, într-un concurs promovat pe site-ul Universității Creștine „Dimitrie Cantemir”, în 40 de școli și 15 licee bucureștene, dar și din alte județe (Constanța, Timiș, Giurgiu, Dâmbovița, Ilfov), prin pliante, afișe și flyere de către membrii echipei de cercetare, precum și prin Inspectoratul Școlar al Municipiului București, partener alături de Universitate și C.N.C.D în acest proiect.

Desfășurător

Popularizarea concursului în școli și licee din București și din țară;

Primirea lucrărilor pe adresa Universității Creștine “Dimitrie Cantemir”;

Alcătuirea unui juriu cu membri (număr impar) din instituțiile partenere pentru fiecare secțiune;

Selectarea celor mai bune lucrări literare spre a fi publicate într-o lucrare;

Selectarea celor mai bune desene spre a fi publicate într-un calendar de birou pentru anul 2014;

Premierea celor mai bune lucrări într-un cadru festiv.

Rezultate

La întâlnirile cu elevii s-au definit conceptele de *discriminare*, *criterii de discriminare*, *egalitate de șanse* și au fost analizate cazuri concrete de situații discriminatorii aduse de membrii echipei de cercetare, dar și propuse de elevi. S-a constatat că tinerii manifestă interes pentru a cunoaște modalitățile de a beneficia de dreptul la nediscriminare și egalitate de șanse, dar și pentru a ști cum să nu discrimineze la rândul lor.

În Calendarul de birou cu desenele premiate s-au inscripționat atât numele proiectului, cât și numele instituțiilor partenere.

Toate creațiile participante la concurs (cu excepția desenelor) au fost publicate într-un volum intitulat "Egalitate și nediscriminare". Toți elevii premiați au primit câte un exemplar din această carte.

Cifre și statistici

✓ 110 lucrări primite, 84 de lucrări intrate în concurs: secțiunea desen – 42; secțiunea creație literară 7-10 ani – 5; creație literară 11-14 ani – 23; creație literară 15-19 ani – 14.

✓ 50 de lucrări premiate: 38 de creații literare și 12 desene pentru premiile I, II, III și Mențiuni.

Feed-back

În urma rezultatelor obținute s-a decis permanentizarea acțiunilor cu caracter de informare-educare, în parteneriat, pentru a se crea o tradiție în colaborarea dintre Universitatea Creștină “Dimitrie Cantemir” București, Consiliul Național pentru Combaterea Discriminării și Inspectoratul Școlar al Municipiului București/Ministerului Educației, Tineretului și Cercetării.

3. „Școala de Vară 2013 - Grupuri de Risc și Servicii Sociale de Suport. Dreptul la nediscriminare” – Formarea tinerilor profesioniști pentru a fi capabili să ofere servicii de suport, să implementeze dreptul la nediscriminare și să creeze platforme de cooperare între persoanele discriminate pe criteriul consumului de droguri sau pe criteriul infectării cu virusul HIV, organizațiile neguvernamentale și autoritățile publice din domeniu.

Argument

„Proiectul a vizat îmbunătățirea calității vieții grupurilor vulnerabile și marginalizate (în special romi), prin creșterea gradului de informare și de formare a studenților pentru acceptarea și valorificarea tuturor categoriilor sociale în circuitul vieții publice. În 2013, preocuparea Școlii de Vară, organizate de C.N.C.D. pentru această latură a procesului de prevenire și de protecție împotriva discriminării, a ajuns la cea de-a cincea ediție.

Desfășurător

Pe parcursul a opt zile au fost constituite și au funcționat ateliere informative cu privire la:

- ✓ Respectarea drepturilor omului și dreptul la nediscriminare;
- ✓ Discriminarea și politicile anti-discriminare în România;
- ✓ Acces fără discriminare la servicii sociale și de suport;
- ✓ Consumul de droguri;
- ✓ Sexul comercial (prostituție);
- ✓ Consilierea pre și post test HIV și testarea HIV;
- ✓ Furnizarea de servicii sociale de suport adresate grupurilor de risc;
- ✓ Cadrul legislativ și politicile din domeniul prevenirii și combaterii consumului și traficului de droguri.

Cifre și statistici

- ✓ 500 de beneficiari indirecti, al căror număr va crește pe termen lung odată cu implicarea participanților într-o carieră în domeniul social.
- ✓ 32 de participanți, la 17 ateliere.
- ✓ 3 sesiuni de teambuilding.
- ✓ 3 proiecții de film și o reprezentație a unei piese de teatru.

Feed-back

Impactul acestui eveniment a fost unul extrem de puternic. Participanții și-au însușit în mare măsură informațiile furnizate pe parcursul acestei ediții a Școlii de Vară, mai mult, aceștia și-au schimbat atitudinea față de grupurile vulnerabile și marginalizate. O bună parte dintre participanți și-au exprimat dorința de a deveni voluntari în cadrul organizațiilor partenere la eveniment și de a milita pentru apărarea drepturilor grupurilor vulnerabile.

4. „Tinerii dezbat” – Informarea corectă, dezbateră argumentată și sensibilizarea tinerilor liceeni privind multiplele forme în care diferențele sociale, etnice, economice, de sănătate sau de gen pot constitui bariere în comunicare și pentru egalitate.

Desfășurător

Un proiect multianual aflat în 2013 la a IV a ediție care s-a concretizat prin organizarea de dezbateri publice în liceele din întreaga țară, faze locale, regionale și naționale, care au avut drept scop informarea și conștientizarea tinerilor asupra valorilor cetățeniei democratice prin înțelegerea informală a realităților sociale, dezbateră și exersarea atitudinii tolerante, practica pro-diversitate, deprinderea unui comportament antidiscriminare, fără prejudecăți și stereotipuri.

Cifre și statistici

- ✓ Peste 700 de liceeni din clasele IX-XI implicați într-un dialog despre diversitate și egalitate.
- ✓ 147 de licee participante la dezbateri și selecții în diferite etape ale proiectului.
- ✓ 8 regionale, reprezentând toate județele țării, organizatoare și promotoare ale procesului de informare privind climatul antidiscriminare și necesitatea egalității în societate.

5. „Acceptarea diferenței: un exercițiu democratic. Eșu despre egalitate, diversitate și democrație” – Sensibilizarea tinerilor privind problematica egalității, diversității și a democrației, prin exprimarea unor idei originale care să transforme exemplele cotidiene în teme de dezbateră socială.

Argument

Plecând de la nevoia de a dezbate teme ce țin de egalitatea de șanse în contextul românesc și european, C.N.C.D. și Centrul pentru Politicile Egalității de Șanse (CPES) al Facultății de Științe Politice din Universitatea București au conceput desfășurarea unui concurs de idei/eseuri pe tema egalității, diversității și democrației, invitând la reflecție asupra gesturilor și discursurilor cotidiene despre noi și ceilalți, egalitate și diferență în societatea românească contemporană, adresat tuturor studenților.

Desfășurător

Fiecare participant a avut misiunea să realizeze un eseu de 2-3 pagini (6000-10.000 de semne) pe temele stabilite. Toate eseurile au fost însoțite de o scrisoare de motivație de o pagină în care au fost prezentate interesul și proiectele individuale legate de problematica egalității, diversității și democrației. Ulterior au fost selecționați 15 finaliști, iar premiarea a avut loc în cadrul unei dezbateri organizate la librăria Bastilia.

Rezultate

A încurajat exprimarea unor idei originale care să transforme exemplele cotidiene în teme de dezbatere despre egalitate, diversitate și democrație.

A antrenat tinerii într-un dialog direct și de la distanță despre nevoia echilibrului social, despre egalitate, cunoașterea și respectarea drepturilor.

A constituit un stimulent pentru informarea permanentă asupra valorilor și asupra efectelor pozitive pe care le impregnează în rândul cetățenilor un comportament nediscriminatoriu și o atitudine lipsită de prejudecăți.

6. “Conferința internațională *Multiculturalism și nediscriminare*” – Informarea studenților și dezvoltarea capacității lor de-a aplica principiile egalității în domenii precum cel juridic, economic, social, educațional, precum și înțelegerea noțiunii de drept subiectiv sau înțelegerea principiilor și valorilor civice: egalitate de șanse, toleranță, nediscriminare.

Argument

Un eveniment conceput pentru conștientizarea de către studenți a noțiunilor elementare privind drepturile omului, modul în care acestea sunt consacrate de legislația națională și de cea comunitară, precum și pentru creșterea nivelului de informare cu privire la egalitatea între cetățeni și dreptul fiecăruia la nediscriminare. Nu în ultimul rând, s-a dorit stimularea implicării tinerilor în promovarea principiilor egalității de șanse, solidarității civice și nediscriminării.

Desfășurător

Elementul esențial al proiectului a fost organizarea Conferinței, lansându-se invitații către profesori, inclusiv din alte țări, cât și către studenți. Popularizarea evenimentului s-a desfășurat în cadrul Universității Hyperion, instituția parteneră a C.N.C.D., atât prin discuții cu studenții, cât și prin abordări formale și informale cu profesorii.

Cifre și statistici

- ✓ 60 de participanți
- ✓ 10 lucrări prezentate
- ✓ 100 de pliante
- ✓ 100 de afișe

Rezultate

Lucrările prezentate au condus la debateri pe tema multiculturalismului și nediscriminării în care s-au implicat atât cei ce au susținut lucrări de specialitate, cât și ceilalți participanți.

În urma semnalelor pozitive, s-a desprins concluzia permanentizării acțiunilor de informare-educare, în parteneriat, pentru a se crea o tradiție în colaborarea dintre Universitatea Hyperion și C.N.C.D., ca și în cazul tradiției deja existente cu alte Instituții universitare.

7. „Noua revistă a drepturilor omului” –

Din anul 2006 Consiliul Național pentru Combaterea Discriminării colaborează cu **Noua Revistă de Drepturile Omului** (NRDO), o publicație trimestrială editată de Centrul de Studii Internaționale în cooperare cu editura C.H. Beck, care a fost gândită să răspundă cerințelor academice și să fie în același timp o resursă pentru instituțiile și organizațiile implicate în înțelegerea și promovarea drepturilor omului.

8. “Festival de film documentar dedicat drepturilor omului – *One World Romania*”, un eveniment în cifre:

9.127 de spectatori

Prezentat în peste 700 de știri la TV, radio, articole și postări virtuale.

50 de interviuri înregistrate

20.000 de copii ale Suplimentului special de 16 pagini

26.912 vizite ale site-ului Festivalului din care 14.199 vizitatori unici

6.699 de fani pe Facebook

2.200 de vizualizări ale spotului Festivalului pe YouTube

9. “Promovarea drepturilor omului și a nediscriminării în învățământul universitar medical din România” – Informarea și formarea tinerilor medici pentru abordarea integrată și complementară a unor activități pentru cunoașterea, înțelegerea, acceptarea și respectul minorităților naționale, pentru îmbunătățirea accesului la serviciile medicale de calitate pentru grupurile vulnerabile, incluzând romii.

Argument

Organizarea unui atelier educațional pentru studenții de la facultățile de medicină și farmacie, pentru promovarea educației nondiscriminatorii în rândurile personalului medical la nivel superior, pentru cunoașterea și respectarea diversității, dar și pentru formarea unor reflexe de gândire și acțiune, în rândul acestei profesii, prin care să elimine derapajele discriminatorii pe care le suportă în unitățile sanitare anumite categorii sociale vulnerabile sau defavorizate.

Grupuri țintă

Un număr de 30 de tineri din 3 Universități de Medicină și Farmacie (UMF „Gr T Popa” Iași, UMF Târgu Mureș și UMF „Iuliu Hațieganu” Cluj-Napoca), care au obținut cele mai bune rezultate de promovare a cursului „Etica și non-discriminarea grupurilor vulnerabile în sistemul de sănătate.

Rezultate

Consolidarea educației în domeniul nediscriminării prin procese educaționale formale și non-formale a cadrelor medicale superioare.

Impactul direct medic-pacient, fără prejudecăți și în spiritul respectării drepturilor și egalității.

10. “Modalități de promovare a principiilor nediscriminării și egalității de șanse în societatea românească actuală – NEDES 2013” – Informarea și formarea tinerilor specialiști, în cadrul unor manifestări de nivel internațional în cadrul cărora se promovează nediscriminarea, diversitatea și egalitatea de șanse.

Argument

C.N.C.D. în parteneriat cu Universitatea Creștină ”Dimitrie Cantemir” au derulat acest proiect multianual, ajuns deja la a VII-a ediție în 2013, care urmărește popularizarea la națională și internațională a tuturor principiilor nediscriminării, lărgirea platformei de dialog multicultural între țările comunitare și receptarea la nivel academic a diversității, prin organizarea unei Conferințe devenite de tradiție.

Cifre și statistici

Mai multe sute de persoane au participat în perioada 2010-2013 la această Conferință, comparabilă cu multe manifestări internaționale similare.

5 exemplare din „Volumul Conferinței” au ajuns anual atât la Institutului Internațional pentru Drepturile Omului cât și la Institutul European pentru Egalitate de Gen de la Vilnius, Lituania.

100 de persoane au participat la evenimentul din 2013 și au fost prezentate 62 de lucrări științifice care au vizat domeniul nediscriminării, drepturilor omului, diversității și egalității de șanse.

500 de pliante.

500 flyere.

100 de afișe.

11. Gala Femeilor Rome”, un vector pentru egalitate

Proiectul susținut de C.N.C.D. a adus la lumină o altă imagine a femeilor rome, aproape invizibilă sau prea puțin conștientizată de societatea românească: aceea de contribuatoare la economia națională. De trei ani, „Gala Femeilor Rome – *Privește-mă așa cum sunt*”, dedicată *Zilei internaționale a femeii* aduce în atenția opiniei publice femeii rome de o valoare din an în an mai apreciată, personalități la nivelul comunităților lor, cu atribuții foarte importante, ajutându-i pe romi în activitățile ce țin de educație, sănătate, muncă, locuire, politici, cultură etc., iar C.N.C.D. va căuta să mențină și să îmbunătățească astfel de programe și în perioada următoare.

Reprezentarea României la nivel internațional

Raportul Departamentului de Stat al S.U.A privind drepturile omului

- ✓ Departamentul de Stat al S.U.A a publicat, în luna februarie 2014, Raportul Internațional privind drepturile omului pentru anul 2013 cu privire la România. Raportul precizează că C.N.C.D. este o instituție independentă, aflată sub control parlamentar, care a funcționat cu cooperarea Guvernului iar, în majoritatea cazurilor, acesta și partidele politice nu au intervenit în activitatea sa. Deși nu a primit resurse adecvate, instituția a beneficiat de încrederea publicului și a fost considerată eficientă.
- ✓ Raportul precizează că Guvernul din România nu a pus în aplicare în totalitate prevederile actelor normative în materia nediscriminării, înregistrându-se acte de discriminare și violență asupra femeilor, romilor și altor comunități.
- ✓ Stereotipurile și limbajul discriminatoriu în ceea ce privește comunitatea romă au fost larg dezbătute. Jurnaliști și mai mulți oficiali cu rang înalt, inclusiv Președintele, Prim-ministrul, Primarul din Târgu Mureș și alții, au făcut declarații care au fost privite ca discriminatorii de către membrii comunității rome, finalizându-se cu amenzi din partea C.N.C.D.
- ✓ ONG-uri și mass-media au raportat că discriminarea elevilor romi de către profesori și alți elevi a fost un factor de descurajare pentru copiii romi să își finalizeze studiile. Cu toate că Ministerul Educației a emis un ordin prin care interzicea segregarea elevilor romi, au existat rapoarte în care se precizau fapte precum plasarea copiilor romi în partea din spate a sălii de clasă, profesori care ignoră elevii romi precum și elevi romi brutalizați de către alți elevi. În unele comunități, autoritățile au plasat copiii romi în clase separate sau chiar în școli separate.
- ✓ Discriminarea persoanelor cu dizabilități precum și numărul de clădiri cu facilități pentru aceste persoane reprezintă în continuare o problemă.
- ✓ Raportul notează că membrii comunității LGBT se confruntă, în continuare, cu discriminarea societății, în special în sistemul educațional și medical, cu toate că legea interzice discriminarea pe criteriul orientării sexuale.
- ✓ Liderii Bisericii Ortodoxe au propus o modificare Comisiei de Revizuire a Constituției din Parlament, pentru schimbarea definiției legale a căsătoriei, respectiv "o uniune între soți" în "o uniune între un bărbat și o femeie." Propunerea, care a fost în cele din urmă respinsă, a generat un val de declarații homofobe ale politicianilor, cum ar fi Președintele Traian Băsescu, Ministrul Afacerilor Externe Titus Corlățean, senatorul PNL Alexandru Baisanu și deputatul PDL Raluca Turcan, precum și de clerici cu rang înalt, cum ar fi Mitropolitul Ortodox al Ardealului Laurențiu Streza. Amnesty International și C.N.C.D. au criticat modificarea propusă.

Rețeaua Europeană a Instituțiilor de Egalitate din Uniunea Europeană (EQUINET)

Consiliul Național pentru Combaterea Discriminării este membru al Consiliului Executiv din cadrul Rețelei Europene a Instituțiilor de Egalitate din UE (Equinet).

EQUINET este o organizație internațională non-profit care conectează 38 de organisme din 33 de state europene, care au ca obiectiv de activitate combaterea discriminării.

Organizația s-a constituit în anul 2007, ca urmare a implementării unui proiect comunitar referitor la „Consolidarea cooperării între organismele specializate în implementarea legislației privind tratamentul egal” (2002-2004).

În prezent, EQUINET include o serie de formate de coordonare (Adunarea Generală și Comitetul Executiv) și de consultări (cinci grupuri de lucru) și deține un secretariat operațional la Bruxelles, din 2007. De asemenea, organizația este finanțată prin intermediul PROGRESS (*Programme for Employment and Social Solidarity*) 2007-2013.

În vederea facilitării schimbului de informații și experiențe, membrii EQUINET au implementat un sistem electronic de gestionare a cunoștințelor, urmărind atât crearea unui izvor relevant pentru legislația și politicile în domeniu, cât și dezvoltarea unui set de instrumente și proceduri care să permită orientarea dialogului către prioritățile membrilor organizației.

Un alt aspect al activităților EQUINET vizează implementarea unei abordări tip rețea, care încurajează contactele între participanți, la toate nivelurile de dialog, prin interacțiuni directă sau comunicare electronică. Contactele se realizează atât la nivelul Adunării Generale anuale sau al grupurilor de lucru, cât și prin implementarea unei scheme regulate de instruire, cu sprijinul secretariatului organizației.

Conform statutului organizației, EQUINET are, în principiu șapte obiective principale:

- ❖ dezvoltarea conceptelor privind egalitatea
- ❖ dezvoltarea strategiilor și practicilor de implementare a combaterii discriminării
- ❖ dialogul între EQUINET și instituțiile UE pe teme de nediscriminare
- ❖ sprijinirea bunelor practici în promovarea egalității de șanse
- ❖ dezvoltarea și implementarea unor programe de instruire
- ❖ crearea unui izvor relevant pentru legislația și politicile în domeniu,
- ❖ implementarea unei abordări tip rețea

Pentru a atinge obiectivele propuse, Equinet:

- Organizează traininguri de instruire pentru membrii personalului organismelor de promovare a egalității, și seminarii la nivel înalt având ca teme subiecte-cheie relevante pentru agenda europeană în ceea ce privește egalitatea și nediscriminarea;
- Efectuează cercetare și schimb de informații, de date și expertiză de la și între organismele de promovare a egalității prin grupurile de lucru structurate în jurul zonelor de lucru tematice relevante în cadrul organismelor de promovare a egalității.

Grupul de lucru pentru Formare/Elaborare de Politici

Acest grup este o platformă de dialog cu instituțiile europene, care susține formarea de politici ale egalității de șanse și nediscriminării la nivel european. În 2013, au avut loc, la Bruxelles, două întâlniri, în lunile aprilie și septembrie. La prima întâlnire, discuțiile s-au axat pe prioritățile curente și viitoare ale rețelei, importanța diseminării studiilor realizate în grup, cele mai bune politici de susținere a persoanelor L.G.B.T.I., cele mai reușite inițiative ale membrilor și problematica reconcilierii muncii cu viața de familie. La cea de-a doua întâlnire, pe lângă problematicile legate de legislație, cercetare s-au purtat discuții asupra evoluțiilor îngrijorătoare de ordin politic din diferite țări, subiecte legate de aprecierea responsabilității organismelor pentru egalitate. S-au abordat cele mai importante politici și evoluții legislative la nivelul Uniunii Europene, Comisia Europeană arătând că Directivele Europene impun statelor membre să certifice că aceste organisme pentru egalitate sunt capabile să le implementeze independent și efectiv – existând și o propunere pentru o nouă Directivă, prin care organismele de promovare a egalității să aibă un mandat și fonduri suplimentare pentru gestionarea discriminării pe criterii de naționalitate față de lucrătorii migranți din Uniunea Europeană. În final, s-a lucrat la o variantă a documentului "Procese și indicatori de măsurare a impactului organismelor de promovare a egalității și a muncii lor" și asupra chestionarului despre concilierea vieții profesionale cu viața de familie.

Grupul de lucru pe problematica de gen

Pe parcursul anului 2013, au avut loc 2 întâlniri ale **grupului de lucru Equinet pe problematica de gen**, precum și 2 seminarii în care acest grup de lucru și-a adus aportul la organizare.

Prima întâlnire de lucru s-a desfășurat la Paris, în data de 19 aprilie, cu această ocazie fiind abordată relevanța problematicii pe care se axează acest nou grup de lucru înființat, în sfera mai largă a egalității de șanse. Cea de-a doua întâlnire a grupului de lucru pe problematica de gen a avut loc pe 20 septembrie 2013, ulterior trainingului organizat tot la Lisabona.

Grupul de lucru Equinet pe problematica de gen s-a implicat, de asemenea, și în organizarea a 2 evenimente sub egida Equinet: primul dintre acestea s-a desfășurat în data de 27 iunie, la Brussels, și a abordat subiectul „**Egalitatea de gen pe piața muncii: rolul organismelor pentru egalitate**”. Cel de-al doilea seminar de pregătire pentru organizarea căruia și-a adus aportul *grupul de lucru Equinet pe problematica de gen* a avut loc în perioada 18 – 20 septembrie la Lisabona și a avut drept subiect „**Egalitatea de remunerare. Plată egală pentru muncă egală / pentru muncă de valoare egală**”.

Rezultatele activității acestui grup de lucru pot fi identificate și în documentele întocmite de către membrii acestuia, menite să sprijine activitatea organismelor de promovare a egalității în domeniu. Astfel, s-a întocmit un **Raport în ceea ce privește egalitatea de remunerare** în urma discuțiilor purtate în cadrul trainingului desfășurat la Lisabona, fiind trasate în același timp și linii directoare cu privire la modul de a construi un caz, sfaturi juridice și exemple de jurisprudență. De asemenea, *grupul de lucru Equinet pe problematica de gen* a contribuit la întocmirea unui raport al implementării Directivei pentru Bunuri și servicii 2004/113/CE.

Grupul de lucru Dezvoltare Strategică⁵

În anul 2013 au fost organizate două întâlniri ale grupului de lucru, una în Manchester, în data de 30 aprilie 2013, și una în Zagreb, în data de 23 octombrie 2013. Cu ocazia celei de a doua întâlniri din Zagreb, a avut loc în perioada 24-25 octombrie 2013 trainingul privind Combaterea Discriminării și Promovarea Egalității: Angajarea și Cooperarea cu Agenții Responsabili¹. Trainingul a avut la bază materialul produs de grupul de lucru în anii 2012 și 2013 privind „agenții responsabili”. Activitatea grupului de lucru în anii 2012 și 2013 a avut drept scop întocmirea unui raport final privind categoria „agenților responsabili”, raport ce lansat în ianuarie 2014. Structurat pe 5 capitole acesta oferă o definiție a „agenților responsabili”, obligațiile specifice pe care le au în unele state, recomandări având la bază bunele practici din alte state despre cum pot fi aceștia responsabilizați în îndeplinirea obligațiilor, diferitele metode alese de organismele de egalitate pentru angajarea agenților responsabili precum și motivele pentru care acestea au fost alese în diferite state. O primă variantă a acestui raport a fost folosit în elaborarea trainingului unde, în cadrul focus grupurilor, au rezultat și alte exemple și bune practici ce urmează a fi folosite în conceperea variantei finale. Pentru anul 2014 subiectul grupului de lucru va fi necesitatea sau nu a elaborării unui strategii de către organismele de egalitate sau alte metode folosite pentru prioritizarea domeniilor de acțiune în combaterea discriminării.

Grupul de lucru Practici și Strategii de Comunicare

În anul 2013 au fost organizate două întâlniri ale grupului de lucru, una la Atena, Grecia, în data de 26 martie, și una la Bruxelles, Belgia, în perioada 29-31 octombrie.

În cadrul întâlnirilor s-a discutat despre dezvoltarea eficientă a strategiilor și activităților de comunicare a tuturor organismelor de promovare a egalității prezente. Toate discuțiile au fost purtate având ca suport sondajul “Rolul comunicării în cadrul instituțiilor de egalitate de șanse”, completat de fiecare participant în parte. S-au prezentat activitățile și canalele de comunicare care au scopul creșterii gradului de conștientizare privind egalitatea, precum și drepturile și obligațiile pe care le avem față de publicul larg și grupurile care se confruntă cu discriminarea. Aceste discuții vor servi drept bază unei analize comparative a tuturor practicilor de comunicare în diferite țări europene.

⁵ Termenul de Agenți responsabili este folosit „duty bearers”. Aceștia sunt identificați prin obligațiile pe care le au și care merg dincolo de obligația generală de a nu discrimina, precum acomodarea rezonabilă sau măsuri pozitive. Sunt incluși în această categorie angajatorii persoane juridice de drept privat sau public, prestatorii de bunuri și servicii, partenerii sociali și sindicatele.

Grupul de lucru pentru aplicarea legislației

Membrii grupului de lucru s-au întâlnit de două ori pe parcursul anului 2013, la Bruxelles, pentru a discuta despre punerea în aplicare a Directivelor de către statele membre – reprezentantul României a prezentat contribuțiile la Equinet care au fost integrate într-un amplu Raport, publicat pe parcursul anului 2013, denumit „Revizuirea punerii în aplicare Directivelor Rasiale și a Directivei Cadru”, lucrare ce a fost transmisă și Comisiei Europene și menționată în Raportul Comisiei Europene privind punerea în aplicare a directivelor.

Grupul se află în poziția unică de furniza puncte de vedere cu privire la punerea în aplicare a directivelor din Europa, fiind constituit din membrii a 23 ai organismelor naționale de promovare a egalității.

În cadrul lucrărilor, s-a remarcat un grad scăzut de acord între membrii grupului cu privire la cazul în care ar fi necesare clarificări suplimentare din dispozițiile directivelor, în scopul de a facilita o mai bună punere în aplicare a acestora. Grupul a ajuns la concluzia că o apropiere mai mare de dreptul intern ar putea fi, de asemenea, necesară pentru punerea în aplicare a anumitor dispoziții în vederea asigurării egalității în toate statele membre, precum și o implementare omogenă a legislației UE. Experiența membrilor grupului de lucru a arătat că, sub rezerva subsidiarității, standardizarea legislației și a căilor de atac ar spori egalitatea și libertatea de circulație între statele membre.

De asemenea, Grupul a formulat către Comisia Europeană recomandări cu privire la luarea unor noi măsuri de combatere a discriminării, recomandări ce au fost supuse dezbaterii membrilor CE.

Principalele domenii asupra cărora România, prin reprezentantul desemnat de C.N.C.D., a formulat puncte de vedere și documente suport, au fost următoarele :

- Domeniul de aplicare diferit al directivei cadru
- Definierea tipurilor de servicii care intră sub incidența directivelor
- Granițele dintre educație și formare profesională
- Definierea invalidității
- Discriminarea pe motive percepute sau pe motive de asociere cu cineva cu o caracteristică protejată
- Implementarea corectă a prevederilor referitoare la discriminare indirectă
- Domeniul de aplicare a protecției oferit împotriva victimizării
- Normele privind sarcina probei în cazurile de victimizare
- Măsuri afirmative : deși unii membri au fost capabili să identifice o serie de scheme de acțiune afirmative, toți membrii au menționat că o mai mare claritate cu privire la domeniul de aplicare al măsurilor afirmative ar spori capacitatea statelor membre să introducă acest tip de măsuri pentru a preveni sau compensa dezavantajele legate de caracteristicile grupurilor vulnerabile, cu scopul de a asigura egalitatea deplină în practică .
- Domeniul de aplicare aplicare a legislației privind criteriul de naționalitate și interacțiunea acestuia cu discriminarea pe motive de origine etnică și de rasă .
- Sancțiuni. Grupul a fost de acord că există o nevoie de a monitoriza sancțiunile prevăzute de statele membre pentru a se asigura că acestea sunt eficiente , proporționale și cu efect de descurajare.
- Grupul va discuta, pe parcursul anului în curs, despre posibilitatea extinderii domeniului de aplicare a directivelor, pentru a include dispoziții privind discriminarea multiplă și pentru a oferi protecție voluntarilor, domenii neacoperite de directivele menționate până în momentul de față.

Activitatea de reprezentare la nivel internațional a Consiliului Național pentru Combaterea Discriminării

prin participare la întruniri, dezbateri și reuniuni internaționale în domeniul nediscriminării

Consiliul Național pentru Combaterea Discriminării a continuat, și în cursul anului 2013, consolidarea raporturilor de cooperare cu organisme și autorități similare, în cadrul dialogurilor bilaterale, regionale sau internaționale.

Prezența reprezentanților instituției, în plan internațional, la întruniri, dezbateri și reuniuni internaționale a contribuit la mediatizarea activității C.N.C.D. dar și la creșterea vizibilității acesteia, îmbunătățirea relațiilor cu instituțiile similare din țările europene, precum și la stabilirea unor noi legături de colaborare. Dintre evenimentele organizate în anul 2013, la nivel internațional, vă prezentăm alături câteva dintre acestea:

În luna ianuarie, doi reprezentanți ai C.N.C.D. au participat la faza de dezbateri orală în cauza C-81/12, Asociația Accept, fază ce s-a desfășurat la **Curtea de Justiție a Uniunii Europene de la Luxemburg**. Cauza a avut ca obiect o cerere pentru pronunțarea unei hotărâri preliminare formulate, potrivit art.267 din TFUE, de Curtea de Apel București din România, în legătură cu interpretarea prevederilor Directivei 2000/78/CE de creare a unui cadru general în favoarea egalității de tratament în ceea ce privește încadrarea în muncă și ocuparea forței de muncă. Cauza aflată pe rolul instanțelor naționale din România a vizat **hotărârea nr.276/13.10.2010** emisă de către C.N.C.D., pe baza unei plângeri adresate la Consiliul Național pentru Combaterea Discriminării (C.N.C.D.) de asociația ACCEPT împotriva clubului de fotbal profesionist S.C. Fotbal Club Steaua București SA („F.C. Steaua”) și a domnului Becali, care se prezenta ca fiind „patronul” acestui club. Accept susținea că fusese încălcat principiul egalității de tratament în materie de recrutare. Astfel, în cadrul unui interviu referitor la un eventual transfer al unui fotbalist profesionist, domnul Becali ar fi declarat, în esență, că nu ar angaja niciodată un sportiv homosexual. În ceea ce privește cealaltă parte reclamată la C.N.C.D., și anume F.C. Steaua, Accept a susținut că acest club de fotbal nu s-a distanțat niciun moment de declarațiile domnului Becali. C.N.C.D. a apreciat, printre altele, că aceste împrejurări nu intră în domeniul de aplicare al unui eventual raport de muncă, întrucât declarațiile domnului Becali nu pot fi considerate ca provenind de la un angajator sau de la o persoană responsabilă cu angajarea. Totuși, C.N.C.D. a considerat că aceste declarații constituie discriminare sub forma hărțuirii și a dispus sancționarea cu avertisment a domnului Becali. Această sancțiune era singura sancțiune posibilă la acel moment, în temeiul dreptului român, întrucât decizia C.N.C.D. a fost pronunțată după mai mult de șase luni de la data săvârșirii faptei reproșate. Accept a introdus o acțiune împotriva acestei decizii la Curtea de Apel București (România), care a adresat Curții de Justiție mai multe întrebări cu privire la interpretarea directivei.

Pledoaria a fost susținută de către domnul Csaba Ferenc Asztalos, președintele C.N.C.D., în fața unui complet format din 5 judecători și a avut o durată de 20 minute. După susținerea pledoariilor celorlalte părți, respectiv Asociația Accept, Guvernul României prin Agentul Governamental și Comisia europeană, au urmat întrebările adresate de către fiecare dintre cei 5 judecători, pentru lămurirea diferitelor aspecte de fapt sau de drept.

**Curtea de Justiție
a Uniunii
Europene -
dezbateri orală în
cauza C-81/12**

- ✓ În perioada 4-8 martie 2013 a avut loc vizita de contact a reprezentanților ECRI în România, în cadrul căreia aceștia au avut întâlniri cu reprezentanți atât ai autorităților române, cât și ai unor organizații neguvernamentale, pe marginea raportului național, în vederea elaborării celui de-al patrulea raport al Comisiei Europene împotriva Rasismului și Intoleranței/ECRI privind rasismul și intoleranța în România.

În acest context, a avut loc o întâlnire a reprezentanților ECRI și cu președintele Consiliului Național pentru Combaterea Discriminării în care au fost abordate teme precum reglementările legale din Codul penal, Codul civil și O.G. nr.137/2000, activitatea Consiliului Național pentru Combaterea Discriminării în calitate de organism independent în domeniul nediscriminării și relațiile cu alte instituții, violența rasială și măsurile luate de către C.N.C.D. în combaterea acesteia, precum și discriminarea persoanelor de etnie romă.

- ✓ C.N.C.D. a participat în luna mai, printr-un reprezentant, la seminarul adresat autorităților naționale independente de combatere a rasismului și intoleranței "**Provocările cu care ne confruntăm în mediul instituțional și bugetar**", organizat de Comisia Europeană Împotriva Rasismului și a Intoleranței (ECRI).

Tema seminarului din acest an a fost "Provocările cu care ne confruntăm în mediul instituțional și bugetar". Această temă a fost aleasă în urma seminarului de anul trecut unde au existat o mulțime de discuții și semne de îngrijorare cu privire la reducerile bugetului unor organe naționale de specialitate și instituții naționale pentru drepturile omului și la presiunea care a fost exercitată asupra unor organisme pentru egalitate de a fuziona cu comisiile naționale pentru drepturile omului.

Scopul acestui seminar a fost să arate, în detaliu, problemele/efectele rezultate din reducerile bugetului și modul în care aceste organisme și-ar putea păstra independența și continua efectiv activitatea în aceste circumstanțe.

Consiliul Național pentru Combaterea Discriminării în presa scrisă

Monitorizarea articolelor din presa scrisă centrală care fac referire directă la domeniul de activitate al Consiliului a fost efectuată în perioada ianuarie-decembrie 2013, fiind urmărite **15 publicații naționale**: Adevărul, Cotidianul, Cronica Română, Curentul, Curierul Național, Evenimentul Zilei, Gazeta Sporturilor, Gândul, HotNews, Jurnalul Național, Libertatea, Mediafax, ProSport, România Liberă, Ziare.com.

Se constată o creștere constantă a articolelor din media scrisă, care descriu activitatea Consiliului Național pentru Combaterea Discriminării. Astfel, în 2013, în urma monitorizării presei scrise, au fost centralizate 383 articole (2010 - 94 articole, 2011 - 140 articole, 2012 - 275 articole) cu referire la activitatea Consiliului, 68 dintre acestea făcând trimitere la președintele instituției.

Principalele articole apărute în ziare pe parcursul perioadei monitorizate, care prezintă activitatea de sancționare a instituției au fost următoarele:

✓ **Scandalul sterilizării femeilor rome.** Rareș Buglea, consilier local în Alba-Iulia, a fost amendat de Consiliul Național pentru combaterea Discriminării cu suma de 8.000 de lei, după ce a postat pe contul său de Facebook un comentariu în care vorbea despre educația sexuală a membrilor etniei rome, dar și despre sterilizarea femeilor de etnie romă care nu au condiții sociale să-și crească copilul.

✓ **Președintele Consiliului de Supraveghere al Hidroelectrica, Remus Borza, a fost amendat cu 10.000 de lei** de Consiliul Național pentru Combaterea Discriminării pentru discriminarea angajatelor gravide sau mame, după ce a afirmat că societatea pe care o conduce nu este una „de lăuze” și le-a numit pe angajatele mame „fătuci care au făcut copii pe bandă”.

✓ **Amendă de 15.000 de lei pentru concedierea unei angajate după concediul maternal.** O firmă de consultanță din Capitală a fost amendată cu 15.000 de lei de Consiliul Național pentru Combaterea Discriminării, pentru ca nu a dat sarcini de serviciu unei angajate care și-a reluat contractul de munca după concediul maternal și a concediat-o 6 luni mai târziu.

✓ **Amenzi în cazul colindului antisemit.** Colegiul director al Consiliul Național pentru Combaterea Discriminării a hotărât să amendeze RATUC și Centrul Județean pentru Promovarea Culturii Tradiționale cu câte 5.000 de lei, pentru fapte de discriminare, mai precis pentru „crearea unei atmosfere ostile, degradante și umilitoare la adresa comunității evreiești”, în urma difuzării unui colind antisemit.

✓ **Două asociații au fost amendate pentru discriminarea minorităților sexuale.** Alianța Familiilor din România și Asociația Provita au fost amendate cu câte 1.000 de lei de C.N.C.D. pentru afișarea unor bannere care incitau împotriva evenimentelor organizate în cadrul Lunii istoriei LGBT - manifestare pentru promovarea drepturilor minorităților sexuale.

✓ **Primarul municipiului Miercurea Ciuc, Raduly Robert, și Agenția Națională a Funcționarilor Publici (ANFP) au fost amendați de CNCD cu câte 600 de lei**, pentru impunerea cunoașterii limbii maghiare ca și condiție de ocupare a unei funcții publice.

✓ **Deputatul independent George Becali a fost sancționat de către C.N.C.D. cu o amendă de 600 de lei**, după ce a fost reclamat de Anca Cârțu, membru al PRM, de discriminare sexuală pentru folosirea apelativelor „centuristă”, „matroană de bordel” sau „femeie de doi lei”.

✓ Totodată, deputatul independent **George Becali a fost amendat de Consiliul Național pentru Combaterea Discriminării cu 8.000 lei**, pentru declarațiile lui vizavi de neoprotestanți, din timpul campaniei electorale pentru alegerile parlamentare. George Becali a declarat, în luna noiembrie, că nu are nevoie de voturile "pocăiților" și ale "sectanților care s-au lepădat de Hristos". Din 2007, împotriva lui George Becali au fost depuse 17 reclamații la C.N.C.D., în șapte dintre cazuri fiind amendat.

✓ **Primarul Brașovului, George Scripcaru, a fost amendat de C.N.C.D. cu 6.000 de lei** pentru încălcarea dreptului unui consilier independent de a face parte dintr-o comisie de specialitate a Consiliului Local Brașov.

✓ **ISJ Olt și un colegiu din Caracal, amendate pentru segregare rasială.** Inspectoratul Școlar Județean (ISJ) Olt și un colegiu național din localitatea Caracal au fost amendate de Consiliul Național pentru Combaterea Discriminării pentru segregare rasială, cu câte 2.000 lei. Astfel, copiii de etnie romă din clasa I de la Colegiul "Ioniță Asan" au fost adunați într-o singură clasă, în care cei mici nu beneficiau de aceleași condiții precum colegii lor de etnie română.

✓ **C.N.C.D. l-a amendat cu 3000 lei pe liderul PRM Corneliu Vadim Tudor pentru încălcarea demnității umane**, în urma jignirilor aduse fostei sale colege de partid, Anca Cârțu, în emisiuni televizate în 9 mai și 6 iunie, emisiuni în care a făcut-o „curvă”, „cioară” și „prostituată”.

✓ **Primarul municipiului Târgu Mureș, Dorin Florea, a fost amendat cu 4.000 de lei** de Consiliul Național pentru Combaterea Discriminării, pentru o serie de declarații referitoare la românii de etnie romă din străinătate. Afirmările edilului, analizate de membrii Colegiului director al CNCD au fost: *"să se facă o listă cu românii corecți care lucrează în Anglia", "dar când apare câte un gabor din acesta primitiv sau câte un descreierat care îi dă în cap la o italiancă, apare că tot poporul român e violator, e țigăn, e cerșetor ș.a.m.d", "ce a îngrijorat foarte tare a fost modul primitiv în care s-au comportat anumiți cetățeni ai noștri, majoritatea țigani, care s-au dus cu obiceiurile țigănești de aici în alte părți. Și pe mine m-ar deranja să-mi apară o șatră în fața casei. Trebuie să recunoaștem acest lucru: trebuie să-i disciplinăm acasă prin politici clare".*

✓ **Autoritatea Națională pentru Calificări (ANC) a fost sancționată** de către Consiliul Național pentru Combaterea Discriminării cu o amendă contravențională în valoare de 4.000 de lei după ce Asociația Nevăzătorilor din România a reclamat faptul că standardele ocupaționale pentru meseria de maseur prevăd că aptitudinile necesare acestei meserii nu pot fi dobândite de nevăzători.

✓ **Anunț pentru angajarea unui bijutier "exclus naționalitate maghiară" la Satu Mare**, sancționat de CNCD. Consiliul Național pentru Combaterea Discriminării a aplicat amenzi de 5.000 de lei, pentru publicarea unui anunț într-un cotidian din Satu Mare privind angajarea unui bijutier "tânăr", cu "aspect fizic plăcut" și "exclus naționalitate maghiară". Astfel, persoana care a dat anunțul la ziar a fost amendată cu 3.000 de lei, iar cotidianul local din Satu Mare care l-a preluat a primit o amendă de 2.000 de lei.

✓ **Amendă pentru două bănci care au refuzat credite unor persoane cu dizabilități.** Consiliul Național pentru Combaterea Discriminării a decis sancționarea a două unități bancare cu amendă contravențională de

4.000 de lei fiecare, deoarece au refuzat să acorde credite bancare pentru adaptarea locuinței unei persoane cu dizabilități la nevoile sale.

✓ **Ministerul Educației a fost amendat cu 1.000 de lei pentru discriminare**, după ce conducerea unui colegiu din Capitală a refuzat transferul unor elevi la o clasă sportivă, pentru că părinții acestora au refuzat ca cei mici să devină și membrii clubului sportiv al liceului.

✓ **Directoarea unei școli din Capitală, amendată de C.N.C.D. pentru discriminarea unui copil cu sindromul Asperger**. C.N.C.D. a amendat-o cu 1.000 de lei pe directoarea unei școli din Capitală, care ar fi făcut presiuni pentru mutarea de la clasă a unui elev cu sindromul Asperger.

✓ **O școală generală din Capitală a fost amendată cu 1.000 de lei** de Consiliul Național pentru Combaterea Discriminării, pentru că a organizat un concurs în urma căruia elevii mai buni la matematică să facă parte dintr-o clasă „de elită”.

✓ **Ministerul de Interne amendat pentru că respinge candidații scunzi la școala de agenți de poliție**. C.N.C.D. a amendat Ministerul Afacerilor Interne (MAI) cu 1.000 lei pentru condiționarea înscrierii la Școala de agenți de poliție din Câmpina în funcție de înălțimea candidatului.

✓ **„Zidul țigănesc“ din Baia Mare rămâne în picioare**. Primarul, obligat să plătească o amendă de 6.000 de lei. Înalta Curte de Casație și Justiție a dat dreptate Consiliului Național pentru Combaterea Discriminării, în recursul formulat împotriva primarului din Baia Mare, Cătălin Cherecheș. Astfel, completul ICCJ a decis că primarul trebuie să plătească amenda de 6.000 de lei, pentru construirea gardului de pe strada Horea. Decizia luată de către cei de la ÎCCJ este definitivă și vine după ce CNCD a făcut recurs în instanță la decizia favorabilă dată de către Curtea de Apel Cluj.

Cheltuieli bugetare, date de ordin financiar și de personal

Execuția bugetară în anul 2013 a fost de **97,41%**, bugetul alocat pentru Consiliul Național pentru Combaterea Discriminării fiind prezentat pe capitole în tabelul alăturat:

- mii lei -

DENUMIRE INDICATOR	COD	ALOCAT	UTILIZAT
Buget de stat	51.01	4510	4393
Cheltuieli de personal	51.01.10	3358	3349
Bunuri și servicii	51.01.20	729	693
Alte transferuri	51.01.55	5	0
Proiecte cu finanțare din fonduri externe nerambursabile	51.01.56	125	78
Alte cheltuieli	51.01.59	259	240
Cheltuieli de capital	51.01.77	34	33
Fonduri externe nerambursabile	51.08	123	69

Aparatul de lucru al Consiliului Național pentru Combaterea Discriminării

- ✓ În anul 2013, aparatul de lucru al C.N.C.D. a fost constituit din 89 posturi din care 69 au fost finanțate. La sfârșitul anului, din totalul posturilor erau ocupate 63.
- ✓ Media de vârstă este de 39 ani.
- ✓ 94 % salariați au studii superioare și 6% studii medii.

Concluzii

Datele raportului reflectă schimbări semnificative în activitatea Consiliului în anul 2013. Instituția a încheiat anul cu cele mai multe petiții înregistrate/soluționate și cele mai multe puncte de vedere emise către instanțele de judecată în procesele în care obiectul acțiunii a fost o posibilă faptă de discriminare.

Numărul constatărilor este cel mai ridicat (135) și se constată o schimbare de practică a Colegiului director al CNCD în privința sancțiunilor aplicate, care s-au triplat. Astfel, s-au aplicat 110 amenzi contravenționale în valoare de 267.800 lei.

Activitatea de prevenire a urmat strategia de introducere în cultura organizațională a societății a principiului egalității și nediscriminării, fiind limitată de posibilitățile bugetare. În diseminarea și consolidarea principiului egalității în societate au avut un rol determinant organizațiile neguvernamentale, Consiliul promovând o serie de parteneriate cu acestea.

Rata de hotărâri ale Consiliului menținute de instanțele de judecată a rămas constant ridicată, ceea ce reflectă calitatea activității profesionale a Direcției juridice.

În pofida limitelor bugetare drastice, Consiliul a avut o prezență semnificativă în relațiile internaționale. În asigurarea principiului transparenței, instituția a răspuns la o serie de cereri de informații publice.

Pe plan legislativ au avut loc schimbări fundamentale ale legii speciale, îmbunătățindu-se sistemul de sancționare, a prescripției aplicării sancțiunilor contravenționale, a definiției inversării sarcinii probei, a excepțiilor faptelor de discriminare dar și a procedurii de numire a membrilor Colegiului director.

Consiliul nu dispune de resurse umane și bugetare suficiente pentru asigurarea în condiții optime a atribuțiilor, luând în considerare volumul ridicat de activitate dar și sarcinile rezultate din implementarea condițiilor ex-ante în domeniul nediscriminării pentru utilizarea fondurilor structurale pe perioada bugetară 2014-2020. Sediul instituției este unul inadecvat activității dar și nesigur din punct de vedere tehnic.

Colegiul director al Consiliului a demonstrat în practică, în general, un grad ridicat de independență în soluționarea petițiilor, rămânând însă provocarea menținerii unei calități rezonabile a motivării deciziilor și a respectării termenelor de soluționare a plângerilor. În acest sens, instituția are nevoie urgentă de un soft de management al documentelor.

Raportul de activitate demonstrează că instituția Consiliului Național pentru Combaterea Discriminării și-a îndeplinit atribuțiile legale în anul 2013, rămâne o instituție de drepturile omului independentă și efectivă.

Componența Colegiului director în anul 2013

Csaba Ferenc ASZTALOS – Președinte



Sorina Claudia STANCIU – Vicepreședinte



Theodora Bertzi



Ioana Liana CAZACU



István HALLER



Cristian JURA



Maria LAZĂR



Anamaria PANFILE



„A fi membrul Colegiului director al C.N.C.D. este mai mult decât o profesie, este o misiune de credință: aceea de a ajuta la construirea unei lumi mai bune, mai tolerante, mai deschise către orizonturile celorlalți. Ceea ce construiesc de 12 ani împreună cu colegii mei, de la înființarea C.N.C.D., reprezintă, de fapt, moștenirea pe care o vom lăsa copiilor noștri! O Românie pentru toți, inclusivă și integratoare, acesta este țelul meu!”

Vasile Alexandru VASILE



„În ultimii patru ani am învățat să fim mai obiectivi și mai aplecați asupra problemelor oamenilor din jurul nostru, oameni care văd în C.N.C.D. o sursă de corectare a acelor inechități pe care le întâlnesc în viața de zi cu zi și care le afectează, într-un mod iremediabil, încrederea presupusă de relațiile cu cei din jurul lor.”

Contribuții la realizarea Raportului de activitate pentru anul 2013:

Mulțumesc pentru materialele, sprijinul și informațiile puse la dispoziție de către toate departamentele instituției, în elaborarea raportului de activitate al Consiliului Național pentru Combaterea Discriminării pentru anul 2013.

Observațiile, sugestiile sau recomandările le puteți oferi pe adresa andreea.banu@cncd.org.ro

Andreea Banu,
Șef Serviciul Managementul Proiectelor
Coordonatorul Raportului de activitate

www.cncd.org.ro



CONSILIUL NAȚIONAL PENTRU COMBATEREA DISCRIMINĂRII

Annex 6

**SITUATION
 OF THE RESERVED SEATS FOR ROMA AND OTHER MINORITIES
 AT THE ENTRY EXAM IN THE EDUCATIONAL INSTITUTIONS OF
 THE MINISTRY OF INTERNAL AFFAIRS' INSTITUTIONS**

Educational institution	Entrance exam sessions									
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<i>„Alexandru Ioan Cuza” Police Academy</i>	10 Roma	10 Roma	16 Roma	16 Roma	18 Roma 32 Hungarians	10 Roma 15 Hungarians 15 other minorities	3 Roma 3 Hungarians 2 other minorities	8 Roma 6 Hungarians 5 other minorities	8 Roma 5 Hungarians 3 other minorities	10 Roma 7 Hungarians 4 other minorities
a) Police Faculty	9	9	15	15	17 Roma 27 Hungarians	10 Roma 15 Hungarians 15 other minorities	3 Roma 3 Hungarians 2 other minorities	8 Roma 6 Hungarians 5 other minorities	7 Roma 5 Hungarians 3 other minorities	9 Roma 7 Hungarians 4 other minorities
Police	5	5	10	10	10 Roma 15 Hungarians	6 Roma 15 Hungarians 9 other minorities	1 Roma 1 Hungarians 1 other minority	Drept 2 Roma, 2 Hungarians 1 other minority OSP 4 Roma 4 Hungarians 2 other mi norities	4 Roma 2 Hungarians	5 Roma 3 Hungarians 3 other minorities
Border police	2	2	2	2	2 Roma 4 Hungarians	1 Roma 2 other minorities	1 Roma 1 Hungarian 1 other minority	1 Roma 1 other minority	1 Roma 1 Hungarian 1 other minority	2 Roma 2 Hungarians 1 other minority
Gendarmerie	2	2	3	3	5 Roma 8 Hungarians	3 Roma 4 other minorities	1 Roma 1 Hungarian	1 Roma 1 other minority	2 Roma 2 Hungarians 2 other minority	2 Roma 2 Hungarians
b) Firefighter Faculty	1	1	1	1	1 Roma 5 Hungarians	-	-	-	1 Roma	1 Roma

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Post high-school education	4 Roma	30 Roma	33 Roma	38 romi	38 Roma	4 Roma 4 other minorities	3 Roma 3 other minorities	16 Roma 21 other minorities	20 Roma 14 other minorities	19 Roma 13 other minorities
„Vasile Lascăr” Police Agents School, Câmpina	-	20	20	20	20	1 Roma 1 other minority	1 Roma 1 other minority	6 Roma 9 other minorities	10 Roma 5 other minorities	5 romi 3 other minorities
„Septimiu Mureșan” Police Agents School Cluj-Napoca	-	5	5	5	5	1 Roma 1 other minority	1 Roma 1 other minority	6 Roma 9 other minorities	3 Roma 2 other minorities	3 Roma 2 other minorities
„Avram Iancu” Border Police Agents Training School, Oradea	-	2	2	2	2	1 Roma 1 other minority	1 Roma 1 other minority	1 Roma 1 other minority	2 Roma 3 other minorities	3 Roma 2 other minorities
„Grigore Alexandru Ghica” Military Non-commissioned Officers (Gendarmerie) School, Drăgășani	3	2	5	5	5	1 Roma 1 other minority	-	1 Roma	3 Roma 2 other minorities	3 Roma 2 minorities
Military Non-commissioned Officers (Gendarmerie) School, Fălticeni	-	-	-	5	5	-	-	-	-	3 Roma 2 other minorities
„Pavel Zăgănescu” Military Non-commissioned Officers School (Firefighters and Civil Protection), Boldești	1	1	1	1	1	-	-	2 Roma 2 other minorities	2 Roma	2 Roma
TOTAL	14 Roma	40 Roma	49 Roma	54 Roma	56 Roma 32 Hungarians	14 Roma 15 Hungarians 19 other minorities	6 romi 3 Hungarians 5 other minorities	24 Roma 6 Hungarians 26 other minorities	28 Roma 5 Hungarians 17 other minorities	39 Roma 7 Hungarians 17 other minorities

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ANNEX 7

PROJECTS FINANCED BY THE NATIONAL AGENCY FOR ROMA

2011-2013

Projects admitted in March 2011

No	Name of beneficiary	Title of Project
Education		
1	“O del Amenta” Association, Bacău	School for everyone
2	Sărulești City Hall	I say, you say, he says
3	“Orpheus” Cultural Society	Roma’s story book – O lil vas e parmica thaj phenimata le rromenqe
4	Pro EuropeLeague	Preventing and fighting against forced and early marriages- our common responsibility
5	“I can, too” Association	I can learn, too!
6	“Sindy Humanitas” Foundation	Knowing the legislative framework on ethnic minorities- a bridge towards the social inclusion of Roma
7	ROMAXA Association	Cultural diversity in Ilfov county’s schooling units
8	Centre for Education and Social Development	Roma children know their rights
Health		
1	“Modern Medicine” Association	Campaign on promoting health among Roma communities in Ilfov county
2	Directorate of Social Assistance Dambovita	Health campaign
3	Association of Community Development Petreu	Healthy youth, community with a future
4	Castelu City Hall	Education for health
5	Linisor Association	Improving health and hygiene conditions for the Roma population in Hunedoara town
Culture		
1	“School Elite” Association	So that history never repeat again
2	Lugos-Măguri School, years I-VIII elementary and secondary education	Prayer of Roma children
3	AMPHITHEATRROM Cultural Association	“Parol, monșer”, Caragiale in Rromani – The caravan with Romani theatre
4	“Anton Pann” Community Centre	“Perlele Brăilei” Ensemble

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5	Public service of Social Assistance	Diversity-the school of the future
6	“Turn” Cultural Association	IRAF – International Romani Art Festival
7	“Ciore Roma” Foundation	Roma have talent, too
8	“SOS Support to any Soul” (“Sprijin Oricarui Suflet SOS”) Association	Summer camp
9	“Justice and Brotherhood Organization” Association	Do you want to understand me? Know me!
10	“Queen’s heart” Association	Affirming Roma values
11	“Roma’s hope” Association	Cultural identity, ethnic identity
12	“Roma and Europe” Association	Equal chances for all children
Media		
1	Pro Democracy Association	Roma: between stereotypes and good practices. The role of mass media in presenting the Roma problems
2	Romanian Association of Independent Film	Gelem, Gelem
Sports		
1	“Dobrogea” Association, League of Deported Persons in the Second World War	Fair-play
2	Rromsport Association	The preparation for and participation to the National Box Championship for Juniors in Craiova and the preparation for the EU and World Championships for Juniors and Cadets
3	“Scorpion” CS Association	CRED Cup – Karate WKF 2 nd edition children-mini-cadets- cadets
4	„Harmony Human Aid” Association	“Black hawks”

Projects admitted in September 2011

No.	Name of beneficiary	Title of project
Culture		
1	“Jekh Pirro Anglal” Brăila Association	December 18 th - minorities’ day
2	Association of Roma Traditional Handcrafters and Traders, Bucharest	Roma handcrafters on minorities’ day
3	“Youth Giving Chances” Association, Târgoviște	Gala of excellence for Roma
4	“Lord’s children” (“Copiii Domnului”) Association, Cornetu	The Magic of Roma dance
5	1 Decembrie City Hall, Ilfov	Romano Zakono – Roma traditions in 1

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		Decembrie
6	“Who We Are” (“Cine Suntem”) Association, Ploiești	We give voice to the voiceless– Diamo voce a chi non ha voce
7	“Bridge over Souls” (“Pod peste Suflete”) Association Slobozia, Ialomița	Knowledge means respect
8	Media Institute for Diversity Romanothan/Gypsyland Production, Bucharest	Siklioven Romanes. Video class on Roma language and culture
Media		
1	Association for Press Monitoring Bucharest	Roma: between stereotypes and godd practices. The role of mass media in presenting the Roma problems
2	Association for a Better Society, Bucharest	Online promotion of Roma culture

Projects admitted in April 2012

No.	Name of beneficiary	Title of project
Education		
1	“School Elite” Association	Alternative Education
2	Roma from Stefanesti Association	The generation of the future. A step forward towards social inclusion
3	“Roma for Roma” Association	Knowledge annuls prejudice
4	Foundation for Socio-educational support for Wassdas Roma	Intercultural summer camp
5	“Transcena” Association	Through theatre, to school
6	Association for Community Development “Together”	Dasti vi tut e aves baro/bari (You can be a grown up, too)
7	“Lord’s children” (“Copiii Domnului”) Association	Arts-a path towards education for Roma children
8	Minorities’ rights 2007 Association	Summer school for Roma children
Health		
1	Modern Medicine Association	With us, among us, about us, women
Culture		
1	Media Institute for Diversity	Siklioven romanese. Video class on Roma language, culture and history
2	Institute of Human Relations Association	You too are well-bred
3	TURN Cultural Association	International Romani Art Festival, VI th edition
4	“Smile of youth” Association for Community Development	Orchestra Master Class

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5	“Cultus Humani” Cultural Association	The most beautiful stories of Roma-,,So maj sukar paramica thaj phenimata le rromenqe”
6	AMPHITHEATRROM Cultural Association	Theatre caravan in Rromani
7	Association for a better society	Stop discrimination, a frequent, but illegal practice
8	Association of Roma Traditional Handcrafters and Traders	Caravan of Roma traditions and culture
Media		
1	Pro Democracy Association	Roma: between stereotypes and good practices. The role of mass media in presenting the Roma problems
2	Association of Roma from Fagaras	Roma and the dance
3	“Youth Giving Chances” Association	Gala of excellence for Roma, IVth edition
Sports		
1	“SCORPION” Sports Club Association	Sport means education
2	Rom Sport Association	Education and health through sports
Community Development		
1	LPE	Community development by one’s own strengths
2	AEPADO	It’s your life, YOU count! Creating networks of facilitators for communities inhabited mainly by Roma
Professional continuous education		
1	“Development of people” Arad Foundation	Education for work

Projects admitted in May 2013

No.	Name of beneficiary	Title of project
Health		
1.	“Ciore roma” Foundation	Health status of Roma from Bihor county
2.	“Roma’s Hope” Association	Roma: a healthy community
3.	“Ciobanca SOS” Zalău Foundation	Health in our Roma community
4.	Roma Alliance Galați	Closer to health
5.	“Who we are” Association	Health above all
6.	Cernavoda Town City Hall, Constanta county	Health first
7.	Buckner Foundation	Prevention and health in the community

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8.	“Roma of Hunedoara” Association	Health- our most valuable good
9.	“Buzău County Center” Association	Health: a priority for the community
10.	“Together for Education, Health, People and Social Economy, Association” Craiova	Information, education and awareness campaign: “It’s important to be interested in my health”
11.	Ștefănești City Hall, Arges county	Medical tests made on time can save your life!
12.	International RomaniStar Cultural Foundation	A healthy future!
13.	Forunatis Association for the Development of Social Economy	Health before everything else
14.	“Justice and Brotherhood Organization” Association, Ialomița	Health comes at your place
15.	Centre on Resources for Urban Regeneration, Timis	Medical assistance and specialized information for Roma communities in Timis county
16.	Rom Sebeș Alba Association	Health for Roma/Sastimos vas al rroma
17.	Christian Humanist Association of Roma from Caraș Severin county	Health before everything else
18.	Covasna county Group of support for Social Economy	Health for the third millennium
19.	“Community of Roma for Europe” Association	SOS-health in Roma communities
20.	“IPP/ Institute for Public Policies” Association	Information for health- raising the Roma organizations’ monitoring potential of health public policies
21.	Șukar Rromano Suceava Association	Health through prevention and information
22.	Credo Rom Star Bacău	Health through prevention and information
23.	Association of Social Workers for Vulnerable Groups, Neamț county	Your health, our priority
24.	Modern Medicine Association	Equal access to healthcare for Roma communities in Bucharest. District 2 (SuPORT)
25.	Association for the Development on Social Economy, Olt, Slatina	Health is closer to you!
26.	Association of Roma from Fagaras	Health for all!
27.	County Group of Support for Social Economy, Mehedinti	I want to enjoy health!
28.	“Cultus Humani” Cultural Association	A chance for health in my neighborhood!
29.	“Young Europeans in Society” Association	Health in your community

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30.	Association for inclusion and social progress	Intervention campaign “Prevent before getting treated”
31.	European Association for the Development of Social Economy	Health for Roma!
32.	“The Future of Roma” Association Constanta	European Health: medical tests for Roma
33.	“Recycle” Association for the Development of Social Economy	Let’s live healthy
34.	Botoşani City Hall	European citizens-equal chances for health
35.	Atintis City Hall	Health for Roma from Atintis
Education		
36.	Parents’ Association- Our Children	Education, the most important step
37.	Association for a better society	Education, an important step in social inclusion
38.	European Association for Progress	The school-first step towards social progress
39.	ACSA Association– Association for Social Cooperation	Education-a chance for a better life
40.	Association for Community Development “Together”	Practice camp “Community seen through youth’s eyes!”
41.	“Youth Giving Chances” Association	Education-a chance for a better future
42.	OvidiuRo Association	Every child in kindergarten Tarlungeni
43.	“Support for Life” Association	“School after school” educational centre
44.	Asociaţion of Ursari Roma from Dagîta	Non-formal education for European students
Culture		
45.	Amare Romentza Roma centre	Roma in their quest for self-esteem (revisited edition)
46.	“George Enescu” University of Arts, Iaşi	The completion of the collection on Roma studies and research
47.	Romano Butiq Association	Life examples. Roma in Romania- Promoting ethnic Roma models of success in the Romanian society
48.	National Union of Roma communities	Action plan for traditional Roma communities in three regions of the country
49.	Ruhama Bihor Foudnation	In Memoriam-In 2013, The European year of citizens, 300 young Roma from 15 European countries are commemorating the Holocaust on Roma at Auschwitz in Poland
Community Development		
50.	Association for Inclusion and social	Stop being who you were, be who you

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	Progress	are. Assume your identity!
51.	AEPADO Association	It's your life, YOU count! Creating networks of facilitators for communities inhabited mainly by Roma

ANNEX 8

**PROGRAMS IN SUPPORT OF MINORITY LANGUAGES
 Initiated by NGOs and financially supported by the Department of Interethnic Relations -
 Government of Romania
 (Non-refundable funds)**

2011

No	Title of project	Initiating NGO	Interval	Venue
1	“An evening-A minority, A week-A community” – Summer Camp	Association of Italians from Romania	29/08-08/09/2011	Brezoi, Valcea County
2	“A Meeting over centuries-Internation Intercultural Project”	Association of Italians from Romania	18/09-01/10/2011	Italy
3	Program of free distribution of school books in Hungarian – HISTORY, XII th year	Communitas Foundation	01/05-15/09/2011	School books
4	Program of free distribution of school books in Hungarian – GEORGRAPHY, XII th year	Communitas Foundation	01/05-15/09/2012	School books
5	Jimbolian Festival – a model of multiculturalism in Banat area	Association of Hungarian Women ELET	12-13/08/2011	Jimbolia
6	The meeting of ethnic minorities’ groups passionate of theatre	Cultural and Youth Association Văcărești	14-15/10/2011	Vacaresti Nadejdea
7	ETNIC 2011 – Inter-ethnic festival of choral music, VIII th edition	Democratic Forum of Germans from Caraș-Severin county	July-December 2011	Resita

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8	Gărâna holiday for youth and community	Banat-JA Cultural Center Romania	14-16/10/2011	Garana
9	Educational camps for youth	"Communio" Foundation	25/07-19/08/2011	Satu Mare
10	INTER-ETHNIC MONTAINOUS BANAT - Brochure "TOGEHTER, MITEINANDER, EGUTESEN", no. 33 and 34	Democratic Forum of Germans from Caraş-Severin county	01/06/-31/12/2011	Resita
11	Mother tongue education, a chance and an opportunity. How do we use it?	Dr. Bernady Gyorgy Cultural Foundation	sept – oct	Targu Mures
12	Contemporary theatre tour with Romanian plays presented in Hungarian	Aradi Kamaraszinhaz Association	27/09-30/11/2011	Oradea, Cluj Napoca
13	Fighting against the phenomena of prejudice through folklore awareness, II nd edition	Bogatalji Mozgalom Csikrakos es Gorocsfalva Association	15/08-15/09/2011	Racu Harghita
14	"Cultural interferences between the Romanian majority and the German community"	Democratic Forum of Germans from Sibiu	15/09-15/10/2011	Sibiu
15	Editing and printing of "The Passions after Matei-Transylvanian music for the Big Friday "	Democratic Forum of Germans from Sibiu	08/09/2011	Sibiu
16	Promoting ethnic, linguistic, cultural and religious diversity in the Romanian mass media	Free Press Foundation Romania	21/06/2011-21/12/2011	Oradea
17	Colloquium of national minorities' theatres - IX th	Figura Association	29/09-	Gheorghieni

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	edition		10/10/2011	
18	Editing and printing the album of local personalities "Hungarian Pantheon in Banat" II nd volume	DIASPORA Foundation	30/05-30/06/2011	Timisoara
19	Young Roma in action	"Pro-Europa" Roma party	05-07/08/2011	Sinaia
20	"The Alliance of Civilizations as envisioned by some minority artists and writers" - "The man. The house. The church" – exhibition and literary symposia	Association of Journalists and Writers of Ethnic Minorities from "Europa 21"	15/07/2011	Bucharest
21	Festival of Hellenism in Romania	Hellenic Union of Romania	02-05/09/2011	Galati
22	Old music Festival 2011	Cultura Nostra Egyesulet Association	11-17/06/2011	Mr. Ciuc, Sumuleu Ciuc
23	International short-film festival ALTER-NATIVE 19	Democratic Union of Hungarian Youth Mures county	2-6/11/2011	Targu Mures
24	Inter-ethnic film week, VI th edition	European Centre for Diversity	25/07-01/08/2011	Tulcea
25	Romanian-Russian bilingualism and multiculturalism (work camp for teachers)	Community of Russian Lipovans in Romania	01-07/08/2011	Braila
26	Visit on <i>Dialogue with time and world</i>	Hellenic Union of Romania	10-12/06/2011	Calafat, Dragasani
27	Editing and multiplying <i>Musical confluences</i> CD	Acapella Cultural Association	01/07-31/12/2011	Bucharest

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28	Teachers' conference- <i>One for all, and all together. Tolerance, morality and communication</i> (3 levels)	German teachers in Romania Association	27-30/10/2011	Brasov
29	"Ethnic diversity in education"	Csorgo Association	18-20/11/2011	Turda, Cluj
30	Russian culture days	Community of Russian Lipovans	18-21/11/2011	Suceava
31	Encouraging intercultural dialogue between religious and cultural communities of Hungarians from Romanian and neighboring countries- Summer camp	Halo Association	01/06-31/10/2011	Izvorul Muresului Miercurea Ciuc
32	Documentary film – <i>Pilgrim through ethnic cultures in Dobrudja</i> (II)	"CULTURA +" Association		Constanta
33	ALTERIS Camp 2011 for ethnic minorities from Romania	Alteris Association	27/06-02/07/2011	Bicfalau Covasna county
34	Diversity- “An extra chance for the future”	Divers Association	18-24/06/2011	Sighisoara Madaras
35	Intercultural formation and program of intercultural communication, IX th edition	Tranzit Foundation- Tranzit Alapitvany	05-10/09/2011	Cluj Napoca
36	Closer to culture	Petofi Cultural Association in Bucharest	May- November	Bucharest
37	Summer of seminars and Summer Academy MIERT - 2011	MIERT Association (Hungarian youth)	July- September	Izvorul Muresului, Baile 1 Mai

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38	Promoting cultural patrimony of Harghita county	Association for Harghita county	18-21/05/2011	Baile Tusnad Harghita
39	“The writer and the reader” Festival	Association for Harghita county	14-17/07/2011	Gheorghieni Harghita
40	“Meeting session of the minority youth from the public local administration” Seminar	UDTMR Democratic Association "Magyar Ifjak Szovetsege"	June-September	Baile Homorod
41	“Dialogue of minority journalists” Conference	UDTMR	21-24/09/2011	Baile Homorod
42	Itinerant festival of Szekely traditions	UDTMR	6-8/10/2011	Harghita county
43	Folklore festival on the Ier valley	Prosacuieni Association	08/10/2011	Valea Ierului
44	Hungarian days in Cluj Napoca, II nd edition	Claudiopolis Association	15-21/08/2010	Cluj Napoca
45	Hungarian days in Hunedoara county, II nd edition	Corvin Savaria Tarsasag Association	28/05-05/06/2011	Hunedoara

2012

No	Title of project	Initiating NGO	Interval	Venue
1	Inter-ethnic folklore festival in Campia Turzii	TEKA Cultural Foundation	16-17/11/2012	Gherla, Cluj county
2	Week of the Inter-ethnic film, VII th edition	European Centre for Diversity	23/07-30/07/2012	Tulcea
3	Jimbolian Festival, model of multiculturalism in	Association of Hungarian	03-05/08/2012	Jimbolia,

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	Banat	Women Elet		Timis county
4	Poetry and folk contest "Bartalis Janos"	Apaczai Csere Janos Cultural Association	08-11/11/2012	Brasov
5	International Folklore Festival "Sfantul Stefan"	"Heltai Gaspar" Library Foundation	16-18/08/2012	Cluj, Huedin, Vlaha, Gilau, Sinclairu, Macau, Baciu, Jubucu
6	17 th edition of Creativity Camp, professional forum and arts' festival "Minimum Party"	Minimum Party Group Association	11/07- 15/10/2012	Plaiesii de Sus
7	Musical confluences II	Acapella Cultural Association	25/05- 16/06/2012	Timisoara, Targu Mures, Sibiu, Bucharest
8	ETHNIC 2012	Dem. Forum of Germans from Caraş-Severin county	01/07- 31/12/2012	Resita
9	Inter-ethnic Mountainous Banat	Dem. Forum of Germans from Caraş-Severin county		Resita
10	RETRO Romanian- Hungarian Festival for documentaries	THALIA Foundation	27/11- 01/12/2012	Miercurea - Ciuc
11	Interethnic Theatre Festival, VI th edition	Cultural and philanthropist Foundation Szigligeti	09-17/11/2012	Oradea
12	Confluences 2012	Association of Italians from Romania	04-06/05/2012	Iasi

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13	Italians in the land of Dobrudja	Association of Italians from Romania	09-19/07/2012	Tulcea
14	Festival of Hellenism in Romania	Hellenic Union of Romania	23-26/08/2012	Ploiesti
15	Gărâna holiday for youth and community	Banat-Ja Cultural Centre	12-14/10/2012	Garana
16	ALTER-NATIVE 20 International Short-film festival	Democratic Union of the Hungarian Youth	07-11/11/2012	Targu Mures
17	Diversity- "An extra chance for the future"	Divers Association	29/07-04/08/2012	Sinvasii
18	Promoting inter-ethnic relations in local communities from Ciuc region	Federation of Youth Organizations in the Ciuc region	02/05-23/10/2012	Miercurea Ciuc, Sansimion, Bancu, Frumoasa, Lueta, Vacaresti, Sumuleu, Nadejdea, Siculeni, Racu, Balan
19	Days of the Hungarian theatre from Arad	"Aradi Kamaraszinhaz" Association	01/09-30/10/2012	Arad
20	Let's live together in peace National minorities- Contribution to the cultural patrimony, to well being and social cohesion	Association of German Teachers in Romania	25-28/10/2012	Sibiu
21	Reprinting the XII th year History school book in Hungarian	Communitas Foundation	01/05-15/09/2012	Cluj
22	Editing and printing the	Communitas	01/05-	Cluj

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	Romanian-Hungarian Bilingual geographic atlas for students	Foundation	15/09/2012	
23	Costs of printing, book of intercultural education, collection on good practices for high school education	Association for cultural resources Constanta	01/08-30/10/2012	Constanta
24	Promoting dialogue between cultures in the Romanian mass-media, under the "Alliance of Civilizations" aegis	Free Press Foundation Romania	01/07-30/11/2012	Oradea
25	Ethnic diversity in education	Csorgo Association	21-23/09/2012	Timisoara
26	UDSMR Summer Camp	UDSMR	08-12/08/2012	02-May
27	Inter-generational dialogue and the maintenance of minority traditions from Dobrudja	Insanlik – omenia Foundation	12/07-14/07/2012	Cobadin Constanta county
28	"Culture bath" Multicultural Festival in Vama Veche	"Romano Butiq" Association	01-31/08/2012	Vama Veche
29	Creativity in cinematography Filmtett Workshop	Filmtett Association	30/07-10/08/2012	Padureni Covasna county
30	Meeting of the amateurs' theatre groups of ethnic minorities	Vacaresti Cultural and Youth Association	16-18/11/2012	Vacaresti , Nadejdea
31	Promoting the culture of Russian Lipovans in Romania	Community of Russian Lipovans	03-05/06/2012	Different towns

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33	Gazdag theatre show	Community Association of youth in Brasov county	24/05/2012	Brasov
34	Romanian-Serb Phraseology dictionary	Union of Serbs in Romania	02/07-01/10/2012	Timisoara
35	Let's know our customs, traditions, mother tongue and history of the origin country	Community of Russian Lipovans Romania	12-14/05/2012	Targul Frumos
36	ALTERIS 2012 - ethnic minorities camp in Romania	Alteris Association	16-22/07/2012	Bicfalau Covasna
37	Youth fest Inter-ethnic seminar	Youth Consultative Council from Salaj county	28-29/07/2012	Simleul Silvaniei
38	Inter-ethnic Festival in Borla	Borla Cultural Association	02-03/06/2012	Borla
39	The Caravan of lecture	Bridge Language Study House Association	19/06-30/07/2012	Macau si Jebucu Cluj county
40	"Polaroid Stories" editing of books, posters	Varoterem Project Association	15/10-15/11/2012	Cluj Napoca
41	130 years of pre-schooling education of the Hungarian minority from Brasov county	Felfalusi Kovacs Antal Foundation	15/05-18/10/2012	Brasov
42	Intercultural formation and educational program of intercultural	Tranzit Foundation	27/08-08/09/2012	Cluj

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	communication			
43	Koinonia camp, 23th edition	Pro Schola Montessori Association	23-29/07/2012	Vlahita
44	175 years of history and culture for the Hungarian minority in Romania	" Felfalusi Kovacs Antal Foundation" Association	01-20/05/2012	Brasov
45	Summer Seminar 2012: Active citizenship-youth involvement in the devel. of public policies	MIERT Association	06/05-18/10/2012	Izvorul Muresului, Baile 1 Mai
46	Information tour on rights of minorities	MIERT Association	27/04/2012-31/07/2012	Sfantu Gh, Zalau, Satu Mare, Oradea, Targu Mures
47	Promoting the cultural patrimony of Harghita county	Association for Harghita county	25-29/06/2012 16-19/10/2012	Gheorgheni Odorheiu Secuiesc
48	Dialogue of minority journalists	Kazeltere Egysulet Association	07-10/11/2012	Baile Tusnad
49	Itinerant festival of Szekely traditions	KOZELETERT Association	06-08/10/2012	Targu Mures
50	Creativity literary contest	Fresh forces for Targu Mures Association	18-20/05/2012	Targu Mures
51	II nd edition of the Hungarian Days in Hunedoara county	Corvin Savaria Tarsasag Association	27/04-06/05/2012	Hunedoara county

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2013

No	Title of project	Initiating NGO	Interval	Venue
1	5th of May - Day of Tartar Language	UDTTMR	04/05/2013	Medgidia
2	<i>Szejke</i> Folklore Festival	<i>Odorhei Pro Culturae</i> Association	23-27/05/2013	Odorheiul Secuiesc
3	Transylvania Film Festival – Diversity Day	The Association for Promoting Romanian Movies	09/06/2013	Cluj Napoca
4	My beautiful mother tongue program	UDTR	14-15/06/2013	Constanța
5	The 5th edition of the Hungarian Days from Hunedoara County	Corvin Savaria Tarsasag Association	01-09/05/2013	Deva, Orăștie, Calan, Brad, Lupeni
6	Yiddish Theater Festival – Warsaw	The Jewish State Theatre	25-27/05/2013	București
7	Commemorative Concert - 150th anniversary of the Hungarian Choir in Brașov	Mixed Hungarian Choir from Brașov	07-09/06/2013	Brașov
8	Summer study visit <i>Dialogue with the world and the time</i>	Hellenic Union of Romania	07-09/06/2013	Constanța
9	Promoting the dialogue between cultures under the <i>Alliance of Civilizations</i>	Free Press Foundation	01/07-30/10/2013	Oradea
10	International Slovak Youth	UDSCR	15-16/06/2013	Timișoara-Valea

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	Folklore Festival			Cerului-Timișoara
11	Serbian choral repertoire for children and youth Anthology	Serbs Union in Romania	December 2013	Timișoara
12	<i>Jimbolia</i> Festival	ELET-Hungarian Women's Association	03-04/08/2013	Jimbolia-Timiș County
13	Interethnic Festival of Borla	<i>Borla</i> Cultural Association	13-14/07/2013	Borla-Sălaj County
14	Day of the Hungarian Community in Abrud - Interethnic Festival	Hungarian Culture Association in Abrud and Roșia Montana	29/06/2013	Abrud-Alba County
15	Promoting bilingualism and linguistic tolerance	<i>Igen, Tessek</i> Association	01-12/07/2013	Cluj and Mureș Counties
16	Combating intolerance through knowledge, magazines about people	MIK Association	01-31/07/2013	Cluj Napoca
17	Ethnic 2013	The German Democratic Forum in Caraș Severin County	01/07/2013-31/11/2013	Reșița
18	<i>Banatul Montan</i> Interethnic Festival 2013	The German Democratic Forum in Caraș Severin County	01/07/2013-31/11/2013	Reșița
19	INTERETNICA- bimonthly intercultural publication	<i>Cultura</i> + Association	01/07-01/12/2013	Constanța, Tulcea, Brăila, Galați
20	Day of Ucrainian Culture in Remetea Mica	The Union of Ukrainians in Romania	07/07/2013	Remetea Mică

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21	Roma Women's Network	<i>Pro-Europa</i> Roma Party Association	25-27/07/2013	Sinaia
22	Diversity – Another chance for the future	<i>Divers</i> Association	04-09/08/2013	Savansii, Mureş County
23	Trilingual advertising of the castles in Transylvania	Grupul Pont Association	01/07- 31/08/2013	Cluj-Napoca
24	Publishing and printing of the historical atlas and reprinting the bilingual Romanian and Hungarian geographical school atlas	Pro Diaspora Association	01/07- 15/09/2013	Cluj
25	The Week of the Interethnic Movie – the 8 th edition	European Center for Diversity	22-28/07/2013	Tulcea
26	Interethnic cinema workshop <i>Filmtett</i>	<i>Filmtett</i> Association	22/07- 02/08/2013	Savansii, Mureş County
27	<i>ProEtnica</i> Interethnic Festival	Interethnic Youth Educational Center Association	29/08- 01/09/2013	Sighişoara
28	EUROPOLIS – camp for Italian young ethnics	Association of Italians in Romania	02/09- 12/10/2013	Tulcea
29	<i>Confluente</i> 2013 Interethnic Festival	Association of Italians in Romania	11-14/10/2013	Iaşi
30	<i>Let us discover our roots</i>	Bridge Language Study House Association	16/07- 20/09/2013	Macau, Cluj County

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31	<i>The role and the place of minorities in the Romanian cultural space</i>	Cultural Union of Ruthenians of Romania	25-31/07/2013	Deva
32	Let us learn from our elders – solidarity between generations	Union of Poles in Romania	12-15/09/2013	Lipoveni, Suceava County
33	<i>Minimum Party</i> creativity camp, the 18 th edition	Minimum Party Group, Association	31/07-10/08/2013	Gura Tisei, Harghita County
34	Slovak and Czech community, past, present and future	UDSCR	29/07-02/08/2013	Băile Herculane
35	The conference of the Nationalities on the Valley of Crișul Repede river	Pro Valea Crișului Repede Association	09-11/08/2013	Urvind, Bihor County
36	<i>Let us meet our customs, traditions, native language and the history of our country of origin</i>	Lippovan Russians Community in Romania	03-05/08/2013	Carcaliu, Tulcea County
37	20 th edition of the Folk and Poetry Competition <i>Bartalis Janos</i>	<i>Apaczai Csere Janos</i> Cultural Association	07-10/11/2013	Brașov
38	A Europe of the Minorities 3 rd stage	Union of the Democratic Youth in Mediaș	28/07-03/08/2013	Vlahața, Harghita County
39	Roma's crafts – living heritage in combating intolerance	Romano-Boutique Association	29/07-30/10/2013	București
40	Festival <i>Etnominfest</i>	Kazun Association	01/08-18/10/2013	Plăieșii de Jos
41	Educational program of intercultural communication, the 11 th edition	Tranzit Foundation	20/08-07/09/2013	Cluj Napoca

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42	<i>Serbs of Romania</i> documentary movie – between past and present	Union of Serbs in Romania	01-31/08/2013	Timișoara
43	Danube Strategy – Multilingual concerts	Acapella Cultural Association	02/05/2013	Bad Ischl - Austria
44	Ethnic Traditions – Youth Camp	Alumnus Club UNESCO	30/09-05/10/2013	Poiana Brasov
45	Promoting interethnic relations in local communities – Ciuc Region	Foundation of Youth NGOs – Ciuc Region	20/06-27/10/2013	Miercurea Ciuc, Sansimion, Frumoasa, Lueta, Sumuleu, Nadejdea, Siculeni, Ciucul de Sus, Balan
46	European Citizens Initiative for the protection of minorities	Bernady Gyorgy Cultural Foundation	11-13/09/2013 24-26/10/2013	Targu Mures
47	University Summer Camp for Hungarian Students	Union of the Hungarian Students NGOs in Romania	12-18/08/2013	Doi Mai, Constanta County
48	Days of Dumbrava Village	IGHAZ Association	21-22/09/2013	Dumbrava
49	<i>Our Stories</i>	CORONA Group Brasov	22/08-15/10/2013	Brasov, Sibiu, Sebes, Sighisoara
50	International Folklore Festival Saint Stephen, XVth edition	SZINT Association	16-21/08/2013	Cluj Napoca
51	Meeting of minority language theatres, Xth edition	Figura Association	27/09-06/10/2013	Gheorgheni
52	Summer camp <i>Koinonia</i>	Pro Schola Montessori Assoc.	29/07-05/08/2013	Vlahita, Harghita County
53	Interethnic Festival Campia Transilvana, XVII	Cultural Foundation	25-27/10/2013	Gherla, Cluj County

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		TEKA		
54	Hellenic Festival in Romania	Hellenic Union of Romania	24-27/10/2013	Galati
55	Interethnic Festival "Confluences 2013"	Italian Assoc of Romania RO.AS.IT.	11-14/10/2013	Iasi
56	Documentary Film Festival ALTER-NATIVE 21	Democratic Union of Hungarian Youth – Mures County	06-10/11/2013	Targu Mures
57	Tag The Flag – Interethnic Relations in internet	Sibiu Association AIOS	30/08-01/09/2013	Sibiu
58	Interethnic meeting within the Festival Youth Fest	Consultative Council of Youth – Salaj County	03-04/08/2013	Zalau
59	Meeting of theatre groups of national minorities	Youth Assoc of Mihaileni, Nadejdea, Vacaresti	18-20/10/2013	Vacaresti, Harghita County
60	Combating prejudices and understanding folklore, V-th edition	Bogatalji Mozgalom Csikrakos es Gorocsfalva Assoc.	6-8/09/2013	Racu, Harghita County
61	Promoting the culture of Russian Lipovans in Romania	Russian Lipovan Community of Romania	25-27/10/2013	Tulcea, Sarichioi, Jurilovca

ANNEX 9

Projects initiated by the Ministry of Culture in cooperation with the National Agency for the Roma

“ProEtnica” Intercultural Festival of Sighisoara. It was initiated in 2000 by the Institute of Foreign Relations in Stuttgart and the Romanian Ministry of Culture and is organized annually in the Transylvanian city of Sighisoara. The main organizer is the Interethnic Educational Center for Youths, with the participation of all national minorities in Romania. Besides the specific culture of each participating minority, the use of minority and/or regional languages is particularly encouraged.

„St. Stephen” International Festival, organized in Cluj-Napoca, brings together folk ensembles of national minorities from all over Europe in an event aimed at promoting intercultural dialogue and friendship. The “Heltai Gaspar” Library Foundation, its organizer since 1999, is a member of the Federal Union of European Nationalities (FUEN). The festival promotes interculturalism, cross-border cooperation, arts and cultural tourism.

The Inter-ethnic Drama Festival, organized in Miercurea Ciuc, brings together the theaters playing in the languages of national minorities in Romania: the Hungarian- and German-language theaters, as well as the Jewish Theater in Bucharest. The project promotes ethnic, linguistic and cultural diversity, but also contemporary drama.

The “Europe is Dancing” Festival has been taking place since 2007. Its 2014 edition was organized in Cluj-Napoca, as well as the villages of Macău, Baci, Sâncraiu and Vlaha. The event is organized in cooperation with a number of cultural associations of national minorities from abroad, such as the Ukrainian minority in Poland, the Romanian minority in Hungary, and the Magyar minority in Serbia, Slovakia and Croatia. It is a model of good practice in promoting intercultural dialogue. The program is focused mainly on winter traditions.

“Luna artEST – Artists against Violence and Discrimination”. The project aims at drawing attention to the most frequent forms of discrimination and violence still persistent in contemporary Romanian society. It does this through various forms of artistic expression, such as drama, photography, film and story-telling. It consists of five separate events that will unfold every weekend of November 2015: 1) *The Indian wants in Bronx*, a play by Israel Horovitz – Bucharest and Cluj-Napoca; the play will also be performed in a Bucharest prison. 2) *Discrimination and violence in Romania*, an exhibition displaying the winning photos of a contest on the subject – Bucharest. 3) *Discrimination and violence in Romania*, public debate with the participation of the minister of culture. 4) Contemporary drama competition; the winning play will be staged as a performance reading by professional actors in a Bucharest theater. 5) Short film screenplay contest on the subject of discrimination and violence; the prize

will cover the costs to produce a short film based on the winning screenplay; the participating plays and screenplays will be published in a 500-copies book.

“My Facebook friend” by Labirint Theater Company is a performance and a study in the impact of the new technologies on the relations between people, and the consequences of the appearance of a new type of identity: the virtual identity. Audiences from Bucharest, Cluj-Napoca and Iasi will attend 6 performances. The project is the result of a partnership between an independent theater company and a number of professionals in performing arts and humanities.

Roma culture between “cardboard boats” and reality. The project, authored by “Romane Rodimata” Center for Cultural and Social Research, presents new information on the social perception of the Roma Holocaust (deportations to Transnistria, in the case of the Romanian Roma) in the Romanian society. Besides a historical subject, it is a social study in the criteria on which the deportations were made (in the case of sedentary Roma, a criminal record or the lack of a privately-owned house were reasons for deportation, while for nomads, nomadism was sufficient reason). The project depicts the way this event remained imprinted in the memory of the Roma community. Comparative studies of the memories of the Roma and the Jewish survivors of the Nazi camps, as well as of the Roma survivors of the Nazi camps and the Transnistrian deportation are provided. Collected songs and poems from the folklore of the deportation survivors are also presented.

“Romo Sapiens” by the **National Theater in Târgu Mureș**, is a documentary theater project on racism and discrimination in the Romanian context, but also in the larger European context of Roma migration. The project is a partnership between the National Theater in Târgu Mureș, Romo Sapiens – Rudy Moca Association, Heimathafen Theater in Berlin and the SüdOst Europa Kultur e.V. Association. It is a three-stage project: documentation, workshops and the performance itself (premiere at the Heimthafen-Neuköln Theater, other performances in Cluj-Napoca) followed by discussions with the audience.

“The War in Contemporary Popular Creation. A Festival Dedicated to World War I”, 12-29 November, Cristuru Secuiesc. A project developed by the Pipacsok Dance Association on the occasion of 100 years from the onset of World War I. The event aimed at reconstructing the story of shortages, hunger and death as witnessed by the lost generation of WWI through traditional dance and music. Professional as well as amateur artists participated in the project.

“Russian Culture Days – 200 years since the birth of writer M.I. Lermontov”. The cultural heritage of a community is an essential element of identification but also an asset for the more general cultural environment in which the respective minority lives. The Community of Lipovan Russians of Romania, with the support of the Ministry of Culture, organized between 14 and 16 November 2014 an event meant to reveal the richness of its

own tradition. A round table entitled “The Art of Word”, a photo exhibition, a documentary film and a tour of cultural destinations were part of this event.

The 25th edition of the **Satu-Mare Swabians’ Convention** was organized on 14-17 August 2014. It was a complex cultural event attended by public personalities, representatives of governmental institutions, the German Embassy in Bucharest, the German Democratic Forum of Romania, delegates from Germany, Hungary and Poland. It was a good occasion for exchange of opinions on future cultural cooperation. Cross-border projects and future cultural and educational programs within the framework of the Romania – Baden-Württemberg Governmental Commission were discussed.

“**Bernády Days**”. Since 1998, “Dr. Bernády György” Cultural Foundation organizes annual events dedicated to the memory of the former mayor of Târgu-Mureş, an outstanding personality during whose mandate the Prefecture Palace and the Cultural Palace were built. The two monuments of architecture are now symbols of the city of Târgu-Mureş. The 2014 edition included exhibitions, contests for youths, open air shows etc.

„**Harmonia Cordis**” **International Classical Guitar Festival**, Târgu-Mureş, is the biggest classical guitar festival in Eastern Europe. Every year, artists from Romania and abroad join efforts in spreading the inestimable values of classical music and in promoting cultural tourism. The event is organized by the “Harmonia Cordis” Association with the support of the Ministry of Culture.

„**Ukrainian Culture Days in Dobruđja**”, Tulcea, Caraorman, 7-9 November 2014. The Ukrainian Union of Romania and the Ministry of Culture have joined efforts in presenting and promoting the cultural traditions of the Ukrainians from the Danube Delta, customs and traditions that go back over 300 years. As part of the project, a Ukrainian cultural evening was also organized in cooperation with the Center for Minorities from Reni, Ukraine.

„**Ukrainian song and dance caravan**” is an event organized annually in different locations where Ukrainian ethnics are living . The 2014 edition was hosted by Timişoara, Gottlob and Remetea Mică and included, besides the traditional song and dance performances, book launches, exhibitions and round tables.

„**Taras Sevcenco Days**” – **200 since the poet’s birth**. After the political changes of 1989, the traditional March celebrations of the Ukrainian national poet have been resumed in Bucharest and in the various areas where compact Ukrainian communities are living. The events are organized by the Ukrainian Union of Romania with support from the Ministry of Culture. 2014 was declared Sevcenco Year, and the celebrations received proper attention.

“**The Day of the Tatar Ethnic Community of Romania**”, Constanţa. In 2006, the Romanian Parliament declared 13th December the “Day of the Tatar Ethnic Community of Romania”, and ever since, the Democratic Union of the Turkish-Muslim Tatars of Romania has dedicated this

day to the promotion of the cultural values, traditions, and history of the Tatars in Romania. Song and dance performances, book launches and food exhibitions are traditionally organized. Besides the usual audiences, historians, philologists and folklore experts have expressed interest in the event.

“The Festival of Romanian Hellenism”, organized annually since 2000 by the Hellenic Union of Romanian, is the most important event dedicated to the Greek community in Romania. It is traditionally hosted by different cities – Bucharest, Constanța, Brașov, Ploiești, Galați – and groups together all the 24 compact Greek communities living in Romania. International quests as well as members of the other ethnic minorities are also invited, which gives the event a true intercultural character.

“From emigration to integration”. This itinerary event capitalizes on the cultural heritage of the local Italian minority through an array of cultural manifestations: music, dance, film, photo etc. The project contributes to a better positioning of the local Italian community on the wider Romanian cultural landscape and to the promotion of multiculturalism.

”Filmtettfeszt – Hungarian Film Days”. The 14th edition of the film festival was organized between 2-5 October 2014 in a number of different locations: Oradea, Cluj-Napoca, Baia Mare, Sibiu, Odorheiu Secuiesc, Miercurea Ciuc, Sfântu Gheorghe, Târgu Secuiesc, Bistrița and Covasna. The aim of the project is to support young film makers and to stimulate Romanian - Hungarian cooperation in this field. Workshops and round tables are traditionally organized, in which film directors, producers, screenplay writers, and actors from the two countries participate. In an effort to promote young talents, screenings of films made by the students in cinematography are also organized.

Intercultural Dialogue through Contemporary Theater – Yorick Cultural Association. “Yorick” Studio Theater has planned for the 2015 edition of this event (the 7th) two premieres directed by Aba Sebestián: *Vegyes/Mix* by Székely Csaba and *Butchers* by Szabó Róbert Csaba. The two plays aim at stimulating interethnic and intercultural dialogue, and at the same time educate the younger generation in the spirit of intercultural values.

The project **KARAVANACT**, initiated by the “Shoshin” Theater Association, aims at reviving the tradition of traveling theater companies. The Festival consists of five performances depicting different cultural backgrounds.

ANNEX 10

**CULTURAL PROJECTS AND ACTIVITIES
FINANCED BY THE MINISTRY OF CULTURE**

Cultural projects financed in 2011

No.	Name of project	Date and place	Applicant	Amount disbursed by the Ministry of Culture
1.	International Day of All Roma	8 April, Târgoviște	„Romanes” Association	12.000 lei
2.	The „Machol România 2011” Festival of Jewish and Israelite dance school	13 – 17 April, Predeal	The Federation of the Jewish Communities of Romania	15.000 lei
3.	Slovak Youth’s International Folk Festival, 7 th edition	3 – 5 June, Soplacu de Barcău	Democratic Union of Slovaks and Czechs of Romania	10.000 lei
4.	„Szejke” Folk Festival, 45th edition	3 – 7 June, Odorheiu-Secuiesc – Băile Szejke	Odorheiu-Secuiesc Culture House	12.000 lei
5.	“EMKE” Folk Festival, 7th edition	28 - 30 May, Târgu-Mureș	SMCT Târgu-Mureș	15.000 lei
6.	Safeguarding research on the ethnographic heritage of the multiethnic localities in Brasov County	15 -25 September, Brașov and surroundings	Ethnographic Museum Brasov	5.000 lei
7.	„ German Literature Days in Resita”, 21st edition	13 – 15 May, Reșița	German Democratic Forum	7.000 lei
8.	The „Living together” Festival, 28th edition	18 – 19 June, Siret and Negostina	The Union of Ukrainians of Romania	10.000 lei
9.	„From emigration to integration” – photo exhibition	30 May, Bucharest	The Association of the Italians from Romania – ROASIT	17.000 lei

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10.	“German Culture Days in Satu-Mare”	6 - 8 May, Satu-Mare	German Democratic Forum of Satu-Mare	9000 lei
11.	”The Day of 1000 Szekely Girls” 2011	2 July, Miercurea Ciuc, Şumuleu Ciuc	Miercurea Ciuc mayor’s office	15.000
12.	„International Highschool Drama Festival in German Language”	14 – 19 April, Timișoara	„Nikolaus Lenau” Highschool	9.928 lei
13.	International Dance Camp in Ghimes	24 – 31 July, Lunca de Jos, Harghita	Association of Young Csango in Lunca de Jos	10.000 lei
14.	International dance camp in Ocna de Sus	17 - 24 July, Ocna de Sus, Harghita County	PIPACSOK Dance ensemble	12.000 lei
15.	„Dance and folk music in Rascruci”, 20th edition	7 – 15 August, Răscruci, Cluj County	Kallos Zoltan Foundation	12.000 lei
16.	„Hunedoara Days”, 2nd edition	28 May – 5 June, Deva, Hunedoara	Corvin Savaria Tarsasag Association	15.000 lei
17.	„St. Stephen” International Folk Festival, 12th edition	18-22 August, Cluj-Napoca and localities in Sălaj and Cluj counties	Heltai Gaspar Library Society	9.500 lei
18.	„Hungarian Culture Days”	15-21 August, Cluj-Napoca	„Clujul Comoară – Kincses Kolozsvár Egyesület” Association	4.500 lei
19.	„Festum Varadinum 2011”, 20th edition	15 – 22 May, Oradea	Varadinum Cultural Foundation	30.000 lei
20.	„On the footsteps of our ancestors – Italy”	20 September, Milano, Bolzano, Venice	The Association of the Italians from Romania – ROASIT	18.000 lei
21.	“German Culture Decade in Resita”	7 – 16 October, Reșița	German Democratic Forum of Caraș-Severin	5.200 lei

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22.	„The Ukrainian International Folk Festival”, 5th edition	15 – 18 July, Tulcea	The Union of Ukrainians from Romania	10.000 lei
23.	„ Calvin Week”	27 June – 3 July, Chiurus, Tg. Secuiesc, Cernat	„Haromszeki Mara Szocialis es Kozmuvelodesi Egyesulet” Association	8.000 lei
24.	„ Bernady Days 2011”	20 - 22 October, Târgu-Mureş	Dr. Bernady Gyorgy Cultural Foundation	10.000 lei
25.	„Suffering, pain, human solidarity” dedicated to the Holocaust Day Commemoration	9 October, Bucharest (Odeon Theatre)	Federation of the Jewish Communities of Romania	12.000 lei
26.	„International Festival of Turkish-Tatar Dance and Costumes”, 15th edition	8 - 11 September, Constanţa	Turkish and Tatar Democratic Union	10.000 lei
27.	„Ars Hungarica” Festival	2 - 6 November, Sibiu	„HID” – Hungarian Association of Sibiu	9.000 lei
28.	„Interethnic Dance and Costume Festival”, 10th edition	2 – 5 September, Constanţa	Community of Lipovan Russians	12.290 lei
29.	„The Festival of Romanian Hellenism”, 11 th edition	2 – 5 September, Galaţi	Hellenic Union of Romania	10.000 lei
30.	The „Delta Celebration” Festival of National Minorities, 11th edition	12-14 August, Sulina	Sulina House of Culture	30.000 lei
31.	„The Minorities’ Folk Festival of Bogdand”, 21st edition	11 September, Bogdand – Satu-Mare	Centre for Promotion of Traditional Culture	50.000 lei
32.	„ Polish Culture Days”, 14th edition	8 – 10 September, Suceava	Polish Union of Romania	15.000 lei
33.	„Active through diversity” Youth Festival, 7th edition	22 August – 4 September, Jupiter, Constanţa	Daria’ S Cultural Association	25.000 lei

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34.	International Dance Camp	7 – 18 August, Călugăreni (Mureș)	Asociația pentru Eremieni și Drojdii	6.000 lei
35.	International camp of Călata for the study and preservation of traditional values	31 July – 7 August, Sâncraiu	Archivum Cultural Foundation	8.500 lei
36.	International Congress of Hungarology – 7th edition	21 – 27 August 2011, Cluj-Napoca	Transylvanian Museum Society	40.000 lei
37.	„The convention of the national minorities’ theatres” – 9th edition	30 September – 9 October, Gheorgheni	„Figura” Association	120.000 lei
38.	Symposium „On the footsteps of the Sevccenian destiny – 150 years from the death of the poet Taras Şevcenco”	6 – 8 October, Bucharest	Union of Ukrainians from Romania	10.000 lei
39.	Symposium „Romanian-Ukrainian relations. History and modern times”, 5th edition	3 – 5 November, Satu- Mare	Satu-Mare County Museum	10.000 lei
40.	„Europe is dancing”	9 – 13 December, Cluj-Napoca and localities from Cluj County	SZARKALAB Cultural Association	8.000 lei
41.	„Serbian Culture Days”, 5th edition	7 – 14 November, Timișoara	Union of the Serbs from Romania	10.000 lei
42.	„Jewish Culture Days”	30 October -5 November, Târgu-Mureș	Association for Equal Chances Without Frontiers	10.000 lei
43.	Safeguarding research on the ethnographic heritage of the multiethnic localities in Brasov County	10 August – 30 September, Brașov	Brasov Ethnographic Museum	5.000 lei

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Cultural projects financed in 2012

No.	Name of project	Date and place	Applicant	Amount disbursed by the Ministry of Culture
1.	„Sevcenko Days in Bucharest”, 20th edition, dedicated to the Ukrainian national poet Taras Şevcenco	31.03 - 01.04.2012, in Bucharest	Union of Ukrainians from Romania	15.000 lei
2.	Celebration of “Roma International Day”	8 April 2012, Bacău	The „Amare rromentza” Roma Center	9.990 lei
3.	„International Day of All Roma”, 4th edition	8 April 2012, in Târgovişte	„Romanes” Association Dâmboviţa	10.000 lei
4.	„Festum Varadinum”	29 April – 6 May 2012, Oradea	Varadinum Cultural Foundation	30.000 lei
5.	„Körösi Csoma Sándor Days”	11 – 15 April, Covasna	Arcuş CuLtural Centre	12.000 lei
6.	„Szatmari – International Pioneer of Photography” Congress	14 – 16 May, Bucharest	„G. Oprescu” Art History Institute	4.500 lei
7.	The „Machol România 2011” Festival of Jewish and Israelite dance school, 3 rd edition	2 - 6 May, Predeal	Jewish Community of Bucharest	20.000 lei
8.	„300 years since the colonization of the Danube Swabs in Satu-Mare”	18 - 19 May, Satu Mare	Satu Mare County Museum	12.000 lei
9.	„ German Literature Days in Resita”, 22nd edition	4 – 6 May, Resita	German Democratic Forum	8.000 lei
10.	„Szejke” Folk Festival, 46 edition	17 - 21 May 2012, Odorheiu-Secuiesc – Băile Szejke	Odorheiu-Secuiesc House of Culture	12.000 lei
11.	„From emigration to integration” – itinerary cultural event	25 – 27 May, Oradea	ROASIT	20.000 lei
12.	„Calvin Week”	2 – 8 July, Chirus, Tg. Secuiesc, Cernat	„Haromszeki Mara...” Association	8.000 lei
13.	„German Culture Days”, 22nd edition	18 – 20 May, Satu Mare, Carei	Democratic Forum of the Germans from Romania – Satu-	9.000 lei

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			Mare County Forum	
14.	„156 years of freedom”	19 February 2012, Oltenița	„Pro Europa” Roma Party Oltenița	7.500 lei
15.	„Hunedoara Days”, 3 rd edition	28 April – 6 May 2012, Hunedoara	Corvin Savaria Tarsasag Association	10.000 lei
16.	International Dance Camp of Ocna de Sus, 8th edition	15 – 22 July 2012, Ocna de Sus	Pipacsok Cultural Dance Association	12.012 lei
17.	„The Day of 1000 Szekely Girls” 11th edition	7 July 2012, Miercurea Ciuc	Miercurea Ciuc Mayor’s Office	15.000 lei
18.	International Dance Camp in Ghimeș, 21st edition	22 – 29 July 2012, Lunca de Jos	Association of Young Csangos from Lunca de Jos	10.000 lei
19.	„Saint Stephen” International Festival, 14th edition	16 - 20 August, Cluj Napoca	„Heltai Gaspar” Library Foundation	9.500 lei
20.	The „Delta Celebration” Festival for National Minorities, 12th edition	10 – 12 August 2012, Sulina, Tulcea	Sulina House of Culture	30.000 lei
21.	International Symposium „The Turkish Woman in the Balkans”, 6th edition	7 – 10 June 2012, Constanța	Turkish Democratic Union of Romania	9.450 lei
22.	„Slovak Youth’s International Folk Festival”	1 – 3 June, Soplacu de Barcău, Bihor	Democratic Union of Slovaks and Czechs from Romania	10.000 lei
23.	„EMKE” Folk Festival, 9th edition	31 May – 2 June, Târgu Mureș	The Transylvanian Hungarian Society for Culture	12.000 lei
24.	„Russian Poetry Festival”, 5th edition	15 – 17 June, Brăila	Community of Lipovan Russians	13.900 lei
25.	International Camp of Calata for the study and preservation of intercultural traditional values, 22nd edition	29 July– 5 August, com. Sâncraiu, Cluj	Archivum Cultural Foundation	8.500 lei

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26.	„International Folk Dance and Music Camp of Răscruți” - courses of instrumental Romanian, Hungarian and Roma music from Transilvania, 21st edition	5 – 12 August, Răscruți, Cluj	KALLOS ZOLTAN Foundation	12.000 lei
27.	“ProEtnica” Intercultural Festival, Sighișoara, 10th edition	20 – 22 July, Sighișoara	Educational Interethnic Center for Youth	30.000 lei
28.	„The Festival of Romanian Hellenism”, 12th edition	23 – 26 August, Ploiești	Hellenic Union of Romania	10.000 lei
29.	„International Festival of Turkish-Tatar Song, Dance and Costumes”, 18th edition	6 – 9 September, Constanța	Democratic Union of Muslim Tatars and Turks	10.000 lei
30.	„ Bulgarian Culture Days in Banat”	13 – 16 August, Dudeștii Vechi, Timiș	Bulgarian Union of Banat-Romania	10.000 lei
31.	„The „Cez Nadlak je...2012 International Festival of Slovak Youth ” – folk music contest”, 14th edition	28 – 30 September, Nadlak	Democratic Union of Slovaks and Czechs from Romania	10.000 lei
32.	„ Bernády György Days”, 15th edition	25 – 27 October, Târgu Mureș	Dr. Bernády György cultural Foundation	10.000 lei
33.	„ Russian Culture Days”, 6th edition	26 - 28 October, IAȘI	Lipovan Russian Community of Romania	9.000 lei
34.	„ Serbian Culture Days”, 7 th edition	10 November – 3 December, Timișoara	Union of the Serbs of Romania	25.000 lei
35.	Ethnographic research ”The Ukrainian Minority in the North-West of Romania”	4 – 11 December, localities from Satu Mare and Maramureș counties	Satu-Mare County Museum	9.450 lei
36.	International Symposium „From the history of the Tatars”	11 – 13 December, Constanța	Democratic Union of Tatars	15.000 lei
37.	Safeguarding research on the ethnographic heritage in multi-ethnic localities in Brasov county	15 – 31 October, localities from Brașov County	Brașov Ethnographic Museum	7.150 lei
38.	„ German Culture Decade in Highland	5 – 14 October, localities in Caraș-	German Democratic	9.000 lei

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	Banat”	Severin	Forum from Caraş-Severin	
39.	„Aromanians in the European family”	7 – 9 December, Bucharest	The Moscopolitan Academic Society Foundation	20.000 lei

Cultural projects financed in 2013

No.	Name of project	Date and place	Applicant	Amount disbursed by the Ministry of Culture
1.	„From emigration to integration” cultural itinerant event	24 – 26 May, Tulcea and Greci	ROASIT	20.000 lei
2.	Ghost, the Gathering – a celebration of multiculturalism in South-East Europe	12 – 13 July, Bucharest	OST Cultural Events Association	25.000 lei
3.	„ German Literature Days in Resita” 23rd edition	26 – 29 April, Reşiţa	German Democratic Forum of Caraş- Severin	11.000 lei
4.	„ Slovak Youths’ International Folk Festival”, 9th edition	14 - 16 June, Valea Cerulei, Bihor	Democratic Union of Slovaks and Czechs from Romania	12.000 lei
5.	The „Delta Celebration” Festival of National Minorities	5 – 7 July, Sulina, Tulcea	Sulina House of Culture	5.000 lei
6.	The „Saint Stephen” International Folk Festival, 15th edition	16 – 21 August, localities from Cluj and Sălaj counties	Heltai Gaspar Librarian Society	5.400 lei
7.	„PROETNICA” 2013, 11th edition, Sighişoara	28 August – 1 September, Sighişoara	Youth Interethnic Education Centre Association	30.000 lei
8.	„ Serbian Culture Days in Timişoara”	1 – 30 November, Timişoara	Union of the Serbs from Romania	15.000 lei
9.	„Globalisation, Religion and Education”	13 – 14 November, Târgovişte	„Valahia” University, Faculty of Orthodox	7.000 lei

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			Theology	
10	„The Festival of Romanian Hellenism”	24 – 27 October, Galați	Hellenic Union of Romania	10.000 lei
11	„The Jews from Romania” National Symposium	1 – 5 November, Oradea	EURO FOTO ART Association	10.000 lei
12	Anniversary of the writer O. Kobyleanska - 150 years since her birth	20 – 21 November, Bucharest	Union of Ukrainians from Romania	7.000 lei
13	Convention of national minorities’ theaters, 10th edition	26 September - 6 October	Figura Association	20.000 lei

Cultural projects financed in 2014

No.	Name of Project	Applicant	Date and place	Amount disbursed by the Ministry of Culture
1.	Magyar Culture Days, 5th edition	„Clujul Comoară – Kincses Kolozsvár Egyesület” Association	Cluj-Napoca 21-24 Aug	50 000 lei
2.	Filmtettfeszt Festival – Hungarian Film Days	Filmtett Association	2 - 5 Oct Cluj Napoca	10 000 lei
3.	Botorka Folk Dance Festival	Botorka Association	25 – 26 Oct Harghita County	14 000 lei
4.	„Bernady Days”	Dr. Bernády György Cultural Foundation	23 – 24 Oct, Tg. Mureș	10.000 lei
5.	„Harmonia Cordis” International Classical Guitar Festival	Harmonia Cordis Association	18 – 24 Aug,, Tg. Mureș	20 000 lei
6.	“Saint Stephen” International Folk Festival	Heltai Gaspar Library Foundation	20 - 25 Aug, Cluj-Napoca	10.000 lei
7.	“The war in contemporary popular creation. A festival dedicated to WWI”	PIPACSOK Folk Dance Cultural Association	12– 29 Nov, Cristuru Secuiesc	15 000 lei
8.	Interethnic Drama Festival, 7th edition	Kortina Association	21 – 26 Oct, Miercurea Ciuc	55 000 lei
9.	Europe is dancing. International Festival of Minorities in Europe	Szarkalab Cultural Association	10 – 14 Dec, Cluj County	12.000 lei

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10.	“Gold Rush” media camp	Szentimrei Alapítvány Foundation	Baia Mare 24 sept	10 000 lei
11	„Alternatives” Short Film Festival	UDTM	5 – 9 Nov	25 000 lei
12	„Körösi Csoma Sándor Days” – scientific conference	„Arcus” Cultural Center, Körösi Csoma Sándor Foundation	4-6 April, Covasna County	10.000 lei
13	” Mihail Sebastian” Days	Federation of Jewish Communities of Romania	31 Oct – 22 nov, Brăila	17 000 lei
14	.” Serbian Culture Days in Timișoara”	Serbian Union of Romania	November, Timișoara	25 000 lei
15	German Culture Decade, 22nd edition	German Democratic Forum	Reșița, 3-12 October	10 000 lei
16	From emigration to integration	Association of Italians from Romania	Galați, November	16 000 lei
17	The Satu-Mare Swabians’ Convention	German Democratic Forum	14 - 17 August, Beltiuc and Satu Mare	4 000 lei
18	“Russian Culture Days – 200 years since the birth of writer M.I. Lermontov”	Community of Lipovan Russians of Romania	14-16 November, Bucharest	10 000 lei
19	„Ukrainian Culture Days in Dobrudja”	Ukrainian Union of Romania	7- 9 November, Tulcea, Caraorman	10 000 lei

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20	„Ukrainian song and dance caravan”	Ukrainian Union of Romania	21 – 23 November Timișoara, Gottlob and Remetea Mică	10 000 lei
21	„Taras Sevcenco Days” – 200 since the poet’s birth	Ukrainian Union of Romania	București and Siret (Suceava County) 23 – 27 November	15 000 lei
22	“The Day of the Tatar Ethnic Community of Romania”	Democratic Union of Turko- Muslim Tartars of Romania	13 decembrie, Constanța	15 000 lei
23	„The Festival of Romanian Hellenism”	Hellenic Union of Romania	25 – 28 Sept, Galați	15 000 lei
24	„ProEtnica” Intercultural Festival, 12 th edition	Interethnic Educational Center for Youths	21 -24 Aug, Sighișoara	30 000 lei

Cultural projects financed in 2015 (January-June), up to the moment of drafting of the present report. Financing continues to the end of the year.

No.	Name of project	Applicant	Date and time	Amount disbursed by the Ministry of Culture
1	„German Literature Days in Reșița”, 25th edition	Reșița and Caraș-Severin County	17- 20 Aprilie, Reșița and Caraș- Severin County	10 000 lei
2	„German Culture Days in Satu Mare”	German Democratic Forum of Satu-Mare County	8 -11 May, Satu- Mare	7000 lei
3	„Szejke” Folk Festival, 49th edition	Casa de Cultură Odorheiu- Secuiesc	14-18 May, Odorheiu-Secuiesc	10 000 lei
4	“Danube Celebrations” Festival of National Minorities	Sulina Cultural House	3-5 July, Sulina	10 000 lei
5	„Saint Stephen” International Folk Festival, 17th edition	Heltai Gáspár Library Foundation	19 - 24 August, Cluj-Napoca	8 000 lei
6	Slovak Youth’s International Folk Festival, 11th edition	Democratic Union of Czechs and Slovaks of Romania	17 – 18 July, Valea Cerulei, Bihor County	7000 lei

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ANNEX 11

Projects supported by the Administration of the National Cultural Fund

Projects supported by the ANCF in 2011

No	Name of organisation	Name of project	Allotted sum
1	Organisation for the Unification of the Roma	Day of Remembrance – comemoration of Roma Killed in Nazy camps	19.144,00
2	Romane Rodimata Center for Cultural and Social research	Paper memories. Conservation of patrimony of the Roma deported to Transnistria	32.683,00
3	Romane Rodimata Center for Cultural and Social research	Sostar na rovas?... O Samudaripen thaj lesqi ciaci paramisi. Why don't they cry? The Roma Holocaust and its true story. Deportation of the Roma to Trandniestria: testimonies, studies, documents	26.695,00

Projects supported by ANCF in 2012

No.	Name of applicant	Titles of publications	Alloted sum
1	The Korunk Friendship Associationa	Gyáni Gábor: Az urbanizáció társadalomtörténete (Istoria socială a procesului de urbanizare)	8.085,00
2	The Association for the Cultivation of Hungarian Language in Transilvania	Transilvanian Regional Hungarian versions of interpersonal language, Erdely Judit	6.590,00
3	Pallas-Akadémia Publishing House	Rituális szimbólumok a székely-magyar jelképkultúra világából (Simboluri rituale din cultura expresivă a maghiarilor secui), Balays Lajos	10.511,00
		Münchhausen báró kalandjai a mélabús tornyok városában (Aventurile baronului Münchhausen în Oraşul Turlerlor Melancolice), Bogdan László	7.273,00
4	Society of Ardeal Museum	Bajusz István, Kovács Kuruc János, Szalai István: Szilágysági magyarok, vol. II.	7.837,00

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		Bajusz István, Kovács Kuruc János, Szalai István: Szilágysági magyarok, vol. II.	7.837,00
		Berki Timea: Magyar-román kulturális kapcsolatok a 19. század második felében. Értelmiségtörténeti keret	7.610,00
		Németh Boglárka: Aspectual system and stativity in Hungarian	7.179,00
5	SC Pro-Print Kiado SRL	Black March. Interethnic conflict in March 1990 in Târgu Mureş, Novak Csaba Zoltan – László Márton	16.450,00

NEWSPAPERS

No	Name of Applicant	Titles of publications	Alloted Sum
1	Communitas Foundation	Magyar Kozoktatas – Magyar public education	34.313,00
2	Korunk Friendship Association	Korunk	37.348,00
3	Transsylvania Nostra Foundation	Revista Transsylvania Nostra nr. 3/2012 și 4/2012	23.375,00

CULTURAL PUBLICATIONS

No	Name of applicant	Titles of publication	Alloted sum
1	Minimum Party Association	Minimum Party 2009/2010	10.000,00

NEW MEDIA

No	Name of Applicant	Titles of publications	Alloted sum
1	Live Music Association	Peninsula.ro 2012	23.745,00
2	Jakabffy Elemér Alapítvány Foundation	Digitalisation for Interculturality 2	31.835,00

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3	Harghita Intercommunity development Association	Cultural patrimony in Harghita	29.485,00
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Projects supported by AFCN in 2013

	Name of applicant	Name of project	Alloted sum
1	Pro Regio Siculorum	Electronic cultural register of Covasna county	52.875,00
2	Harghita County cultural center	FREE Camp 2012 – international arts camp	28.254,00
3	BAZIS Association	BAZIS. CONTEMPORARY ART PLATFORM. 2012	55.491,00
4	"Szigligeti" cultural and charity foundation	Promotion of folklore in schools through educational folkloric shows	40.745,00
5	"Váróterem Projekt" Association	Polaroid Stories	42.189,00
6	Media Index Association	Virtual enciclopaedia in Romania– descriptions in Romanian and Hungarian of monuments belonging to the national cultural patrimony	37.001,00
7	Transilvania Vie Association	“The seven architectural wonders of Transilvania”- community project to value and promote cultural patrimony in Transilvania	53.390,00
8	Tg. Mures National Theatre	50 years of interculturality	55.581,00
9	Harghita Intercommunity Development Association	School of generations	36.517,00
10	Transilvania Trust Foundation	Days of patrimony for children and adults	55.821,00
11	Botorka Cultural Association	Botorka 2012 International Folk Dance Festival	31.885,00
12	Hungarian Association of Folk Dance from Romania	Creation and choreography camp	16.800,00
13	AltArt Foundation for Alternative Art	Cultural development: urban development	61.090,00

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Projects supported by AFCN in 2014

No.	Name of applicant	Name of project	Alloted sum
1	Korunk Friendship Association	Kónya Ádám - Háromszéki színes szőttés (Colored fabric from the Trei Scaune region)	10.500,00
2	Koinonia Publishing House	Kiss Lehel: Babiloni történet (Happening in Babylon)	5.982,00
3	Korunk Friendship Association	Kántor Lajos - Titkosan - nyíltan (Secretly and openly)	10.000,00
4	Koinonia Publishing House	Borbély Tamás: Van-e élet az autonómia után? (Is there life after autonomy?)	4.827,00
5	Koinonia Publishing House	Jane Austen magánlevelezése (Jane Austen's letters)	4.094,00
6	Koinonia Publishing House	Lucian Boia: A Nyugat hanyatlásá (The end of the Occident?)	5.461,00
7	Koinonia Publishing House	Magyari Tivadar: Kilin néni mosatlan murkot terjeszt (Aunt Kilin threatens us with unwashed carrots)	4.794,00
8	Korunk Friendship Association	Szabédi László - Két világ közt harmadiknak (The third between two worlds)	8.000,00
9	Koinonia Publishing House	Kerstin Hack: Egyedülálló nő keres (A single woman's quest)	7.425,00
10	PRO-PRINT KIADO	Miskolczy Ambrus: Historical sources on Transylvanian demography – 8 th c., vol. II	25.000,00
11	Asociația de Prietenie Korunk	Szilágyi Júlia - Álmatlan könyv (The Book of Insomnia)	8.000,00
12	Koinonia Publishing House	Martini Yvette: A tizenhetedik vendégpapucs (The seventeenth pair of sleepers for guests)	5.180,00
13	Communitas Foundation	Magyar Közoktatás – Hungarian Public Education	30.393,00
14	Korunk Friendship Association	Korunk magazine	33.900,00
15	Excelsior Art Publishing House	Mosolyparádé / Laughter Parade	3.177,00

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16	Democratic Union of Hungarian Youth, Mures County	ALTER-NATIVE 22 – International Short Film Festival	32.003,00
17	Mihai Eminescu Trust	“Transylvania’s Flowers” – promoting the traditions of painting on wood and restoration	54.984,00

Projects supported by AFCN in 2015

1	Gutenberg Books SRL	László Demeter: Little creatures from the dawn of time - A biologist's expeditions in the Ciuc area (Ősi rákok nyomában – Egy természetbúvár kalandjai Csíkban)	12.270,00
2	Koinonia Publishing House	Lucian Boia: Románia (el)románosítása (Romania's Romanianization)	5.980,00
3	Gutenberg Books SRL	Why do trees stand still? Gypsy fairy tales from Trnasyvania (Mért nem tudnak a fák járni – Erdélyi cigány népmesék)	22.050,00
4	EUROPRINT SRL	Sorban Attila- Say Amin nicely	8.000,00
5	Koinonia Publishing House	Gergely Edó: Monyónyár	8.130,00
6	Koinonia Publishing House	Balázs Imre József: Álomfarsang	6.667,00
7	Korunk Friendship Association	Hermann Róbert: Nemzetmentők vagy megalkuvók? Kollaboránsok a magyar történelemben (The nation's saviors or traitors? Collaborationism in Hungarian history)	8.000,00
8	Centrul de Cercetari Culturale si Sociale "Romane Rodimata" Center for Cultural and Social Research	Roma culture between "cardboard boats" and reality	50.000,00
9	Hargita Nepe Publishing House	Memories from the great war	14.750,00
10	Korunk Korunk Friendship Association	Ferencz Éva: Ferenczy István	7.000,00
11	Korunk Friendship Association	Botházi Mária: Átmenetek. A harmadik Korunk rendszerváltó tíz éve (Transitions. The post-revolutionary decade of Korunk magazine)	8.000,00
12	Gutenberg Books SRL	Katalin Cseh: Aunt Baba și Mark – Poems for children (Cseh Katalin: Baba néni és Márk – Gyermekversek)	15.580,00
13	Koinonia Publishing House	Fancsal Zsolt: Amikor csak a hollók táplálnak	4.750,00
14	Koinonia Publishing House	Zágoni Balázs: Kolozsvári mesék	9.205,00

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15	Koinonia Publishing House	Zágoni Attila: Kozmikus potyautas	5.184,00
16	Korunk Friendship Association	Kovács Flóra: Az emlékezés a kortárs erdélyi irodalomban (Memory in contemporary Transylvanian literature)	6.000,00
17	S.C.STUDIUM SERVICII S.R.L	ÉNEK AZ EGÉSZ VILÁGNAK	2.500,00
18	Korunk Friendship Association	Kovács Kiss Gyöngy: A történész műhelye (From history's workshops)	8.000,00
19	Korunk Friendship Association	Korunk magazine	33.600,00
20	JATEKTER Association	Játéktér (Playing Area) magazine	7.400,00
21	"Váróterem Projekt" Association	IndependNET - the network of independent theaters	49.990,00
22	Yorick Cultural Association	Intercultural dialogue through contemporary theater 7 th edition	46.500,00
23	Tg. Mureş National Theater	ROMO SAPIENS	47.530,00
24	Shoshin Theater Association	Karavanact	49.593,00
25	Tomcsa Şandor Theater	draMA, Festival of contemporary theater, 7 th edition	42.713,00
26	"Váróterem Projekt" Association	Hungry Spirits - contemporary play about addiction	49.999,00
27	artEST Foundation	ART EST MONTH - Artists against violence and discrimination, 1 st edition	47.421,00
28	Harmonia Cordis Association	"Harmonia Cordis" International Guitar Festival, 10 th edition	49.730,00
29	"Compania de Teatru Labirint" Association	My Facebook Friend	39.794,00

ANNEX 12

**RETROCESSION DEMANDS MADE BY RELIGIOUS CULTS AND
 COMMUNITIES OF PERSONS BELONGING TO NATIONAL MINORITIES OF ROMANIA**

RELIGIOUS CULTS:

Nr.	Cult	Total number o retrocession demands	Total number of solved files	Total number of files to solve
01.	Orthodox Church	2215	962	1.253
02.	Roman Catholic Church	1203	618	585
03.	Romanian Church United with Rome (Greek Catholic)	6723	1108	5.615
04.	Reformed Church	1208	748	460
05.	Mosaic Cult	1918	753	1.165
06.	Unitarian Church	82	61	21
07.	Evangelical Church CA (German)	1133	517	616
08.	Evangelical Church SP (Hungarian)	29	23	6
09.	Other cults	303	72	231
	TOTAL	14.814	4.862	9952

Other cults: Muslim Cult, Armenian Church, Christian Adventist Church of the 7th Day, Baptist Church, Penticostal Cult, Nazareth Religious Association

COMMUNITIES OF PERSONS BELONGING TO NATIONAL MINORITIES:

Nr.	Community	TOTAL of retrocession demands	Nr. of solved files	Nr. of files to be solved
01.	Hungarian Community	36	14	22
02.	German Community	136	121	15
03.	Bulgarian Community	17	7	10
04.	Greek Community	56	15	41
05.	Jewish Community (Caritatea Foundation)	1856	581	1.275
06.	Polish Union	2	0	2
07.	Italian Community	3	3	0
08.	Serbian Community	1	0	1
09.	Religious Cults	7	5	2
10.	Individuals	36	36	0
11.	Melchisedec Foundation	5	5	0
	TOTAL	2155	787	1.368

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ANNEX 13

PROGRAMS IN SUPPORT OF MINORITY LANGUAGES
Financed by the Department for Interethnic Relations
(domestic initiatives and partnerships)

2011

No.	Title of the project	Interval	Venue	Partners
1	Book, press and music saloon	March	Bucharest	Amplus International
2	Library equipping- <i>A book for the school library</i>	March-December	Bucharest	-
3	<i>Bookfest 2011</i> Book fair	May	Bucharest	Association of Editors of Romania
4	Educational program <i>Youth for diversity and multiculturalism</i> - Olympic students, 1 st prize at national/ high school level	July	Spain	-
5	<i>“Cycles of nature-cycles of life in customs and traditions of minorities”</i> Summer camp-for Olympic students, 2 nd and 3 rd prizes	August	Sibiu county	-
6	Children’s multicultural festival dedicated to the <i>Alliance of Civilizations</i>	December	Bucharest	Embassy of Spain, Bucharest City Hall
7	Activities occasioned by the <i>Minorities’ Day</i>	December	Bucharest and regional representations	
8	Days of the German mass media	October	Sibiu	<i>Funkforum</i> Regional press Association
9	DVD acquisition <i>Red Gloves</i> movie		Bucharest	Director Radu Gabrea
10	Roma’s international day	April	Bucharest	Amarre Rromentza
11	<i>The voice of minorities in audiovisual Seminar</i>	May 4-7	Timisoara	TVR Timisoara

12	Participation to the International festival for Yiddish theatre-Montreal	June	Montreal, Canada	Jewish state Theatre-Bucharest
13	Program of the National Minorities Council, Commissions for culture and education – <i>Promoting the minorities’ patrimony through education and culture</i>	June 21-27	Halkidiki, Greece	Greek Union of Romania
14	<i>Parol, monser</i> – theatre shows in Romani by <i>AmphiteatrROM</i> group	May-December	Various towns in Romania	National Agency for Roma
15	Children’s inter-ethnic festival “ <i>Dobrudja concords</i> ”	June	Constanta	“Insanlik – Omenia” Foundation
16	<i>International Romani Art Festival</i> , V th edition	June	Cluj – Napoca	“Turn” cultural Association
17	<i>Peninsula 2011</i> Festival	August, 25-28	Târgu-Mureş, Mureş county	Live Music Association
18	“Szejke” folklore festival, 45 th edition	June, 3-9	Băile Szejke, Harghita county	Pro Culturae Association Odorhei

2012

No.	Title of the project	Interval	Venue	Partners
1	Book, press and music saloon	March	Bucharest	Amplus International
2	Library equipping- <i>A book for the school library</i>	May-December	-	Publishing houses
3	Reunion – Implementation of the <i>European Charter of minority or regional languages</i> in culture and audiovisual	March, 28th	Bucharest	Village Museum, National Council of Audiovisual
4	Gala of Roma women	7 March	Bucharest	“Together” Agency
5	Jewish film festival	April 19– May 3rd	Bucharest	<i>Art Promo</i> Cultural Foundation, FCER
6	<i>Svatki Maiovi</i> Holiday	May 25th	Orsova	-
7	55 th anniversary of the German	June, 1st	Bucharest,	Schiller House

	Cultural House <i>Fr. Schiller</i>		Dalles hall	
8	Students' camp <i>I want to learn your language, too</i>	August	Costinesti	-
9	Visit of Albanian journalists in multiethnic communities in Romania	August	Brasov, Sibiu, Rasnov	Embassy of Albania
10	Sinaia book saloon	August, 1-5	Sinaia	Amplus International
11	European Language Day <i>"LinguaFEST"</i>	September , 24-26	Bucharest	Representation of the European Commission, ANPCDEFP, Bucharest City Hall
12	Program for olympic students, 1 st prize, national level <i>"Together for diversity"</i>	August 24-30	Croatia	-
13	International reunion of UNESCO clubs on <i>"Minorities-the richness of Europe"</i>	November	Bucharest	Romanian Federation of UNESCO clubs
14	Promoting mother tongue schooling in the Tatar community	October	Predeal	The Democrat Union of the Turkish-Muslim Tatars
15	<i>Traditional culture of Transylvanian Roma</i> conference, IIIrd edition	July	Covasna county	<i>Lajtha Laszlo</i> Foundation
16	<i>"Window towards us"</i> Festival	August	Mehedinti county	Association for Relations and Development of Craiova
17	<i>Dare to be multilingual!</i> Seminar	June-October	Tg. Mures	<i>Pro Europa</i> League
18	Diversity Day at TIFF 2012 (Transylvania Film Festival)	June 3rd	Cluj	Association for the Promotion of the Romanian Film
19	<i>Szejke</i> , Folklore Festival	May	Odorheiul Secuiesc	<i>Pro Culturae</i> Association Odorhei
20	Days of the Hungarian book IIInd edition	June 7 – 10	Cluj	<i>Dinamika</i> Association
21	<i>Peninsula</i> – 2012 festival	August	Tg. Mures	<i>Live Music</i> Association

2013

No.	Title of the project	Interval	Venue	Partners
1	May 5 th – Day of Tatar Language	5 May	Medgidia, Constanta	UDTTMR
2	100 years since the inauguration of <i>Carol I</i> Mosque, Constanta	May	Constanta	Muftiat of the Muslims in Romania
3	Seminary with ministries - the implementation of the <i>European Charter for Regional or Minority Languages</i>	June 5th	Bucharest	-
4	Seminary with minorities - the implementation of the <i>European Charter for Regional or Minority Languages</i>	June 12th	Bucharest	Ministry of Foreign Affairs
5	Sinaia Book Fair	13 – 16 August	Sinaia	Amplus International
6	Program for Olympic high school students, 1 st prize, on diversity and citizenship	31 August -8 September	Austria, Italy	-
7	European Day of Languages “ <i>LinguaFEST 2 – Intercultural Literary Cafe</i> ”	September 26th.	Bucharest	Representation of the European Commission, ANPCDEFP
8	Photo Exhibition <i>From emigration to integration</i> (history of the Italian community)	Sept. 23 – Oct. 11	Geneva – UN Office	Association of Italians, Permanent Representative of the Council of Europe at UN Office - Geneva
9	Exchange of experience – <i>The role of teachers and education for tolerance</i>	14 – 17 November	Sibiu and Brasov	Ministry of Education
10	Participation of minorities in <i>Gaudeamus Book Fair</i>	20 – 24 November	Bucharest	Council of National Minorities, Radio Romania
11	Good practices and interethnic projects in 2013. Celebration of the Day of National Minorities – 18 December.	18 December	Bucharest	-
12	ONG FEST – Social Economy NGO Fair	17 – 19 May	Bucharest	Foundation for the Development of Civil Society

13	Folklore Festival Szejke	23 – 27 May	Odorheiul Secuiesc	Pro Culturae Odorhei Assoc.
14	Diversity Day – Transylvania International Film Festival	9 June	Cluj Napoca	Association for the Promotion of Romanian Film
15	My beautiful mother tongue	14 – 15 June	Constanta	Turkish Democratic Union of Romania
16	Hungarian Days in Hunedoara County	1 – 9 May	Deva, Orasti e, Calan, Brad, Lupeni	Corvin Savaria Assoc.
17	Jewish Theatre Festival in Warsaw	25 – 27 May	Warsaw, Poland	State Jewish Theatre
18	Concert of the Hungarian Chorus – 150 years in Brasov	7 – 9 June	Brasov	
19	Intercultural Summer in Sf. Gheorghe	3 – 29 July	Sf. Gheorghe	MUKK Assoc.
20	Rock Festival Peninsula/ Felsziget	18 – 21 July	Cluj Napoca	Live Music Assoc.
21	Intercultural Youth Festival in Partium	4 July	Oradea, Partium	
22	Summerschool for Children and Youngsters	31 August – 5 Sept.	Garana, Caras County	Cultural Centre Banat Ja - Arad
23	Education in minority language for Tatar Youth	19 – 26 August	Predeal	Dem. Union of Tatar Turkish Muslims in Romania
24	Days of the Banffy Castle	31 August – 1 September	Bontida, Cluj County	Transylvania Trust Foundation
25	Festival FuxFest (puppet shows)	11 – 15 September	Oradea	Cultural Foundation Szigligeti
26	Audiovisual expression of national minorities	1 October – 31 December	Timisoara	Romanian Television – Local Station Timisoara
27	Living Together Alphabet	26 – 29 September	Ploiesti	Hellenic Union of Romania, Municipality of Ploiesti
28	European Citizens. Learning from each other	10 – 13 October	Sibiu	German Teachers Association from

				Romania
29	Jewish Film Festival	20 – 24 October	Bucuresti	Art Promo Foundation
30	International Conference of Slavic Studies	3 – 6 October	Bucuresti	Russian Teachers Association from Romania
31	Ethnic Diversity in Romania	8 – 9 November	Slava Cercheza	Russian Lipovan Community of Romania
32	Day of Tatar Minority	13 December	Eforie, Constanta County	Dem. Union of Tatar Turkish Muslims in Romania
33	<i>Etno – Rustica</i> Tradition Fair	11 – 15 December	Bucharest	Amplus International

ANNEX 14

Campaigns and training programs of the Ministry of Internal Affairs on human rights and the rights of persons belonging to national minorities

2010

Project title: *Possible mission – equal opportunities in career choice*

Activities: elaborating info materials for youth in Romanian, Hungarian and Romani language; meetings with highschool students, in order to present the opportunities of a career in the police; selecting 49 students belonging to national minorities in order to participate to a professional orientation camp at Cluj - Napoca Police School; preparing a material in the field of human rights and discrimination prevention, with the title “Human rights and police”, to be used in the continuous training of the police officers from the territorial public order and criminality prevention structures; elaborating a study regarding the professional integration of the national minority representatives who occupy special positions in the Romanian Police structures; meetings and debates in the field of discrimination and also for the popularization of the seats allocated to minorities in police schools.

2011

Project title: *Possible mission – policeman in a multicultural community*

Specific activities: developing an info campaign in 26 high schools from Bihor, Cluj, Harghita, Mures and Satu Mare countries regarding the educational offer of the police education units; organizing the 2nd edition of the career orientation camp at the Cluj Police School, at which 35 Hungarian and Roma students participated, being selected on the campaign bases.

The Advisory Committee meeting on the relation between the police and the Roma minority. In the meeting were discussed topics as: analysis regarding the police special intervention cases in the Roma community, identifying solutions in order to improve the institutional response, the events seized by the Romanian police attachés regarding the situation of the Roma ethnics which are abroad in the EU countries.

The launch of the OSCE manual “*Good practices in trust and understanding consolidation between police force and Roma minority*”, document which is an informational support for police officers and agents from the criminality prevention territorial structures.

The General Inspectorate of the Romanian Police, in collaboration with OSCE – SPMU the Unit for Strategic Problems of the Police and the Office for Democratic and Human Rights Institutions (ODIHR) – The Roma and Sinti Contact Point (CPPSI) have launched the Romanian language version of the OSCE manual “*The Police, Roma and sinti: good practices in consolidating the trust and understanding*”. This document was and is an important educational support used in the professional training institutions of the Ministry of Internal Affairs.

2012

Project title – *The prevention and countering violence against women and victims and risk groups protections*, financed by the European Committee Program DAFNE III 2007-2013.

Activity: Training course for proximity agents

Partners: General Directorate of Bucharest Police and Romanian League for Mental Health

Purpose/Objective: informing police officers regarding psychological aspects of domestic violence against women.

Implementation period: 17-21.12.2012

Participants: 277 proximity police officers

Project title: *Mission Possible*

Purpose/Objective: promoting ethnic diversity by encouraging young Roma and Hungarian minorities to make career in police and by training students from police schools in order to respond to the needs of multicultural communities in which they will work.

Funding: Romanian Government by Interethnic Relations Department

Development of the theme “*Preventing all types of discrimination*” within the professional training of police officers improvement process

Project title: The course „*Roma people – between prejudice and reality*”

Partners: Roma Center for Social Intervention – Romani Criss

Date: 02-04.05.2012

Participants: staff from crime analysis and prevention and public order from the counties: Brasov, Cluj, Mures and Salaj

Debates on discrimination and popularisation of the places allocated for minorities in police schools, through territorial structures of crime prevention.

2013

Project title: *Where begging begins, childhood ends*

Partners: „Child Phone” Association and ANITP

Partners: 600 children (8-12 years old) from multi-ethnic communities and 110 representatives of local authorities and targeted communities.

Co-financer: The Embassy of the French Republic

Purpose/Objective: increasing the awareness level of the population, regarding the side effects of begging.

Specific activities: meeting and debates regarding discrimination and popularisation of the places allocated for minorities in police schools, through territorial structures of crime prevention.

In order to increase capacity building of rural police training, a centre of Roma culture and language for police officers was set up at *Nicolae Golescu* Police College (Slatina), the training centre was equipped, the accommodation facilities were renovated and training courses were provided. 200 police officers attended classes of Romani, community police training courses were offered for 45 police officers and 2,500 police officers from the rural area were instructed in field training.

Local rural police in Roma communities and economically disadvantaged areas also received logistical and operational support: 58 patrol vehicles, 10 SUVs, 2 boats, 1 minivan, 4 thermal video cameras, 25 uniforms for humid environments, 200 computers, 200 printers.

The National Agency against Trafficking in Human Beings carried out a series of specific activities:

1. “Open your eyes” campaign

Implementation period: 01.03. – 30.09.2011

Partners: “Ratiu Center for Democracy”(Romanian NGO), “Love 146” NGO from Great Britain and “Nea Zoi” from Greece;

Target group: 23.000 beneficiaries – Romanians and Hungarians young people looking for a job;

Aim/objectives: Raising awareness about human trafficking risks, creation of a network of active institution and NGOs in the field of prevention human traffic;

Activities/results: forum, one theatre play, prevention materials published in Romanian and Hungarian Language.

2. The prevention campaign “Where the begging starts, the childhood ends”

Implementation period: February – August 2013;

Partners: Child Helpline Association and the General Inspectorate of Romanian Police – Institute for Crime Research and Prevention;

Aim/objectives: to ensure the raising awareness among children, parents and authorities from rural areas, especially from Roma communities, about the negative effects of the phenomenon of begging;

Target group: 500 children (age 8-14) and 120 of local authorities and targeted communities (police officers, mayors, counselors, social workers, school inspectors, informal leaders);

Activities/results: 12 local meetings were organized (6 with children and 6 with representatives of authorities and community members) at the level of 5 counties facing with this problem, but also in sector 5 Bucharest; A survey was carry out about the investigation of the consequences to the target group about the negative consequences that entails the involvement of children in begging, development of events for children – forum theatre, contests with preventive theme.

ANNEX 15

Publications in minority languages

The **Hungarian minority** publishes over 100 various publications: daily newspapers, magazines specialized on different domains, cultural and religious magazines. Some of these publications are partially supported by the state, but they are for the most part commercial papers. Here is a list of publications in Hungarian:

Newspapers: Erdélyi Riport, Haromszék, Központ, Krónika, Népújság, Polgári Élet, Szabadság, Székely Hírmondó, Új Magyar Szó, Vásárhelyi Hírlap, Csíki Hírlap, Udvarhelyi Híradó.

Online newspapers: erdelyinaplo.ro (Erdélyi Napló), hirkereso.ro (Hírkereső), impulzus.ro, ujkelet.ro (Új Kelet), transindex.ro, manna.ro, szekelyhon.ro (Székelyhon).

The **German minority** publishes the "Allgemeine Deutsche Zeitung" daily, which includes the weekly supplement of the German communities in Brasov and Banat, and a weekly publication in Sibiu. The German communities in Resita and Satu Mare publish a monthly newspaper and a magazine. There is also a German year-book.

In the reporting period, **the Roma Party** continued to develop its media department, in which journalists and speakers of Romani work. In 2011-2012, this department continued to produce the show "*the Roma Caravan*" dedicated to the Roma history, tradition and culture. The show was broadcasted in Romani and Romanian and aired weekly on Sundays, at 15-17:00 hrs, on the private television channel OTV. In 2013, a new project was started – the show "*Si eu m-am nascut in Romania/ Vi me sim kotar i Romanja*". It had a duration of 60 minutes and was broadcasted every Sunday on the private television channel *Prima TV*. The show included documentaries and interviews in Romani, with Romanian subtitles. Translations of Romanian literary works into Romani were also done. Such an example is the play *O noapte furtunoasa / Jekh reat Lisjame*“, by Ion Luca Caragiale, translated into Romani by the Romani actor Sorin Sandu. An audio material was made with the translated version and the play premiered in Bucharest, on 16 September 2010. In 2012, the Roma Party continued to publish the magazine "*Asul de trefla*"- a news magazine dedicated to the social, economic and cultural life of the Roma- the publication issues every 2 months. In 2013, the online edition of this newspaper appeared: <http://www.partidaromilor.ro/asul-de-trefla>.

The **Association of Italians from Romania** (ROASIT) has continued to publish bilingual publications with financial support from the Department of Interethnic Relations: *Piazza Romana* (monthly bilingual – Romanian and Italian – newspaper), *Siamo di nuovo insieme* (bilingual trimestrial newspaper), and the album: *Italianii din România – o istorie în imagini*/"*Italians from Romania – a history in images*.

The Jewish community publishes the paper *Realitatea Evreiască* and it is constantly present on radio and tv shows. The Jewish Community Center also has a private radio station – *Shalom Romania* – which broadcasts online and has both live and registered broadcasts (4-5 hours/day). Its functioning is supported by voluntary contributions and it has a wide audience both in Romania and in Israel, where a very large Romanian-speaking Jewish community lives.

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The Ruthenian community has three publications: “*The Ruthenian*”, “*Ruthenian faith*”, and “*Ruthenian Journal*”, and a website: www.rutenii.ro. The publishing of the “*Romanian-Ruthenian-Ukrainian Conversation Guide*” in 2013 is also worth mentioning.

The Democratic Union of the **Turkish-Tatar Minority** of Romanian (UDTTMR) has cooperated in promoting the Tatar community especially with Radio T, and also signed a media partnership in 2012 with *Ziua de Constanta* newspaper and *Littoral TV* television channel. The UDTTMR also publishes a monthly newspaper and two monthly magazines, one for youth and one for women. The publications are trilingual – Tatar, Turkish and Romanian.

ANNEX 16

TV AND RADIO PROGRAMS IN MINORITY LANGUAGES

NATIONAL TELEVISION

According to Law no. 41/1994 on the functioning of the public radio and TV stations, the National Television is bound to broadcast programs about the national minorities in Romania, in minority languages.

2011

CENTRAL STATIONS

TVR 1 is a generalist station, offering a wide array of programs for all the public categories in Romania. **TVR 2** combines the general content with cultural programs, rebroadcasted from TVR Cultural. The cultural content is about 1/3 of the overall programs of TVR 2. **TVR 3** is the first station at national level covering subjects related to local communities. The production of TVR 3 is exclusively done by the regional studios in Cluj-Napoca, Iași, Timișoara, Craiova, Târgu-Mureș. **TVR Cultural** is a niche station, covering exclusively culture-related topics.

The National Television includes several departments of national minorities:

1) The Department for Programs in Hungarian had an overall airing time of 207 hours on all 4 above mentioned stations, divided as follows: 147 h (premieres), 36 h (retransmissions), 24 h (selections). The table below includes more details about the activity of this Department.

STATION	TITLE	DAY	TIME	DURATION
TVR 1	„Maghiara de pe unu” (fostă „Krónika”)	Luni	15.30 - 17.00	90' / 74'
		Mărți	16.00 - 17.00	60' / 49'
TVR 2	„Maghiara de pe doi” (fostele „Szieszta” și „Cafeneaua Imaginară”)	Joi	14.35 - 15.35	60' / 48'
TVR 3	„Maghiara de vineri”	Vineri	12.00 - 12.50	50' / 48'
TVR Cultural	„Maghiara – selecție”	Joi	16.45 - 17.15	30' / 27'
Total: 246 minutes/ week				

2) The Department for Programs in German covers topics related to the German community in Romania. 95% of the programs are produced by the Department. Its premiere programs amounted to

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140 minutes/week and were aired on TVR 1 and TVR 2. The table below includes more details about the activity of this Department.

STATION	TITLE	DAY	TIME	DURATION
TVR 1	Emisiunea în limba germană	Thurs	15.30-17.00	90'/75'
TVR 2	Emisiunea în limba germană	Tue	14.30-15.30	60'/52'
TVR 3	Emisiunea în limba germană	Mon	10.35-11.15	40'/34'
TVR Cultural	Emisiunea în limba germană	Fri	16.30-17.00	30'/28'

3) The Department for Program for Other Minorities is responsible for creating programs for all the other national minorities. The programs are broadcasted on all 4 stations of the National Television. The table below includes more details about the activity of this Department.

ETHNICITY	TVR 1	TVR 2	TVR 3	TVR Cultural	Total	%
Albanian	18' 30''	25'	52'	135'	230' 30''	1,57
Armenian	90'	60'	53'	324'	527'	3,58
Aromanian	3'	-	52' 30''	243'	298' 30''	2,03
Bulgarian	43' 38''	28'	32'	54'	157' 38''	1,07
Czech/Slovak	49' 28''	41'	41'	27'	158' 28''	1,08
Croatian	15'	11'	34' 10''	81'	141' 10''	0,96
Jewish	214' 30''	148'	208' 10''	216'	786' 40''	5,35
German	-	-	101'	243'	344'	2,34
Greek	329'	287'	375'	351'	1.342'	9,12
Italian	34'	335'	100' 40''	108'	577' 40''	3,92
Macedonian	8' 30''	32'	42'	-	82' 30''	0,56
Multiethnic	335' 30''	402'	40'	594'	1.371' 30''	9,32
Polish	80' 14''	162'	57' 60''	351'	650' 74''	4,42
Roma	192' 27''	2.598'	430'	135'	3.355' 27''	22,81
Lipovan-Russian	89' 33''	53'	638'	298'	1.078' 33''	7,33
Ruthenian	23' 20''	16'	10'	54'	103' 20''	0,70
Serbian	23' 05''	32'	131'	324'	510' 05''	3,47
Tatar	96'	97'	506'	81'	780'	5,30
Turkish	113' 50''	83'	527' 60''	108'	832' 10''	5,66
Hungarian	-	-	270'	405'	675.00	4,59
Ukrainian	243'	221'	85'	162'	711'	4,83
Total	2.000' 35''	4.631'	3.786' 10''	4.294'	14.711' 45''	100.00

REGIONAL STATIONS

TVR Cluj was the first regional studio to broadcast its own productions. It covers 11 counties in Transylvania. The station has a department for national minorities, which includes journalists of Hungarian, Roma, Ukrainian, German and Jewish ethnicity.

The station had various rebroadcasts in minority languages, amounting to 574 hours, divided as follows: programs in Hungarian (82%), Romani (5%), Hebrew (4%), Ukrainian (4%), German (4%), other languages (1%). 12% of the total of the self-produced broadcasts are programs in the language of minorities (600h). The website of TVR Cluj allows for the online storage of some of its productions, making them more accessible to the public. It also has a Facebook page.

TVR Timișoara covers the Western part of Romania, especially Timiș, Arad, Caraș-Severin and Hunedoara counties.

The station rebroadcasted the program *Toți împreună/ All Together*, with an overall air time of 199 h 22 min, as follows: Hungarian (23%), German (19%), Serbian (10%), Croat (8%), Ukrainian (7%), Romani (18%), Bulgarian (7%), Slovak (8%). 14% of the total of the self-produced broadcasts are programs in the language of minorities (200h).

TVR Târgu-Mureș is the most recent regional studio of the National Television, being founded in 2008. All their programs have the motto *Your world is our world!* The coverage area included Alba, Covasna, Brașov, Harghita and Mureș counties. The station retransmitted 19 programs in Hungarian (472 h), 1 in German (13h).

2012

CENTRAL STATIONS

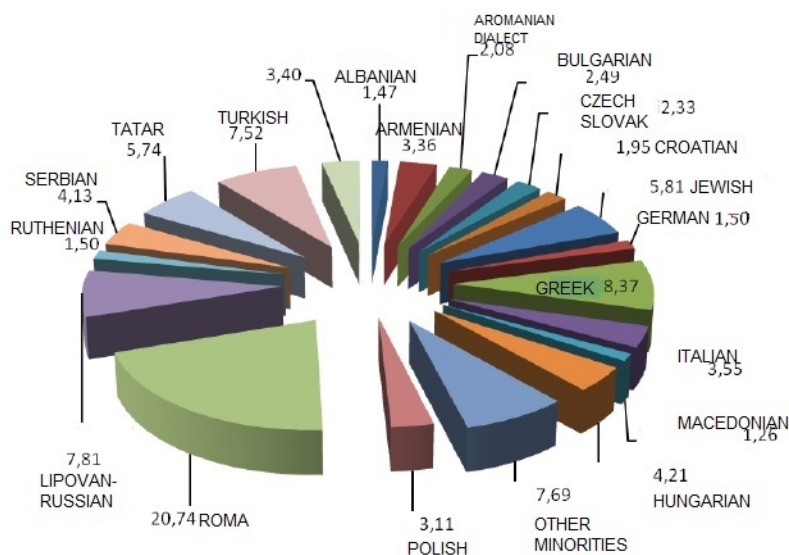
In 2012, the programs produced by the Departments for Programs in Hungarian and German remained constant and all the productions were kept on air without any modification of schedule or duration.

The Department for Program for Other Minorities produced 133 hours of premiere and included 179 hours of retransmissions, which were broadcasted on all 4 stations of the National Television. The table below includes more details about the activity of this Department.

Station	Title	Day	Time	Duration	Contents
TVR 1	„Conviețuiri”	Wed	16.00-17.00	60min./48 min.	News, general
TVR 2	„Primul pas”	Mon	14.35-15.35	60min./48 min.	Topics about Roma
	„Împreună în Europa”	Fri	14.35-15.35	60min./48 min.	Reports
TVR 3	„Toți împreună”	Mon	12.40-13.20	40min./34 min.	General
	„Toți în România”	Fri	17.00-18.30	90min./82 min.	Productions from the local studios on general topics related to national minorities
TVR Cultural	„Identități”	Mon, Tue, Wed	16.45-17.15	30min./26 min.	Documentary

Total min./week: 400/338

The graphic below shows the ratio of programs in terms of duration:



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REGIONAL STATIONS

TVR Cluj produces programs for the Hungarian, German, Roma, Ukrainian and Jewish minorities. These are broadcasted on TVR 2 and TVR 3. The list of programs is rendered below:

Station	Title	Interval	Duration
TVR Cluj	Observator transilvan (Erdélyi Figyelő)	16.00 –17.00	60' x 5/săptămâna
TVR 2	Puls - Clubul Criticilor (Pulzus)	11 55- 12.45	50'/ lunar
TVR 3	La Ceainărie (Teaház)	11.55- 12.45	50'/bilunar
TVR 3	Pe alese (Színe-java)	11.55- 12.45	50'/lunar
TVR 3	Cocktail de șlagăre (Slágerkoktél)	11.55- 12.45	50'/bilunar
TVR 3	Masa rotundă (Törzsasztal)	11.55- 12.45	50'/ lunar
TVR 3	Lumea creată (Teremtett világ)	11.55- 12.45	50'/ lunar
TVR 3	Atelier (Műteremtés)	11.55-12.45	20'/bilunar
TVR 3	Limes	11.55- 12.45	20'/lunar
TVR 3	Patria spirituală (Haza a magasban)	11.55- 12.45	25' -30'/ bilunar
TVR 3	Martor ocular (Szemtanú)	11.55- 12.45	25'/bilunar
TVR 3	Meleaguri, savuri și oameni	11.55- 12.45	25'/ lunar
TVR 3	Secvențe (Pergőképek)	11.55- 12.45	20' -50'/ bilunar

Programs dedicated to other minorities than the Hungarians include productions in Hebrew and Ukrainian (weekly), respectively in German and Romani (monthly).

TVR Timișoara continued to rebroadcast the program *Toți împreună/ All Together*. The duration of the productions in minority languages remained the same as in 2011.

In 2012, the Department for National Minorities from **TVR Târgu-Mureș** reported a total of 885 hours of programs, which were broadcasted both on TVR Târgu Mureș and TVR 3.

2013

CENTRAL STATIONS

Regarding **TVR 1**, the programs in Hungarian and German languages made up for almost 3% from the total content. **TVR 3** granted more air space to such programs, which represented 12% of all the productions. **TVR Cultural** ceased its activity and all the stations were reorganized to maintain the coverage of cultural themes.

The weekly production of the Department for Programs in Hungarian was 294 minutes, broadcasted on TVR 1, TVR 2 and TVR 3. The Department also prepared productions for TVR Târgu Mureş. About 40% of the media content focuses on topics related arts and culture.

The Department for Programs in German had an overall air time of 123 hours on all 3 stations of the National Television, divided as follows: 116 h (premieres), 7 h (retransmissions).

In 2013, the Department for Programs for Other Minorities continued its traditional programs, the most well-known one being *Convieţuiri/Living Together*. In the meantime, it adopted a new promotion strategy and created a Facebook page to make more accessible the programs dedicated to national minorities. The program *Opre Roma*, in Romani, was made available online. The weekly broadcast time was 337 minutes.

The overall duration of programs was similar to 2011 and 2012.

REGIONAL STATIONS

TVR Cluj and **TVR Târgu Mureş** kept the same programs in their production portfolio, with no alterations on the overall duration, as in 2012.

TVR Timișoara realised programs for the national minorities living in the Western part of the country: the Hungarian, German, Serbian Ukrainian, Slovak, Croatian, Roma and Bulgarian minorities. In 2013, the station organized several thematic events. One of the most significant is the seminar *Minorities Expressions in the Audiovisual*, which took place in October 2013. Each participant realized two TV reports related to traditional cuisine of the national minorities. All the productions were screened in Opera Square in Timișoara.

TVR Iași was awarded the SIMFEST award for the best production dedicated to national minorities for the *Benjamin Fondane* documentary.

NATIONAL RADIO BROADCASTING

The stations within the National Radio Broadcasting Company realise and broadcast programs about the traditions and customs of national minorities in Romania. The productions use both Romanian and minority languages.

The Department for National Minorities has its own productions in Hungarian (380 minutes/week) and German (370 minutes/week). These programs can be received at national level.

Some of the most significant radio programs are:

- The weekly program about the national minorities living in Bucharest (Radio România București FM – 55 minutes);
- The daily program *Interetnica – Interferențe dobrogene / Interetnica – Interferences in Dobruja* about the national minorities living in Constanța and Tulcea counties (Radio România Constanța – 15 minutes);
- The daily program *Conviețuiri/ Living Together*, in Romanian, about the national minorities living in the Southern part of (Romania Radio Oltenia Craiova – 20 minutes)
- The weekly programs *Evreii azi/ The Jews Today, Romii/The Roma, Dialog intercultural/ Intercultural Dialogue* about the national minorities living in Moldova (Radio România Iași – 30 minutes each);
- The weekly program *Conviețuiri/ Living Together* (Radio România Timișoara – 25 minutes);
- The weekly programs about the Roma community (Radio România Târgu Mureș – 120 minutes).

Throughout the reporting period, there were no alterations or changes in the program structure or duration. More details about the productions of the local stations are listed below:

Local station	Details about the radio programs
Radio România Constanța	Weekly programs in Greek, Turkish, Lipovan-Russian, Tatar and Armenian.
Radio România Cluj	Weekly programs in Hungarian (1,680 minutes of AM broadcasting, 2,880 minutes of FM broadcasting) and Ukrainian.
Radio Romania Iași	Weekly programs in Ukrainian and Russian.
Radio România Timișoara	Weekly programs in German, Hungarian, Serbian, Czech, Slovak, Ukrainian, Bulgarian and Italian.
Radio România Reșița	Weekly programs in German, Hungarian, Serbian, Czech, Croatian, Slovak, Ukrainian, Romani.
Radio România Târgu-Mureș	Weekly programs in German and Hungarian.

2012

One of the main objectives in 2012 was to promote the cultural values of persons belonging to national minorities.

In 2012, the Department for National Minorities developed work instruments to enhance the quality of editorial materials. At least 40% of the news reports were topics related to national minorities. The most representative programs are: *Retrospectiva săptămânii / Weekly Report* – a talk-show with political analysts on the main topics of the past week; *Nota zilei/ Daily Note* – short comments on current events made by representatives of the minority communities. The latter includes a section about remarkable people with an ethnic background.

At the sixth edition of the Interethnic Theatre Festival, the National Radio Broadcasting Company offered a Special award for the best theatre act adapted for radio.

2013

In 2013, the National Radio Broadcasting Company reviewed the station structure, in order to ensure a better coverage in areas inhabited by large communities of minority ethnics. Radio Romania Târgu Mureş was reorganized into 3 radio stations emitting on separate frequencies: Radio Târgu Mureş AM and FM broadcast mainly in Romanian and Radio România Târgu Mureş – exclusively in Hungarian, German and Romani. Radio România Târgu Mureş covers Mureş, Harghita, Covasna and Braşov counties.

The Department for National Minorities enhanced its profile as a content provider for local radio stations. Their productions were dedicated to national minorities in Romania: the Hungarian, German, Ukrainian, Russian, Turkish, Serbian, Slovak, Croatian, Czech, Armenian and Italian minorities.

The local station in Timișoara covering the Western part of Romania, traditionally a multi-ethnic region, created a unique identity by broadcasting in 9 languages: Hungarian, German, Ukrainian, Serbian, Slovak, Czech, Bulgarian, Italian and Romani.

The local radio stations were media partner at several important cultural events: Hungarian Culture Days (in Cluj-Napoca), the multicultural festival *Împreună în Iași/ Together in Iași*, dedicated to the Day of National Minorities.

In 2013, Radio România Actualități, within the National Radio Broadcasting Company, received the Award of Excellence from the National Council of the Audiovisual for its programs promoting the integration of minorities.

ANNEX 17

THE USE OF MINORITY LANGUAGES IN COURT

In civil matters

I. The new Civil Code approved by Law nr.287/2009, republished¹, establishes in art.30 the principle of equality before the civil law of all citizens regardless of, among other things, their nationality, ethnicity and **language**.

II. The new Civil Procedure Code approved by Law no.134/2010², republished, as amended, guarantees to citizens belonging to national minorities the use of minority languages “*before the courts*” through a number of provisions, as follows:

- Article 18 paragraph 2: *“Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts [...]”*;
- Article 225: *“When one of the parties or the persons to be heard does not speak Romanian, the court will use an authorised translator. If the parties agree, the judge or clerk can perform translator services [...]”*. This situation applies in similar conditions when the experts are heard in civil matters, according to paragraph 3 article 225.

III. GEO No.51/2008³ on legal aid in civil matters, as amended, provided for in article 41 that *“the application for legal aid of the citizens of an EU Member State or by persons who are domiciled or habitually resident in one of these countries, other than Romania, must be submitted together with supporting documentation [...] translated into Romanian language”*. Although the legal provision refers to citizens of Member States of the European Union, in terms of the Framework Convention for the protection of national minorities, as ratified by Romania, the mother language used by them in order to obtain the legal aid as stipulated by GEO no.51/2008 may be included in the category of minority languages, as is the case of the following languages: Bulgarian, Czech, German, Greek, Hungarian, Italian, Polish, Slovak.

In criminal matters

I. The new Criminal Code, adopted by Law 286/2009⁴, as amended, criminalizes through a number of provisions the deeds affecting in a form or another the right of the national minorities to use their minority language, namely:

- Article 77 provides for in paragraph 1 letter h) that *“The following constitute aggravating circumstances: [...] the offense was committed for reasons related to [...] nationality ethnicity, language”*;
- Article 297 paragraph 2 regulates the deed of the public servant who, in exercising his/her official responsibilities *“restricts the exercise of a person’s rights or creates for the latter a situation of inferiority on grounds of [...] nationality, ethnic origin, language*

¹ Published in Official Journal no. 511 of 24 July 2009.

² Published in Official Journal no.485 of 15 July 2010.

³ Published in Official Journal no.327 of 25 April 2008.

⁴ Published in Official Journal no.510 din 24 July 2009.

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[...]”, deed which is punished “*with imprisonment from 2 to 7 years and the prohibition to exercise the right to hold a public office*”;

- Article 369 provides for that “*inciting the people, using any means, to hatred or discrimination against a category of persons shall be punished by imprisonment from 6 months to 3 years or fine*”. It can be noticed that the expression “*against a category of persons*” is a large one, including the citizens belonging to national minorities.

The new Criminal Procedure Code, adopted by Law no.135/2010⁵, as amended, guarantees to citizens belonging to national minorities the use of minority languages “*before the courts*”, whatever their legal standing, through a number of provisions, as follows :

- Article 9 paragraph 3 regulates that “*any person placed under arrest has the right to be informed within the shortest delays, and in a language he/she understands, of the reasons they were arrested, and have the right to challenge the arrest warrant*”;
- Article 12 paragraphs 2 and 3 provide for, on the one hand, that “*the Romanian citizens belonging to national minorities shall be entitled to use their mother tongue in front of the courts but the procedural acts shall be drawn up in Romanian*” and, on the other hand, the obligation to ensure to the parties and subjects in the proceedings, citizens belonging to national minorities, the right to benefit an interpreter in all the cases, before the courts, whenever they “*are unable to speak, understand or use Romanian [ensuring] free of charge, the possibility of being informed on the content of the file, of speaking as well as of making final statements in the court through an interpreter. In the situations where legal assistance is mandatory, the suspect or defendant shall be provided, free of charge, with the possibility to communicate via an interpreter with their counsel so as to prepare the hearing, the filing of an avenue of appeals, or any other motion that has to do with the resolution of the case*”. Unlike the old Criminal Procedure Code, the new Code extends the right to benefit of a free of charge interpreter to the suspect and defendant in cases where legal aid is compulsory, including preparing the defence with his /her lawyer;
- Article 81 paragraph 1 letter g¹) stipulates the right of victim “*to receive an interpreter, free of charge, when he / she cannot understand, cannot express himself / herself properly or cannot communicate in the Romanian language*”. This article is a transposition of European standards regarding the rights of victims in the criminal proceedings aiming at ensuring effective participation of the victims in the criminal matters, without any impediment;
- Article 83 paragraph 1 letter f) regulates in the favour of defendant the right “*to an interpreter free of charge, when he / she cannot understand, cannot express himself / herself properly or cannot communicate in the Romanian language*”. This article represents a transposition of the jurisprudence of the European Court of Human Rights and of the European secondary legislation in the field of procedural rights of the defendant in criminal matters;

⁵ Published in Official Journal no.486 of 15 July 2010.

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- Article 105 paragraphs 1 and 2 stipulate the right to be heard through an interpreter in all the cases whenever *“a person subject to hearing cannot understand, cannot speak or cannot express himself / herself properly in Romanian [...]. Such interpreter may be appointed by the judicial bodies or by the parties or victims from among interpreters certified under the law”*. In addition, *“[...] in a situation when a certified interpreter cannot be provided, a hearing may be conducted in the presence of any person who can communicate with the person subject to hearing, while the judicial bodies have the obligation to resume the hearing through an interpreter as soon as this is possible”*;
- Article 107 lays down the obligation of the judicial body to ask questions to the suspect or defendant regarding, among others, *“[...] whether he/she requests an interpreter, in the event that he / she cannot understand, speak or express himself / herself properly in Romanian [...]”*;
- Article 184 paragraph 12 regulates the obligation of the judicial body that *“after ordering a forensic psychiatric expert examination [to inform] the suspect or defendant, **in a language he / she understands**, of the reasons of such admission, and a report shall be concluded for this purpose”*;
- Article 209 paragraph 2 referring to taking in custody measure, provides for, among others, that *“a person taken in custody shall be informed forthwith, **in a language he / she understands**, of the offense he / she is under suspicion of having committed and of the reasons for being taken in custody”*;
- Article 212 paragraph 2 lays down the judicial control measure ordered by the prosecutor in which case the *“defendant shall be informed forthwith, **in a language he /she understands**, of the offense of which he/she is under suspicion of, and of the reasons for taking a judicial control measure”*;
- Article 226 paragraph 3 specifies the sustaining a pre-trial arrest application during the criminal investigation, in which case *“after such measure is ordered, the defendant shall be informed forthwith, **in a language he / she understands**, of the reasons why pre-trial arrest was ordered”*, while as regards the announcement of pre-trial arrest and the location where a defendant is held under pre-trial arrest, in accordance with Article 228 paragraph 1 *“the defendant shall be informed forthwith, in a language **he / she understands**, of the reasons why pre-trial arrest was ordered”*;
- Article 329 paragraphs 3 and 4 regulate the indictment, in which situation the prosecutor has the obligation to take all the steps whenever *“the defendant does not speak the Romanian language [in order] to provide a certified translation of the indictment [...]. When no certified interpreters are available, the translation of the indictment shall be performed by a person who can communicate with the defendant. A defendant who is a Romanian citizen and member of a national minority is entitled to require a translation of the indictment in his / her maternal language”*, in which situation, in conjunction with Article 12 paragraph 2, prosecutor shall analyse from case to case a possible requirement to translate the indictment in the maternal language of the defendant;
- once the judgment is rendered, according to Article 407, the copy of the minute *“shall be notified to the prosecutor, the parties, the victim and, when the defendant is detained, to*

the administration of the detention facility, in view of exercising the legal avenue of appeal. When the defendant does not understand Romanian, a copy of the minute [...] shall be notified in a language he /she understands [...]”. In contrast to the old Criminal Procedure Code, this new provision was adopted in the application of the right to defence’s principle, ensuring the communication of the minute in a language that the defendant understands whenever he / she did not understand Romanian language.

Law no.255/2013 for the implementation of Law no.135/2010 on the Criminal Procedure Code⁶ and amending and supplementing certain normative acts which comprise certain criminal proceedings provisions comprises the following changes, as follows:

- Article 43 of Law no. 678/2001 on the prevention and combating trafficking in human beings⁷, subsequently amended and supplemented, lays down that the “*victims of the crimes [...] are entitled to receive, in a language they understand, information on the applicable legal and administrative procedures*”;
- Article 4 paragraphs 3 and 4 of Law no. 211/2004 concerning measures to ensure protection to victims of crime⁸, subsequently amended and supplemented, stipulate that “*victim becomes aware of the information [...] in a language he / she understands [...]. If the victim is a Romanian citizen belonging to a national minority [then the information] can [be] notified [...] in his / her language*”, option which will be assessed from case to case.

Other special provisions:

- Article 14 of Law no.304/2004 on judicial organization⁹, republished, provides for that: “(2) *Romanian citizens belonging to national minorities have the right to express themselves in their native language before courts [...]. (3) In case one or several parties claim to express themselves in their native language, the court has to ensure, free of charge the use of an interpreter or an authorized interpreter. (4) In case all the parties demand or agree to express themselves in their native language, the court has to ensure the exercise of that right [...]*”. In addition “(6) *debates between parties in their native language shall be recorded, and written down in Romanian [...]*”.
- Article 30 paragraph 6 of Law no.303/2004 on the statute of judges and prosecutors¹⁰, republished, lays down that “*in the jurisdictions of the courts and prosecutor's offices where a national minority has a percentage of at least 50% of the inhabitants, in case of equal marks, the priority shall belong to candidates who speak the language of that minority*”;

⁶ Published in Official Journal no.515 of 14 August 2013.

⁷ Published in Official Journal no.783 of 11 December 2001.

⁸ Published in Official Journal no.505 of 4 June 2004.

⁹ Published in Official Journal no.827 of 13 September 2005.

¹⁰ Published in Official Journal no.826 of 13 September 2005.

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- Article 2 paragraph 1 of GO no.137/2000 on preventing and sanctioning all forms of discrimination¹¹, republished, subsequently amended and supplemented, stipulates that “[...] *discrimination is any distinction, exclusion, restriction or preference based on [among others] nationality, ethnicity, language, which has the purpose or effect of restricting, removing the recognition, enjoyment or exercise, under the same conditions, of human rights and fundamental freedoms or rights recognized by law [...]*”. Also *“any behaviour on grounds of nationality, ethnicity, language represents harassment and shall be deemed and sanctioned as contravention”* (paragraph 5 Article 2 of GO no.137/2000).

¹¹ Published in Official Journal no.348 of 26 July 2000.

ANNEX 18

Programs organised by the Ministry of Education:

- *Diversitatea - o şansă în plus pentru viitor / Diversity: A Chance for the Future* is a yearly national contest organised in partnership with the NGO "Divers" from Târgu Mureș, ever since 2007. The final stage benefits from the support of the Department for Interethnic Relations (DIR).
- The first edition of the contest *Călătoria mea interculturală / My Intercultural Journey* (February-March 2014), organised for pupils from schools with teaching in the mother tongue. In 2015, the contest took place in Cluj-Napoca and it included a intercultural training module for teachers.
- The celebrations of UNESCO International Mother Tongue Day include various events that aim to promote bi- and multilingualism in the spirit of the dialogue between cultures during the early stages of schooling.
- *Școala altfel / A Different Kind of School* is a series of non-formal education programs, which takes place during the spring school break, which have a intercultural component in many places around the country.
- The European Day of Languages, celebrated on September 26, is also an opportunity to celebrate minority languages. Various events were organised in partnership with the Delegation of the European Commission to Romania, The Department for Interethnic Relations and the National Agency for European Union Programmes in Education and Professional Formation:
 - o *MALLtiligvism – Voci și culoare / MALLtilinguism: Voices and Colour* hosted by Băneasca Mall, consisting in a series of interactive events, language classes of Russian, Macedonian, Greek, German and Italian, performances and film screenings, linguistic impro contests etc. (București, September 25, 2011);
 - o The first edition of *LinguaFEST* (București, September 24-26, 2012) which featured various multicultural projects, such as: *The Multilingual School Theatre Festival*, hosted by ArCuB, the cultural projects centre of București City Hall, attended by troupes from *Aprily Lajos* National College from Brașov (performing in Hungarian), *Taras Șevcenko* High school from Sighetu Marmăției (performing in Ukrainian), *Goethe* German College from București (performing in German), *Dante Alighieri* High school from București (performing in Italian); a training session for the performing troupes involved and an impro session with the passers-by in one of the most crowded places of the capital; the launch of the publication *European Language Label*, including short-stories by Mircea Cărtărescu and poems by Markó Béla, in Romanian and in translation.
 - o The second edition of *LinguaFEST* (București, September 26, 2013), whose main event was the debate *European Citizenship and Intercultural Dialogue*, with the participation of well-known writers belonging to national minorities: Joachim Wittstock, a German language novelist from Sibiu, Csaba Szekély, a Hungarian language playwright from Târgu Mureș; Emel Emin, a Turkish language poet from Constanța; Slavomir Gvozdenovici, a Serbian language poet from Timișoara; Gheorghe Schwartz, a playwright from the Jewish community in Arad,

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Corneliu Irod, a Ukrainian language novelist and translator from București; Sorin Aurel Sandu, a Roma journalist, actor and poet.

- The third edition of *LinguaFEST* (București, October 17, 2014) focused on various themes relevant for the multicultural linguistic context: workshops about mother tongue teaching, the *Odiseu călătorește din nou/ Odysseus Travels Again* book exhibition, which presented to the public one of the fundamental texts of European literature, Homer's *Odyssey*, translated in all 24 official languages of the European Union, the exhibition *Zoom pe diversitate / Zoom on Diversity*, putting on display the winning photographs of a photo contest about multiculturalism.

*State Secretariat
for Religious Affairs*

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translated by
Della L. Marcus



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State and Religions in Romania

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Within the covers of this book, the State Secretariat for Religious Affairs overviews several issues involving the status of religion / faith in society, specifically that of the religions recognized by the Romanian State. The question of the relationship of the State with these religions, especially with the Romanian Orthodox Church, has become the focus of attention of some public figures, politicians, and the press. By way of our activities, including the aim of this publication, we would like to promote a balanced debate, based on correct data, legislation in effect, and information about the historic evolution of the Church-State relationship in our country. These issues are constitutive elements of national identity, whose complexity requires an objective approach, as an essential condition for civil, argument-driven debate.

The State Secretariat for Religious Affairs knows how to carry out its mission as principal institution, through which the Romanian State defines, articulates and puts into practice public policies regarding religious life in Romania, and wishes to facilitate an honest dialogue, open to all interested parties. This book, compiled by the State Secretariat for Religious Affairs with the cooperation of the National Institute for Statistics and the National Authority for the Restitution of Properties, as well as with Romanian Embassies in the countries of the European union, makes available to the public a series of data and information that will provide greater understanding of the specific situation in our country in terms of the state's relationship with various religions, from both a historical perspective and in a European context.

This book is intended to be a working instrument for political decision-makers, diplomats, civil servants that are directly involved with such matters, as well as representatives of religious faiths. Moreover, this volume is destined for researchers who are concerned with the Romanian religious phenomenon, and for civil society players who are directly interested in the improvement of the functioning of the Romanian political and judicial systems.

Therefore, after one and a half centuries of activity, and with the aid of this book, our institution proposes to offer a definition of the status and current role of the State Secretariat for Religious Affairs within central public administration, and an incursion into its history as a key institution in the Romanian modern state's relation with the manifestation of various religious phenomena. We would also like to offer the public some statistical data, in order to provide a better understanding of the evolution of the religious affiliation of the modern Romanian population.

For a proper understanding of the context within which the Church-State relations have developed and the particularity of the Romanian system of these relations, the State Secretariat of Religious Affairs is placed into a European context. In this sense, we believe that the Romanian model of Church-State relations, as stipulated in law nr. 489/2006 on Freedom of Religion and the General Status of Religions is an integral part of the European family of models of Church-State relations, central to which are religious freedom and the principle of state neutrality with respect to the manifestations of religious phenomena.

As is the case in other European countries, relations between the state, and the organized forms of religious life in Romania have been constructed based on historic, legal and local institutional traditions, while taking into account existing European models, as well as the demographic situation, social and spiritual needs, and society's current expectations.

An overview of the main themes related to the Church- State relationship, currently under debate and part of the public agenda, illustrates the stakes yet to be clarified in Romanian society and the political system. In short, the scope of this book is a clarification of the place and role of religion in the public space.

In order to better understand the main players in Romania's religious life and the role these have had and are playing in Romanian society, this book offers a short description of the current situation and activities of recognized religions and religious associations in Romania. Far from being isolated in the private sphere and the liturgical space, one can observe that almost all of these have understood that they must play an active part in various areas, including education, charitable activities, social or medical

services, or cultural projects, organized faiths in Romania are acting as significant players in the public space.

A selection of the legislation in effect in this area, at the end of the book, will prove to be a useful tool to all who are looking to understand the activities of religious groups in Romania.

The State Secretariat of Religious Affairs has published several editions of a documentary on religious life in Romania (in Romanian in 1993, 1999, 2005, and 2008, and in English in 1999 and 2005).

In its current form, this volume has been published in 2014, in two editions, in Romanian. Due to its good reception and the interest expressed in it by the public, it is now presented in an English translation that will prove, we hope, useful to all its readers. This present documentary has been built on the foundation of preceding books, but it is intended primarily for political decision-makers and representatives of state institutions.

Thus, we emphasize explanations the role and contribution of the State Secretariat of Religious Affairs in the construction and administration of Church-State relations in Romania. That is also why less space has been allocated to legislation and the detailed presentation of religious groups, favoring instead the presentation of historical data, statistics and the vision of the institution on matters currently subject to public debate, which directly relate to the Church-State relationship. All data and information taken from the books mentioned above have been updated, and the data that has been included is presented in a more accessible graphic format.

Victor Opaschi
State Secretary for Religious Affairs
April 2015

What is the State Secretariat for Religious Affairs?

The State Secretariat for Religious Affairs (SSRA) is a specialized central public administration body, a legal entity, subordinate to the Government, and coordinated by the Prime Minister's Chancellery.

1.1. What are the objectives of the State Secretariat for Religious Affairs??

To ensure that the fundamental rights and freedoms under the Romanian Constitution and Law nr. 489/2006 on Freedom of Religion and the General Status of Religions are respected and promoted, including international treaties and conventions that Romania is party to in the area of freedom of conscience and religion.

To develop a social, cultural, and educational partnership between central and local public authorities and those religions recognized by law. In this connection, the State Secretariat for Religious Affairs is run in accordance with the fundamental principle that religions are free, autonomous, and equal before the state authorities.

1.2. Who runs this institution?

Because the State Secretariat for Religious Affairs is part of the Romanian Government, it is a political institution appointed by the Prime Minister. The State Secretariat has its own office and is supported in its activity by an Administrative Director (Religious Denomination Relations Administration) and two heads of office (Support Department, Education, and respectively the Economic, Human Resources, and Administrative Department).

1.3. What are its sources of financing?

The State Secretariat for Religious Affairs is financed by the State Budget through the Government's General Secretariat Budget. The State Secretariat for Religious Affairs is a third-party spending agency.

1.4. What are the attributes of the State Secretariat for Religious Affairs?

According to Government Decision H.G. nr. 44/2013 regarding the organization and operation of the State Secretariat for Religious Affairs, including subsequent changes and amendments, the following are its attributes:

A. Development and implementation of public policies

The State Secretariat for Religious Affairs:

- promotes the development and implementation of laws and governmental strategies that relate to religious life;
- approves proposed normative acts with a potential impact on religious life issued by other governmental and administrative bodies;
- consults religious groups regarding proposals to improve normative acts with a potential impact on religious life.

B. Administration of institutional relations and mediation of relations between religious groups and associations

In terms of church-state relations:

- it promotes the relations of the state with all recognized religious groups and associations in Romania;
- it supports all religious groups and associations to ensure that they fully participate in the country's social and spiritual life;
- it provides a connection between religious groups that have been recognized by law and the Ministries and other central and local administration bodies, in order to ensure that the freedoms and autonomy of these religious groups are respected, and to prevent and eliminate any abuses, by the application of the Law;

In terms of inter-religious relations:

- it participates in the amicable resolution of conflicts between religious groups and between the latter and religious associations, in order to prevent or eliminate any forms, means or actions of religious division.

- it supports all religious groups and associations to ensure that they fully participate in the country's social and spiritual life;
- it provides a connection between religious groups that have been recognized by law and the Ministries and other central and local administration bodies, in order to ensure that the freedoms and autonomy of these religious groups are respected, and to prevent and eliminate any abuses, by the application of the Law;

C. Overseeing the respecting of religious freedoms, monitoring the application of internal and international normative acts regarding the respecting of religious freedoms;

- compiles reports¹ concerning the overall situation of the respecting of religious rights and freedoms in Romania;

D. Compilation of documentation and issuing of administrative acts for:

- the granting or removal of the status of recognized religion/faith/religious association
- the granting of advisory opinion prior to the granting of religious association status;
- the review of applications for the establishment of new religious groups, the compilation of documents required by law, and the making of proposals to Government for their recognition;
- the compilation of documents required by law, the submission of proposals to Government for the recognition of changes or amendments to the organizational and operational by-laws of religions/faiths².

E. Record-keeping of all personnel involved in activities of recognized religions or religious associations

- keeps a record of and makes payments into the Unified National Health Social Insurance Fund for the monastics and assimilated personnel belonging to all religions recognized by law, that have no income from work, pensions, or other sources;
- records the election or appointment of persons due to take over the leadership functions, as well as of clerical and lay staff

¹ At the request of the Ministry of Foreign Affairs, the Universal Periodic Review (UPR) of the United Nations (UN)/Human Rights Council (HRC), the European Commission against Racism and Intolerance (ECRI) of the European Council, and for other mixed inter-governmental commissions dealing with national minority issues.

² The by-laws of these 18 religions were recognized by Government Ordinance in the 2008-2010 period, in accordance with Art. 49 of Law nr. 489/2006

of legally recognized religions/faiths, including those involved in theology education, who are not integrated in public education, in order to allocate financial support from the state budget for the payment of salaries of religious staff, in accordance with the law;

- keeps a record of the religious units of recognized religions that are requesting assistance for paying the salaries of their clerical staff;
- sends notices that long-stay visas can be issued for religious activities or that the right to temporary stay for religious activities carried out by foreign missionaries can be extended³.

F. Is part of the organization of religious education

- collaborates with the educational system, and records the educational plans and analytical programs for teaching religion drawn up by the legally recognized religions/faiths;

G. Promotes the development of social partnership between State and religions/faiths

- advises the Government on the recognition by the State of public utility for non-governmental organizations in the area of religious life, in keeping with legal norms;
- offers support to recognized religions for the organization and carrying out of religious and social assistance activities in the army, in penitentiaries, in hospitals, in homes for the elderly, in orphanages, and in other institutions, as well as for special needs families;

H. Administers the main forms of financial support from the State Budget for religions/faiths, and checks the use of these funds

- manages public financial resources allocated for the supplementing of funds needed for clerical⁴, staff salaries, based on legal provisions;
- offers assistance in support of activities carried out by religions, according to Art. 29, point (5) in the Constitution and specific legislation, for:
 - a. the salary system of the country's clerical staff and of Romanian communities abroad;
 - b. the building and repair of houses of worship in the country and in Romanian communities in the Diaspora, the restoration

³ In 2014 a number of 443 notices were issued for missionaries carrying out the religious activities of the faiths, religious associations and foundations.

⁴ Funds allocated from the state budget for non-clerical salaries are administered by County Councils.

of historic monument churches, and for socio-charitable activities carried out by the recognized religions/faiths;

c. the support to the main Romanian endowment on Mount Athos (the Romanian Skete Prodromos);

d. the payments into the Unified National Health Social Insurance Fund for monastic staff of religions recognized by law and that do not generate income from work, pensions, or other sources;

e. the theological teaching units that are not integrated into the public education system;

f. the control of the way in which funds received by religions from the State Budget are used, in accordance with specific appropriation and in keeping with legal provisions;

g. the support to religions, upon request, for the organization of their accounting and statistics, in accordance with specialized legislation, ensuring their collaboration with competent institutions.

I. Represents the Romanian State internationally in connection with issues regarding religious freedom and the general procedure for religions.

- initiates external relations activities with similar state institutions in other countries and with international non-governmental organizations that promote and guarantee the respecting of religious freedom and of other fundamental human rights, and participates in the activities organized by the above;

J. Organizes and carries out activities to document and research religious life

- draws up studies and documentary syntheses on religious life in Romania, as well as on the activities of faith and religious communities in other countries;

- organizes debates on the theory and lay and ecclesiastical practices in this area.

History of the State Secretariat for Religious Affairs

Precursor institutions of the current State Secretariat of Religious Affairs were established during the period of the government of the Romanian Countries under the Organic Statutes and the protection of the Great European Powers. These were respectively the Great Chancery of Faith (Marea Logofeție a Crediinței), established in the Wallachia in 1831 and the Church Governorship (Vornicia Bisericească) created in 1844 in Moldavia. These had as principal attributes the organization of the inventorying of church assets and of the institutional situation of the church in both countries, in the context of efforts to politically modernize public institutions.

2.1. Establishment of the Institution

The establishment of the State Secretariat for Religious Affairs as a modern institution, with clear attributes is connected to the founding of the modern Romanian state. Immediately following the simultaneous election of Alexandru Ioan Cuza as a ruler of Moldavia and Wallachia, Ministries of Religious Affairs and Public Education were set up in both Iași and Bucharest. In 1862, simultaneously with the administrative unification of the Romanian Principalities, a single Ministry of Religious Affairs and Public Education was established, and this is considered the official date of the foundation of the institution that today carries the name of State Secretariat for Religious Affairs.

Since its establishment and until the present day, this executive body has had different names, depending on the institutional articulation of the area of faiths and other public policies: Ministry of Religious Affairs and Public Education, Ministry of Religious Affairs and Arts, Department of Religious Affairs, Ministry of Religious Affairs, State Secretariat for Religious Affairs, and Ministry of Culture and Religious Affairs.

Throughout its existence, this institution has been run by well-known personalities in the political, cultural and scientific domains in Romania, including V. A. Urechia, Alexandru Odobescu, Dimitrie Bolintineanu, C.A. Rosetti, Titu Maiorescu, Vasile Conta, Take Ionescu, Spiru Haret, Dimitrie A. Sturdza, I.G. Duca, P.P. Carp, Ion C. Brătianu, Simion Mehedinți, Octavian Goga, P.P. Negulescu, Vasile Goldiș, Nicolae Iorga, Dimitrie Gusti, Bishop and Academician Nicolae Colan, Ion Nistor, Constantin Giurescu, Ion Petrovici, Gheorghe Nenciu, Dumitru Dogaru, Nicolae Stoicescu, Gheorghe Vlăduțescu, and Răzvan Theodorescu.

At the start of the modern Romanian state, the preoccupation of political authorities for the modernization of society was carried out in a centralized manner. During Alexandru Ioan Cuza's rule (1859-1866), the dominant political view was favorable to the affirmation of the dominance of political authority over religious life.

This was expressed on the one hand by placing religious assets under state administration (including making some of these the direct belongings of the state, such as in the case of the secularization of monastic assets). On the other hand, this was also manifested by an attempt on behalf of the state to institutionally reorganize the Orthodox Church of the United Principalities, transforming it into a modern state religion, directly subordinate to political authorities, and cancelling its right to self-administration. This process also led to a break within the Orthodox Church of the United Principalities, as these measures brought it in open conflict with the Ecumenical Patriarchate, under whose canonical jurisdiction it had been until then been functioning.

From the perspective of the modernization of the state, a united treatment of the areas of education and religious affairs was considered necessary at that time because initially, church funds used to be directed, through the Ministry of Religious Affairs, to the support of public schools, and the state took it upon itself to introduce a radical reorganization of theological education.

2.2. The State and the dominant Church

A second phase, following the abdication of Alexandru Ioan Cuza, was characterized by a conciliatory effort between the state's agenda for modernization and a wish on the part of the Church of Romania to affirm its growing autonomy, not only from the Ecumenical Patriarchate

of Constantinople (by obtaining its autocephaly, with the active support of the state), but also from the Romanian state. In this period, after experimenting with other solutions (such as the restricting of the number of clerics and of land ownership by the clergy) the state began financing clerical salaries, as a means of solving the economic situation of the clergy, which had become critical.

The Ministry of Religious Affairs and Public Education continued to be the main body responsible for the administration of religious life in Romania in this period, with extensive tasks involving the supervision and control of religious activities in many areas, including: organizing parishes and dioceses, the operations of the Holy Synod, of the church consistories, appointing to and rescinding of clerical positions, the administration of church assets and the status of monastic life, the organization and operation of theological education, the supervision of the production of newspapers, encyclicals, and pastoral letters from the Orthodox clergy, etc., the authorization and supervision of the operations of other faiths on Romanian soil, etc. The dominant church (according to the 1866 Constitution) managed to obtain a relatively limited autonomy from the state, exerting its authority through the Ministry of Religious Affairs and Public Education.

The secularization of church assets was carried out through the Ministry of Religious Affairs, but, once this project of the Unionist generation had ended, for successive decades to the end of the 19th century not much government effort was dedicated to the resolution of the difficulties created for the Church through its previous massive dispossession of material properties. Thus, in 1902, a simple Office of Religious Affairs operated within the Ministry of Religious Affairs and Public Education: its administrative activity lacked substance, it had only a few civil servants (4 heads and 9 executive assistants), and was centered primarily on the relationship between the Church and schools⁵.

2.3. The Church Bureau

The Church Bureau (Casa Bisericii) was established in 1902, based on an Anglo-Saxon politico-administrative model. This office was attached to the Ministry of Religious Affairs and Public Education, but had its own law⁶. Its purpose was to make the

⁵ Paul BRUSANOWSKI, *Stat și Biserică în Vechea Românie între 1821-1925*, Presa Universitară Clujeană, Cluj-Napoca, 2010

⁶ Sanctioned by Royal Decree no. 255 of January, 21, 1902

administration of church assets more efficient and to eliminate the arbitrary intrusion of a variety of public authorities in internal ecclesiastical life. The Church Bureau took over the Office of Religious Affairs in the Ministry, built its own headquarters with the Schools Bureau⁷ was given the attributes of control and administration of the Church's assets, and the preservation of churches (houses of worship).

The political intent behind the creation of this institution at that time was that the Orthodox Church and the other faiths would in time become fully capable and have the power to administer their own properties, for the general benefit of Romanian society. It was for this reason that the heads of the Church Bureau were initially appointed from among politicians in the governing party, whose mandate would last for the duration of the government.

Whenever a budget was drawn up, the Church Bureau would draw up its own budget of income and expenditures, distinct from the state budget, which it submitted for approval to the Assembly of Deputies. In 1908, the budget of the Church Bureau was included in the state budget, and included: the budget surplus of self-supporting houses of worship; a 10% tax, later 15%, applied to the church revenues administered by the Church Bureau; funds from church land leasing and oil exploitations on church land; urban community subsidies and a share of rural communes' revenues; funds from the application of fines based on the law for producing and selling wax candles; funds allocated from the annual state budget for the administration of churches, personnel salaries, upkeep of the Christian Orthodox Church, as well as other revenues, etc.

The Church Bureau expenditures included salaries for the Orthodox Church hierarchy and related chancelleries, contributions to the wages of rural parishes personnel, contributions for the repairs of houses of worship, scholarships for Romanian pupils and theology students, etc.⁸

In this way the Church Bureau operated like a church management institution in the classical sense, placing the Church in a public administration sphere rather than a civil society sphere.

⁷ Currently the headquarters of the Ministry of National Education in Bucharest, 28-30 Gen. Berthelot Street.

⁸ C. DOBRESCU, *Casa Bisericii 1902-1919*, Tipografia Cărților Bisericești, Bucharest, 1920.

The Church Bureau had a mission to establish order in the administrative chaos that originated in the successive Church reforms that had begun with the Organic Statutes. In this sense, the brief operation of a ministerial section as a government agency (1902-1920) constitutes a faithful image of a state on the verge of centralization, developing its capacity to monopolize political decision⁹.

2.4. *Recognition of Religious Pluralism*

A third stage followed, after the First World War and the Union of 1918, when there was a reorganization of the legal framework concerning the status of faiths in Romania, aiming to grant proper recognition to the manifest religious pluralism of Greater Romania.

The new regime of religious affairs was hierarchical: it continued to recognize the Orthodox Church as the dominant state church; however, the Orthodox and Greek Catholic Churches were recognized as Romanian Churches, being granted primacy over other faiths; the Roman Catholic Church, the historical churches in Transylvania (Lutheran, Reformed, and Unitarian Churches) and communities of other world religions (Judaism and Islam) enjoyed relative internal autonomy and some advantages compared to the smaller faiths, whose legal status remained unclear. Some Evangelical (“neo-Protestant”, in the traditional Romanian terminology) faiths enjoyed relative freedom to organize and operate, while the activities of other faiths were restricted.

At this time, the recognized faiths expanded their educational and charitable activities, establishing school and educational institutions, hospitals, clinics, institutions for World War I orphans, for the sick, the poor, etc.

2.5. *The Communist Regime*

The establishment of the communist regime in Romania led to a change of vision in terms of the organization of church-state relations. Formally, many elements of legislation from previous periods relating to church-state relations were preserved, but the communist regime, based on an atheist Marxist-Leninist ideology, was

⁹ Cătălin RAIU, *Ortodoxie, postcomunism și neoliberalism*, Curtea Veche Publishing, Bucharest, 2012

determined to exclude faiths from the public sphere and to limit their influence on the population. The activities of religious faiths were restricted to religious activities and to an external representation role that was however rigorously controlled by the state.

The state control over faiths was very brutal and invasive. Charitable organizations and religious educational institutions were disbanded, religious education was eliminated from schools, theological education was sharply reduced, and the properties of faiths and their organizations were confiscated for the most part, and transferred to state ownership. The Greek Catholic Church was forcibly disbanded, the Roman Catholic Church continued to operate, though precariously, and Evangelical faiths had supplementary operational restrictions imposed on them.

The Orthodox Church and other faiths were subjected to harsh institutional cut downs (the number of parishes, eparchies was restricted, as were missionary and other activities). Monastic life was severely limited, particularly after 1959. The resystematization of villages and of urban areas, and especially of the country's capital, led to the closure and even the destruction of some churches, including several historic monuments¹⁰.

2.6. Reinstating Religious Freedom

After the fall of the communist regime in December 1989, church-state relations entered a new stage, characterized by freedom of religion, liberty for religious faiths to handle their internal organization autonomously, and a desire to make up for the injustices and abuses of the previous regime. In this context the Romanian state abandoned the role of supervision and control of activities of faiths which it had taken upon itself at the beginnings of the modern state, and replaced this with democratic policies central to which are religious freedom and the role of religious faiths as potential free partners of the state in areas of common social interest¹¹.

The State Secretariat for Religious Affairs functioned for a short time as an autonomous Ministry (January-June 1990), subsequently

¹⁰ Lucian LEUȘTEAN, *Orthodoxy and the Cold War: Religion and Political Power in Romania, 1947-65*, Palgrave Macmillan, New York, 2009.

¹¹ Iuliana CONOVICI, *Ortodoxia în România postcomunistă. Reconstrucția unei identități publice*, Volume I, Eikon, Cluj Napoca, 2009.

as an autonomous State Secretariat (1990-2001) and then as part of the Ministry of Culture and Religious Affairs (2001-2010). As of 2010, the State Secretariat for Religious Affairs is again operating as a distinct institution, coordinated by the Prime Minister.

The institution became directly involved, as per its attributes, in the rebuilding of church-state relation in the post-communist period, drawing up the necessary legislation, participating in the reorganization of practical aspects of the relations between religious and state institutions, and supporting faiths to reorganize and reestablish themselves as important players in public life and social partners of the state.

Law nr. 489/2006 on the Freedom of Religion and the General Status of Religions, originally drafted by the State Secretariat for Religious Affairs based on the consultation of religious communities and with the support of national and international experts, is the principal normative act in effect at this time that regulates religious life and the relationship between the state and faiths in Romania.

The State Secretariat for Religious Affairs has supported and continues to provide support (including financial support) for activities organized by religious faiths in Romania, and for reunions and conferences dealing with religious dialogue. Aware of the importance of interfaith dialogue, Churches and faiths in the country have also given their attention to Romania's political and social destiny after 1989. Visible results of these concerns were the Declaration of Faiths for the Integration of Romania in the European Union, drawn up at Snagov on 16 May 2000, as well as the organization of several major events, such as the 12th International Meeting on "People and Faiths", 30 August – 1 September 1998, in Bucharest, organized by the Sant' Egidio Community; the visit of Pope John Paul II on 7-9 May 1999, the first visit by a Roman Pontiff to a predominantly Orthodox country, and the 3rd European Ecumenical Assembly of 4-9 September 2007, which brought together the representatives of all European churches, as well as important European political leaders.

The State Secretariat of Religious Affairs has been an important body of the executive branch for its entire existence. In Romania, as in most European countries, the connection between political power and religious life is one of the fundamental areas

based on which public policies are generated in relation to other sectors of society, such as social assistance, education, diplomacy, rights and freedoms, cultural patrimony, etc. It is for this reason that it is both necessary and useful that the State Secretariat for Religious Affairs should play its part as an interface between the Romanian Government and faiths, acting in a predictable, responsible and democratic manner. This is even more important, as can be seen above, since the State Secretariat for Religious Affairs is not merely an institution that carries out technical and bureaucratic functions, but is also an active mediator between the state and faiths, according to the will of the citizens.

2.7 Today's Vision of the State Secretariat for Religious Affairs

The vision of the State Secretariat for Religious Affairs on the role of faiths in society's life is clearly enunciated in Law nr. 489/2006 on the Freedom of Religion and the General Status of Religions, but elements thereof are also included in other normative acts in effect.

A Vision Focusing on Religious Freedom

In carrying out its responsibilities, the State Secretariat for Religious Affairs has a primary mission to guarantee and promote the respect of religious freedom in Romania, both individually and collectively.

As such, the mission of the institution involves, on the one hand, the guaranteeing of rights and freedoms that relate to the individual conscience (freedom of conscience and religion, the right to belong to a religious faith community or not, and the right of parents to educate their children according to their own religious or philosophical beliefs).

At the same time, the recognized faiths and religious associations are the principal dialog partner of this institution, being forms of collective expression of specific convictions or religious faiths. In view of the need to distance itself from the authoritarian practices of past periods and conscious of the fact that one of the fundamental missions of a European state is the to guarantee of the free development of communal solidarities, the State Secretariat for Religious Affairs collaborates with recognized religious associations and faiths,

respecting their internal freedom and declining to interfere in their internal affairs.

Finally, taking into account the responsibility of the Romanian state to maintain social peace and the equal respect of the rights and freedoms of its citizens, the State Secretariat for Religious Affairs has adopted the role of mediator in the relations between faiths and between these and the state.

A Perspective Anchored in Romanian Reality

The vision of the State Secretariat of Religious Affairs concerning the church-state relationship Romania and the role of religious communities in society is based on existing legal traditions, as well as on the current Romanian societal realities.

Thus, considering the high level of religiosity of the population, as seen in the census and the daily life of society, as well as the public expression of religious pluralism; considering the freedom and willingness of religious faiths in Romania to actively participate in the everyday life of society and to have an active part in cooperating with the state for the construction of the common good; considering the different experiences and the various levels of involvement of religious communities in society, the State Secretariat for Religious Affairs promotes a flexible model of church-state relations, intended to support and to turn to best advantage the contribution of religious communities to social life.

The State and Faiths – Complementarity and Subsidiarity

Recognizing the specific contribution of religious faiths to the edification of the common good and the particularities of the manner of involvement of religious faiths in Romania in societal life, due to their specific world views, the State Secretariat views as beneficial the affirmation of religious faiths in the Romanian public sphere as social actors that may contribute to the sustainable development of the Romanian society.

Thus, fully aware of the fact that the state cannot alone meet all the needs of society, and that it is in the best common interest that complementarity relations are developed between the actions of the state and that of organized civil society, based on the principle of

subsidiarity, the State Secretariat for Religious Affairs is in a position to promote the development of a social partnership between the state and faiths, based on its sphere of competence.

In the view of the State Secretariat for Religious Affairs, cooperation between the state and faiths is necessary and useful in many areas: in education – for the edification of a society based on values and strong identities; in the social context – due to the readiness of faiths to participate with their own expertise, and human and material resources in the development of a dignified and solidary society; in the cultural context – due to the specific contribution of faiths in all major cultural areas, etc.

The State Secretariat views the Romanian model of church-state relations as being a balanced European model, an adequate synthesis between the demands for modernization and Europeanization of the Romanian political regime and the current needs of Romanian society.

Evolution of the Religious Affiliation Structure

The history of official Romanian statistics coincides with the history of the modern Romanian national state. The double election of Alexandru Ioan Cuza¹² on 24 January 1859 was a defining moment that marked the beginning of the transformation of the Romanian Countries into a modern state, through the establishment of new institutions inspired by the European models of the time. The need for an understanding of the socioeconomic realities led to the establishment of the Office of Statistics in July 1859.

3.1 The Modern Period

Three censuses were carried out in the modern period: the first in 1859, the second four decades later in 1899, and the third in 1912, prior to the Great Union of 1918. One of the interesting pieces of information gleaned from the census was the religious affiliation of the population. Since the country's territorial composition changed very little during that period, the data obtained during all three censuses can be used for a viable comparison (see Table 1).

Table 1. Religious affiliation structure of the population in the 1859-1912 period

Religious Affiliation	Year					
	1859		1899		1912	
	Number	%	Number	%	Number	%
Total	4,424,961	100.00 %	5,956,690	100.00 %	7,235,320	100.00%
1. Orthodox	4,198,862	94.89 %	5,451,787	91.52 %	6,735,444	93.09%
2. Jews	134,168	3.03%	266,652	4.48 %	241,088	3.33%
3. Catholics	45,154	1.02%	149,667	2.51 %	157,938	2.18%
4. Protestants	28,903	0.65%	22,749	0.38 %	24,727	0.34%
5. Armenians	8,178	0.18%	5,787	0.10 %	6,985	0.10%
6. Lipovans	8,375	0.19%	15,094	0.25 %	21,628	0.30%
7. Muslims	1,323	0.03%	44,732	0.75 %	46,406	0.64%
8. Other faiths	-	-	222	< 0.01 %	1,104	0.02%

¹² Translator's note: in both Moldavia and Wallachia.

According to the first census, most of Romania's population was Orthodox, some 95%, followed at a significant distance by the Jewish Community, at a little over 3%, with the remaining confessions making up the remaining 2%.

Besides drawing up a religious affiliation structure, the 1859 census also inventoried houses of worship (see Table 2). According to the results of this research, the number of houses of worship amounted to 7,230 for a population of 4,424,961; this translates to an average 612 parishioners per church/house of worship. In this sense, the Orthodox Church was above average (630 parishioners per church); the most "crowded" houses of worship were Protestant, with an average 2,408 parishioners per church, while at the opposite spectrum were the synagogues, with 486 parishioners per house of worship. Thus, the Jewish Community had the most houses of worship per number of parishioners.

Table 2. The number of houses of worship by faith and the size of the religious communities in 1859

Religious Affiliation	1859		
	Number of believers	Number of houses of worship	Number of believers per house of worship
Total	4,424,961	7,230	612
1. Orthodox	4,198,862	6,658	630
2. Jewish	134,168	276	486
3. Catholic	45,154	63	716
4. Protestant	28,903	12	2,408
5. Armenian	8,178	11	743
6. Old Believers (Lipovans)	8,375	7	1,189
7. Other faiths	-	3	-

The territorial changes following the War of Independence of 1877-1878 did not significantly influence the structure of the religious affiliation of Romania's population. The transfer of the three counties that made up Southern Bessarabia (Cahul, Ismail, and Bolgrad) to the Russian Empire and the gain of Dobrogea from the

Ottoman Empire, which included Tulcea and Constanța counties led to an increase in the Muslim population, whose ratio rose from 0.03% in 1859 to 0.75% in the 1899 census.

Orthodox believers made up the majority of the population in 1899, at 91.52%, with the remaining faiths at 8.5%. The faith with the largest number of believers after the Orthodox faith was Judaism, with 4.5% (the second-largest Jewish community in Europe, after Austria at 4.6%), followed by the Catholics at 2.5%, Muslims with 0.7%, and Protestants (Lutherans and Reformed Calvinists) at 0.4%. Compared to the previous census, there was a rise in the ratio of minority faiths. The largest increase was noted in the Catholic community (some 230%) and the Jewish community (98%). The numerical growth of the Catholic population was most likely due to immigration, because the natural growth of this community was much lower than that of other faiths. The growth of the Jewish community was due to both immigration and natural increase, which was very high at that time. As concerns the Islamic population, the increase registered was the result of the incorporation of Dobrogea in Romania's territory, resulting in an additional 41,677 persons. This was the case also for the Old Believers (Lipovans or Starovery). Those faiths whose ratios decreased included the Armenian Church and the Protestant faiths, although Dobrogea brought in a significant number of religious minorities compared to those lost following the cession of Southern Bessarabia to Russia.

The population distribution by religion in the 1899 census differed from one region to another. As concerns historical provinces and living areas, the situation of each province registered a significant departure from the national averages. The largest number of Orthodox believers lived in Oltenia (98.5%), while the smallest number was registered in Dobrogea, with an Orthodox population of 73.4%, followed by the Muslim community, making up 15.6% of the inhabitants of that region.

There were significant differences in rural and urban areas. Thus (see Table 3), the Orthodox population in urban areas amounted to 72.54%, followed by the Jewish population, with an average 18.98%. The largest Jewish community was in Moldavia (38.72%), especially in the county capitals, such as Dorohoi (over 53%), Iași (some 52%), Botoșani (52%), etc.

Table 3. Urban population according to religious affiliation in percentages in 1899, nationally and by provinces

Religious Affiliation	1899 Urban population, by faith (percentages)				
	România	Moldavia	Muntenia	Oltenia	Dobrogea
1. Orthodox	72.54	55.71	80.50	86.93	74.31
2. Jewish	18.98	38.72	10.64	4.09	5.59
3. Catholic	5.60	4.37	6.35	7.58	2.82
4. Protestant	1.37	0.35	2.13	1.13	1.06
5. Muslim	0.92	0.07	0.21	0.28	12.23
6. Armenian Apostolic	0.40	0.60	0.17	< 0.01	1.82
7. Old Believers (Lipovans)	0.19	0.16	< 0.01	-	2.14
8. Other faiths	0.01	0.02	< 0.01	< 0.1	< 0.01

The results of the 1912 census did not yield major surprises, with the confessional structure remaining similar to that of 1899, with one significant difference: the Jewish population had dropped due to emigration.

There were Romanian state territorial changes between 1912 and 1918 that had a significant effect on the national ethnic and confessional distribution of the population, namely the annexation of Southern Dobrogea (the so-called Cadrilater). The population of the new province was mostly Turk and Tatar, belonging to the Muslim faith, and Bulgarian Orthodox, as it appeared in the 1930 census, when the Muslim community numbered over 185,000.

3.2. Confessional structure of modern Transylvania

Transylvania was part of the Habsburg Empire territory, known as the “Grand Principality of Transylvania.” With the instauration of the dualist Austro-Hungarian Empire in 1867, Transylvania became part of the Hungarian Kingdom. The Habsburg administration carried out two censuses in 1850 and 1857, while the Hungarians carried out four censuses in 1869, 1880, 1900 and 1910. The results of the first two and the last three are not interoperable, because of the difference in territorial area investigated and the means for defining indicators. We therefore present the results of the Austrian and Hungarian censuses separately.

Table 4. Results of the Habsburg administration census

Religious Affiliation	Year %	
	1850	1857
1. Orthodox	30.2	31.9
2. Greek Catholic	32.2	28.8
3. Reformed Church	14.4	13.8
4. Roman-Catholic	10.6	11.8
5. Lutheran	9.6	10.2
6. Unitarian	2.2	2.5
7. Judaism	0.8	0.7
8. Armenian-Catholic	-	0.3

Table 5. Results of the censuses carried out by the Hungarian administration

Religious Affiliation	Year %		
	1880	1900	1910
1. Orthodox	37.1	34.9	34.3
2. Greek Catholic	23.3	23.5	23.7
3. Roman Catholic	17.7	18.8	18.9
4. Reformed	12.4	13.0	13.2
5. Evangelical Lutheran	5.5	5.2	5.0
6. Judaism	2.6	3.3	3.5
7. Unitarian	1.4	1.3	1.3
8. Other faiths	0.1	0.05	0.09

Modern Transylvania was characterized by a great ethnic and confessional diversity. Most of the Orthodox and Greek-Catholic populations were Romanian (with a Serb minority), while the ethnic Hungarian and German populations were mostly Protestant or Roman Catholic. Thus, the integration of Transylvania into the Romanian Kingdom after 1918 brought about a significant change in its population structure.

3.3. *The Interwar Period (1918-1940)*

The confessional structure of Romania's population between the two World Wars was registered in the 1930 census. In the period between the 1912 and 1930 censuses, the Romanian ethnic and confessional territorial structure changed fundamentally as a result of the union of Bessarabia, Bukovina, Transylvania and Banat with the Romanian Kingdom in 1918.

Romania's population structure changed in terms of both ethnic and confessional structures. The ratio of Romanian and Orthodox believers according to the 1912 census had been of 93.5% and 93.1%, respectively, while in the 1930 census these dropped respectively to 71.9% and 72.6% (see Table 6).

Table 6. Population Structure by Religious Affiliation in 1930

Religious Affiliation	1930	
	Number	%
Total	18,057,028	100
1. Orthodox	13,108,227	72.59
2. Greek Catholic	1,427,391	7.90
3. Roman Catholic	1,234,151	6.83
4. Judaism	756,930	4.19
5. Reformed Calvinism	710,706	3.94
6. Evangelical Lutheran	398,759	2.21
7. Islam	185,486	1.03
8. Unitarian	69,257	0.38
9. Baptist	60,562	0.34
10. Old Believers (Lipovans)	57,288	0.32
11. Adventist Christian	16,102	0.09
12. Armenian Gregorian	10,005	0.06
13. Armenian Catholic	1,440	0.01
14. Other faith	7,434	0.04
15. No faith	6,604	0.04
16. Not stated	6,686	0.04

The new provinces brought 56% of Romanians into the Romanian state, with the remaining 44% being other nationalities, including ethnic

Hungarians (14.7%), Germans (7.6%), Ukrainians (6.4%), and Jews (5.1%).

One especially important aspect of the Romanian population's religious affiliation structure was the presence in Transylvania and Banat of the Greek Catholic Church, whose believers were almost exclusively Romanians, making up some 8% of the total population of Greater Romania (15% of the total population of the new provinces). The Romanian Church United with Rome (Greek Catholic) became the second-largest denomination in Romania, recognized in the Constitution of 1923, alongside the Orthodox Church, and declared a Romanian Church. In addition to the traditional religious affiliations, this was also the first time that the situation of two Evangelical Religions (Neo-Protestant) were registered, namely the Baptists and the Adventists. The religious affiliation structure of the new provinces (not including the Wallachia and Moldavia) is presented in Table 7.

Table 7. The religious affiliation structure of the new Romanian provinces (cumulated), by faith

Religious Affiliation	Number	%
Total	9,265,774	100%
1. Orthodox	5,054,762	54.55
2. Greek Catholic	1,396,694	15.07
3. Roman Catholic	1,058,605	11.42
4. Reformed Calvinism	697,581	7.53
5. Judaism	492,892	5.32
6. Evangelical Lutheran	369,940	3.99
7. Unitarian	68,420	0.74
8. Baptist	57,835	0.62
9. Old Believers (Lipovans)	34,574	0.37
10. Adventist Christian	7,373	0.08
11. Armenian Gregorian	1,547	0.02
12. Armenian Catholic	1,284	0.01
13. Islam	620	0.01
14. Other faith	5,079	0.05
15. No faith	4,465	0.05
16. Not stated	44,99	0.05

3.4. 1940-1945 Period

As of the summer of 1940, Romania lost a significant part of her territory, with the associated population. Bessarabia, northern Bukovina, and the Hertza region were annexed by the Soviet Union, Northern Transylvania was annexed by Hungary, and the southern Dobrogea was ceded to Bulgaria.

During the Second World War, the territorial structure of the Romanian state changed again, temporarily, with the liberation of Bessarabia and the annexation of Transnistria.

These territorial changes, in turn, produced other changes in the population's religious affiliation structure, the latter being observed statistically only to a certain extent in the 6 April 1941 census, whose information could not be entirely processed and made available due to political disturbances.

3.5. 1945-1989 Communist Period

The principal characteristic of the communist period, in terms of religious affiliation statistics was a lack of precise official information, due to the elimination of several indicators included in the censuses. The first census in Romania after the Paris Peace Treaty, when Romania's current borders were established, was carried out in 1948, but the data gathered was based only on native language, not nationality or religion.

The 1948 Constitution guaranteed freedom of religion, and the new Law on the General Status of Religions recognized new faiths, including the Pentecostal community, probably the most dynamic in terms of numeric evolution during the communist era, while the Romanian Church United with Rome (Greek Catholic) was disbanded.

Using the same logic, the three censuses that followed (in 1956, 1966, 1977) recorded only "nationality", and not "religion," which makes it impossible to provide an exact evolution of the population's religious affiliation structure during the almost five decades of communism.

3.6. *Post-communist Period*

With the fall of the communist regime and the adoption of the new Romanian Constitution in 1991, the structure and evolution of Romania's religious life began being recorded statistically once again, with the reintroduction of the "religion" category in subsequent censuses. There have been three censuses in the 25 years since December 1989, based on comparable geographic areas.

The first census highlighted the surprising lack of results of efforts by the communist regime to promote atheism. A mere 0.17% of the population declared themselves to be atheists or as having no religion; most of the population declared themselves as belonging to a religious faith.

According to the latest census carried out simultaneously in European Union states in 2011, after 21 years of religious freedom in the former communist countries, the percentage of those declaring themselves atheists or having no religion in Romania (0.19%) continues to be the lowest in Europe, compared to former communist countries like the Czech Republic, whose percentage reached 34.2%, Hungary (23%), or Bulgaria (11.8%). The fate of the Jewish community is immediately apparent: following the Holocaust, and the subsequent policies of the communist regime encouraging the massive emigration of Romanian Jews to Israel, the Romanian Jewish community diminished dramatically.

The census also highlighted the situation faced by the Romanian Church United with Rome (Greek Catholic), which returned into the public sphere and was officially recognized after 50 years of clandestine survival¹³. Subsequent censuses highlighted the relatively stable trend in the evolution of the population's religious affiliation structure. Figures on religious affiliation remained very high, at over 99% of the population declaring they belonged to a faith.

On the whole, the Orthodox faith remained relatively stable, with a minor decrease throughout the past 25 years. There have been similar decreases in the numbers of Roman Catholics, Greek Catholics, and traditional Protestant communities, significant in terms of the total number of believers.

¹³ Representatives of the Romanian Church United with Rome, Greek Catholic contested the results of the censuses in 1992, 2002, and 2011, considering that the means for collecting data was defective.

Table 8. Religious affiliation structure in Romania, according to the results of post-communist censuses.¹⁴

Religious Affiliation	Year					
	1992		2002		2011	
	Number	%	Number	%	Number	%
Total	22,810,035	100	21,680,974	100	20,121,641	100
1. Orthodox	19,802,389	86.81	18,817,975	86.79	16,307,004	86.45
2. Roman Catholic	1,161,942	5.09	1,026,429	4.73	870,774	4.62
3. Reformed	802,454	3.52	701,077	3.23	600,932	3.19
4. Pentecostal	220,824	0.97	324,462	1.50	362,314	1.92
5. Greek Catholic	223,327	0.98	191,556	0.88	150,593	0.80
6. Baptist	109,462	0.48	126,639	0.58	112,850	0.60
7. Seventh-Day Adventist	77,546	0.34	93,670	0.43	809,44	0.43
8. Islam	55,928	0.25	67,257	0.31	64,337	0.34
9. Unitarian	76,708	0.34	66,944	0.31	57,686	0.31
10. Jehovah's Witnesses	-	-	-	-	49,820	0.26
11. Evangelical Lutheran	49,963	0.22	44,476	0.21	42,495	0.23
12. Old Believers	28,141	0.12	38,147	0.18	32,558	0.17
13. Old-Rite Orthodox	32,228	0.14	-	-	-	-
14. Evangelical Lutheran (Presbyterian Synod)	21,221	0.09	27,112	0.13	20,168	0.11
15. Serbian Orthodox Church	-	-	-	-	14,385	0.08
16. Romanian Evangelical	-	-	18,178	0.08	15,514	0.08
17. Evangelical Church of Augustan Confession in Romania	39,119	0.17	8,716	0.04	5,399	0.03
18. Judaism	9,670	0.04	6,057	0.03	3,519	0.02
19. Armenian	2023	0.01	775	0.004	393	0.002
20. Other faith	56,129	0.25	89,196	0.41	30,557	0.16
21. No faith	26,314	0.12	12,825	0.06	18,917	0.10
22. Atheist	10,331	0.05	8,524	0.04	20,743	0.11
23. Not stated	8,139	0.04	11,734	0.05	-	-
24. Unavailable	-	-	-	-	1,259,739	6.25

¹⁴ In 1992 the Christian Church of the Gospel and the Romanian Evangelical Church were one denomination; the Jehovah's Witnesses were recognized in 2003.

The most dynamic religious denominations proved to be the Evangelical (neo-Protestant) communities, and especially the Pentecostals, which registered considerable growth between 1992 and 2002, and somewhat lesser growth in 2011 (when the waves of emigrants led to a significant drop in the population). The ratio of these Religions in the total population rose slightly (more in the case of the Pentecostal community). The Muslim community also grew, due in part to immigration.

There was a dramatic drop in the numbers of the Jewish community, down one third compared to 1992. In the census of 2011¹⁵ there was also a total drop among persons in the “Other faiths” category, from 0.41% in 2002 to 0.15%, due to the recognition by the state of the Jehovah’s Witnesses denomination (0.25% of the population having declared their religious affiliation in 2011).

¹⁵ Administrative sources were used for the first time in the 2011 census, where direct interviews had not been possible. Based on these sources, the religious affiliation of a significant number of persons could not be established, and therefore a “Not available” category was added to the table. These amounted to almost 1.3 million persons, representing 6.25% of the total population, and hence these absences affect the interoperability of the data. The percentages were calculated for 2011 on the basis of population for which faith had been registered directly.

State and Religion in Europe

On the basis of treaties in effect, the European Union respects the competence of member states in terms of politics and public policies regarding religious life, and does not enter into any specific relation with a particular religion or faith. The European Union recognizes that religious communities have their own identity and a specific contribution to European society¹⁶, attributing to them a consultative role in the functioning of the Union and the development of its policies. Member states have exclusive competencies in the internal policies regarding religious life. Thus, there is no single legal model for relations between church and state in Europe. Nevertheless, we can identify a series of common elements in the legislation of the European states, outlined on the basis of common historic experiences of these states in the past two centuries¹⁷.

The principal elements of a possible joint model are:

- the guaranteeing of freedom of conscience and freedom of religion for all citizens;
- the existence of forms of legal recognition of the distinct character of religious communities in connection with other types of public and private organizations;
- the respect of the autonomy of religions and faiths in connection with the state (in varying degrees);

¹⁶ "(1) The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. 2. The Union equally respects the status under national law of philosophical and non-confessional organizations. 3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations (Consolidated version of the Treaty on the Functioning of the European Union, article 17)".

¹⁷ Lavinia STAN, Lucian TURCESCU, *Church, State, and Democracy in Expanding Europe*, Oxford University Press, Oxford/New York, 2011.

- lack of religious discrimination;
- the existence of various forms of direct and/or indirect support for religious communities;
- an increasingly inclusive recognition of religious pluralism.

4.1. How are church-state relations classified in Europe?

In the absence of a single European normative church-state relations model, and due to the diversity of the forms of religiosity embraced by European citizens, church-state relations have been subject to several classification solutions. From a methodological standpoint¹⁸, these were organized based on:

- a. legal and constitutional definitions of the church-state relations regime (separation, cooperation, state or dominant Church, etc.);
- b. the means of financing religions (direct, indirect, mixed, etc.);
- c. the place and role of religion in the public space (active secularism – with the placement of religion in the private sphere; “indifferent” neutrality – in which the state abstains from attributing to religions and faiths any specific social role; and “positive” or “favorable” neutrality, in which the state recognizes and actively supports the presence of religions in the public space);
- d. the levels of permissiveness of the legislative framework in connection with the recognition of religious minorities and new religious movements – regime open to all religions or inclusive regime vs. selective or limited recognition regime; regimes with a single level or multiple levels of recognition;
- e. the manner in which religious education is handled – state with religious confessional education vs. non-confessional, optional vs. mandatory, supported by the state or “privatized”, etc.

The most accessible criterion for categorizing church-state relations is by legal definition. Thus, from the standpoint of legislation in effect in European states we can distinguish three major models:

¹⁸ FACULTÉ DE DROIT ET DE SCIENCE POLITIQUE D'AIX-MARSEILLE, *Religions, droit et sociétés dans l'Europe communautaire. Actes du XIII^e Colloque de l'Institut de Droit et d'Histoire Religieuse (IDHR), Aix-en-Provence, 19-20 mai 1999*, Presses Universitaires d'Aix-Marseille, Aix-en-Provence, 2000.

(1) regimes where there is clear separation of church and state, as in the case of France (with the exception of Alsace, Moselle, and the Overseas Territories), the Netherlands, Portugal, and Ireland. As a rule, the states that embrace this type of relationship model do not offer direct financing to religious communities.

(2) regimes with a legal and constitutional state or dominant church, as in the case of Denmark, Finland, Greece, Malta, Great Britain, and until recently Norway and Sweden. In this case, one or more religions have a special status, and are partially integrated in public administration.

(3) regimes that recognize several religions (at one or several levels) and, where applicable, are defined as regimes of cooperation or partnerships between church and state. Recognized religions enjoy a privileged status compared to those who do not have this status. The state recognizes the utility of church activities, supporting them financially directly or indirectly, and this is the case in Belgium, Germany, Italy, Luxembourg, Spain, Poland, the Czech Republic, Romania, Slovakia, etc.

The general regime of religions in every European State is a result of various historical developments, of social and demographic transformations, etc., and of changes that arose in public perception on the general religious phenomenon. Thus, traditional or “historical” religions still enjoy a special status in most European States: the state “knows” them better institutionally and doctrinally, and as such has more instruments at hand to position itself in relation to them. These are religions with which the modern state negotiated a relationship over a very long period, so that the successive understandings between these religions and state institutions have shaped the legal formulas and institutional practices of the church-state relationship up to the present time. Gradually the European States identified institutional recognition formulas of an increasing number of religions and faiths, adapting to increasing religious pluralism in the European sphere. Several examples will be offered below, including elements of church-state relations in a number of European States. These are meant to help us better understand the European context of debates on issues increasingly analyzed also in the Romanian public sphere¹⁹.

¹⁹ Main sources for the information presented above comes from: Gerhard ROBBERS (ed.), *États et Églises dans l'Union Européenne*, Nomos Verlagsgesellschaft, Baden-Baden, 2007, and the Romanian Embassies in European Union countries.

Models of cooperation

Belgium

Church-State relations	Six religions are recognized; the Roman Catholic Church is de facto the most important.
Financing of religious activities	
Salaries for clergy	The salaries for clergy are paid fully by the state: salaries and pensions for religious workers are paid from the state budget, and in proportion to the size of the communities.
Financing of houses of worship	The construction and repair of houses of worship are financed by the state.
Chaplains in public institutions	The salaries of chaplains in public institutions (army, penitentiaries, excepting hospitals), firstly for the Catholics, are entirely paid by the state.
Tax and fee exemptions	The state exempts recognized religions from paying taxes on income from the administration of religious buildings, as well as other fees and taxes.
Other forms of financing	Local authorities provide housing for clerics and cover all expenditures thereof. The local authorities can also offer supplementary financial support for religious communities. Financing other activities (charitable, etc.) can be done indirectly, by the establishment of non-profit associations. The state provides partial financing for private religious schools. Private financing, on the basis of collections or donations from believers, is limited.
Religion and Education	
Religious education in schools	For the duration of the mandatory school years, students in public schools may opt to take religious education courses (offered by one of the recognized religions), or non-confessional moral education (secular) courses. Upon request students may also be excused from these courses.
Theological/confessional education	There are no schools of theology/religious studies in public universities. Universities and higher education institutes of the recognized religions can obtain varying levels of state financing (from the federal or federated community budgets, and in the case of Catholic universities up to 100%).

Germany

Church-State relations	A cooperation regime between the state and religious communities is in place, with two levels of recognition: public law corporations and private law religious associations. The legal system has two levels of regulations, federal (constitutional and lower legislation) and of the Lands.
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Financing of religious activities

The financing of religious activities depends on church taxation, state grants, and tax exemptions. "Church taxation" (8-9% of income tax) is collected by State administrations, and provides some 80% of income for religions that request financing. The amount is deducted only from the members of the respective religions/faiths. By submitting a written declaration, one may be exempt from paying the church tax; without this the amount is automatically deducted from income. In most Protestant churches, refusing to pay the church tax results in loss of church membership.

Salaries for clergy	The salaries for clergy are paid differently, based on the rules for each religion/faith. The state may offer to contribute to the staff salaries on the basis of an agreement and depending on the region.
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Financing houses of worship	The local authorities may cover the costs of building churches or contribute to the restoration of churches that are considered to be historical monuments.
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Chaplains in public institutions	The state may pay chaplains in the army, police, penitentiaries, hospitals, and other public institutions on the basis of a contract agreement with these institutions, for a definite period.
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Tax and fee exemptions	Donations to religions and a church tax may be deducted from taxes on salaries and income. Religions enjoy many other tax and fee exemptions.
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Other forms of financing	The public authorities periodically allocate certain sums to religions/faiths, as a form of compensation for the successive secularizations of church wealth (especially in 1803). Smaller religions fund themselves through donations from believers, and do not call upon the church taxation system. The schools and kindergartens of various Religions are partially financed by the state, as are other private educational institutions. Hospitals and other social institutions run by the churches, as well as charities organized by religions receive considerable subventions from the state, comparable to those received by other public utility institutions; likewise they benefit from a distinct legal regimen in terms of right of employment (which is applied in keeping with the church norms of every religion/faith). The religions may also obtain donations and private contributions in various forms.
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Religion and Education

Religious Education in Schools	With the exception of schools that are clearly non-confessional, religious education has the same status as other school subjects in public schools. Religious education is confessional, with the program defined by the options of each religion/faith (for strictly confessional education, religious history, etc.) Parents are the ones to decide whether or not their children will participate in religious education courses, and based on the confession of their choice; once the child has reached the age of 14, (s)he makes his/her own decision. Public schools are obligated to organize religious education courses where there are at least 12 students who have a certain religious affiliation.
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Theology/ Religious Education	There are confessional theology schools in public universities (more or less institutionally connected to the church they belong to in terms of religion/faith). There are also a number of private theology schools and religious universities.
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Czech Republic

Church-State relations	There are 33 recognized religions/faiths, and two legal levels of recognition are in effect: 21 religions that receive financing and important facilities, and 12 newly registered religious associations that do not benefit from any "special rights." The Department for Churches and Religion Societies of the Ministry of Culture administers the relations between the state and churches.
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Financing of religious activities

Financing legislation for religions/faiths	<p>As of 1 January 2013, Law nr. 428/2012 on the restitution of properties and financial compensation for religions went into effect in the case of those churches whose properties were confiscated by the communist regime. The new law significantly changes the system of financing religions and faiths in the Czech Republic, and it stipulates, among other things, that the state should cover full financing of the clergy.</p> <p>Note: After 1948, some 2,500 buildings, 175,000 hectares of forest and 25,000 hectares of agricultural land were confiscated from the churches. The largest share of confiscated properties belonged to the Roman Catholic Church.</p> <p>According to Law nr. 428/2012, 17 religions and faiths registered in the Czech Republic will have 56% of their confiscated properties returned to them, especially land, forests, and ponds, worth some 3 billion Euro. For the remaining confiscated properties, belonging to the communes, regions or private individuals, which cannot be restituted, the state will pay 59 billion Crowns over a period of 30 years, indexed according to inflation (a total worth estimated at some 3.8 billion Euro).</p>
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Salaries for clergy and financing houses of worship	<p>According to Law nr. 428/2012, the state will continue to pay the 17 recognized religions and faiths a financial contribution to assist their activities.</p> <p>Until 2015 (inclusive), the state will continue to fully support the salaries of clergy and cover the administrative operations costs of religions and faiths. The state's total contribution is fixed at the 2012 quantum, which amounted to 56,376,745 Euro.</p> <p>As of 2016, this amount will drop by an annual 5%. At the end of the 17 years, the religions should be able to fully finance their activities.</p>
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Chaplains in public institutions	The salaries of chaplains in the army are fully paid by the state, while those of chaplains in penitentiaries are only partially covered by the state. The access of chaplains to hospitals is subject to inter-institutional agreement, and there is no standard amount of financing.
Other forms of financing	The state fully finances church schools (because these belong to the churches, they have a distinct status as private confessional schools) and it offers partial financing to private schools (including confessional schools), also covering the salaries of employed staff. Income obtained by religions from collections, donations, etc. makes up a significant ratio of total income of the religions/faiths.

Religion and Education

Religious Education in Schools	Nine religions offer optional religious education courses in public schools. With parental approval, students may opt for the religious education of any confession, regardless of their declared religious affiliation. There is no alternative subject. In church schools the students may opt for confessional education or a non-confessional ethics course. Private schools may or may not choose to offer religious courses of any religious confession. The religion teachers are paid by the school and require authorization from both the state and the respective confession.
Religious Education in Schools	Nine religions offer optional religious education courses in public schools. With parental approval, students may opt for the religious education of any confession, regardless of their declared religious affiliation. There is no alternative subject. In church schools the students may opt for confessional education or a non-confessional ethics course. Private schools may or may not choose to offer religious courses of any religious confession. The religion teachers are paid by the school and require authorization from both the state and the respective confession.

Models with State or dominant Churches

Denmark

Church-State relations	There are three levels: the Evangelical Lutheran Church – Folkekirke is recognized as the national church, according to Art. 4 of Denmark's Constitution; a further 11 recognized religious communities operate, and 90 religions may officiate civil marriages. The religions who are not publicly recognized are free to function. The main institution responsible for administering the church-state relationship is the Ministry of Religious Affairs.
Financing religious activities	
Salaries for clergy	The state collects a church tax from all its citizens, regardless of their confession, which is destined for financing the Evangelical Lutheran Church. From this tax and amounts allocated from the public budget, the state offers a contribution (some 40%) for salaries of pastors and covers the full salaries of bishops. The church tax makes up the largest share of the Evangelical Lutheran Church's income. Pastors of the Evangelical Lutheran Church are civil servants. Other religious communities do not receive any direct financing for clergy salaries.
Financing houses of worship	The state offers financial assistance for the repair of historic church monuments, the maintenance of monuments and graves (for the Evangelical Lutheran Church).
Chaplains in public institutions	The state may finance the presence of chaplains in public institutions (pastors or persons with theology training), including in times of emergencies and calamities.
Tax and fee exemptions	Members of recognized religious communities, other than those of the Evangelical Lutheran Church, may obtain an income tax exemption for contributions made to the respective religions and religious communities (other than the Evangelical Lutheran Church) benefit from a series of other tax and fee exemptions, including VAT. The religions that have the right to officiate civil marriages may, in certain conditions, be exempt from taxes for amounts received from donations (based on some limits).
Other forms of financing	Social and charitable institutions organized by religious communities, who collaborate with public institutions to offer public services, may benefit from state subventions.
Religion and Education	
Religious Education in Schools	"Christian education" or "religious education" courses are offered in public schools. The courses are mostly about the teachings and history of the Evangelical Lutheran Church; in higher classes other faiths and life philosophies are presented, as is the relationship between the church and state in Denmark and Europe, etc. Religious education courses are mandatory for grades 1-10. In classes 7 and 8, when parishes organize special courses for religious confirmation, the pupils may choose to participate in these or in regular religious education courses. By request of the parents, pupils may be excused from participating in religious education courses (once the pupil is 15 years of age (s)he must also consent to this).
Theology/ Confessional Education	Two theology schools (pastoral for the Evangelical Lutheran Church) are integrated into public universities. One theology school of a private university was accredited to teach other Protestant confessions. There are two more higher private theology education institutions, but their diplomas are not recognized by the state.

Greece

Church-State Relations	The Orthodox Church (including the Greek Orthodox Church and church entities subordinate to the Ecumenical Patriarchate of Constantinople) is the state or dominant church, and has a corporation under public law status. The legal regimen for other confessions is not uniform, with these receiving various forms of recognition. Thus, the Roman Catholic Church, the Jewish Faith, and the Muslim Faith are all confessions whose functioning on Greek territory has been regulated individually, by a succession of specific normative acts. Other churches and faiths were recognized by administrative decision or by the court. For the most part, these religions operate as private law associations. Other religions may operate legally only if they receive some form of administrative recognition from the state. The church-state relation is principally administered by the Ministry of Education, Religious Affairs, Culture, and Sports.
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Financing religious activities

The financing of activities of the dominant church is extensive.

Salaries for clergy	The state pays in full the salaries of clerical staff (bishops, priests, deacons) and some lay persons employed by the Orthodox Church. Sextons and cantors are paid from the church's own funds. Salaries are at the same level as those for civil servants.
Chaplains in public institutions	Orthodox chaplains in hospitals, the army, penitentiaries, etc. are paid in full by the respective institutions.
Tax and fee exemptions	Churches and monasteries are exempted from income tax, property tax, real estate transfers, taxation on donations, and successional taxes. Mount Athos has an entirely separate status.
Other forms of financing	Orthodox theological education is financed by the state. The state ensures the operation and support of Muslim schools in Western Thrace (in the northwest of the country). Religions also obtain income from donations, real property and real estate, and from a variety of economic activities.

Religion and Education

Religious Education in Schools	Religious education in public schools is Orthodox. Pupils belonging to other confessions are not obligated to participate in religion courses.
Theology/ Confessional Education	Religions may establish their own schools and theological education institutions. There are two Schools of Orthodox Theology as part of the Athens and Thessaloniki Universities. There are also private higher theological education institutions.

Models of Separation

France

Church-State relations	There is a clear system of separation between church and state (with some territorial exceptions, such as Alsace and Moselle, where there is system of recognition of religions/faiths, and in the non-European French Territories, where religions receive subventions). The church-state relations are administered mainly by the Ministry of Internal Affairs
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Financing of religious affairs

The direct financing of religious affairs is forbidden, but for the above exceptions. Religions mostly cover their own funding (either through direct donations, or the establishment of foundations).

Salary of clergy	In general the religions cover the salaries of their staff from their own funds. In Alsace and Moselle (the Haut-Rhin, Bas-Rhin and Moselle Departments) the salaries of clergy belonging to recognized religions are paid by the state
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Financing houses of worship	The state and local authorities cover the administrative upkeep costs for Catholic houses of worship (restoration and consolidation, as well as the operating costs) built before 1905 and confiscated by the Law for Separation of Church and State. Associations subordinate to the Roman Catholic Church may benefit from public funding. The state may guarantee loans taken out by religious associations/diocese for the construction of new houses of worship. The state may provide buildings to religions to serve as houses of worship, in exchange for a minimal rent.
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Chaplains in public institutions	Chaplains in hospitals and penitentiaries may be paid by the French state. In hospitals these chaplains are employed by contract by the institutions. Chaplains in penitentiaries receive a lump sum based on the service rendered. In the army religious assistance is offered by military chaplains (who have a variety of legal regimens: either as officers, contracted employees, or volunteers). Chaplains may be posted to schools, at the request of parents and with the approval of the school's administration, but their activities are not financed by the state, but rather by fees paid by the parents and the own funds of the religions that support them.
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Tax and fee exemption	Donations to public interest entities (including religious associations and diocese, for amounts allocated for the upkeep of religious edifices or general interest activities) may be exempted from taxation, up to a certain limit.
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Other forms of financing

The state may partially finance private schools, including confessional schools and higher educational institutions belonging to various religions/faiths

Religious associations (including those administered by church personnel), that have been instituted on the basis of the general regime of associations, may benefit from the public utility status and receive subventions from public funds, provided they carry out general interest activities (social, philanthropic, cultural, educational, etc.)

Religion and Education

Religious education in schools

Public education is secular. The organization of religious education in public education institutions is forbidden. What is more, French law forbids clerical staff from becoming public primary and secondary education teachers. The wearing of visible religious insignia is forbidden in public education institutions for professors, administrative staff, and pupils. Courses are organized in other subjects that deal with the religious phenomenon (studied from a non-confessional perspective).

There is a provision in the primary cycle for religious education courses during free periods in the timetable when pupils may participate in religious education courses (at the request of parents) organized outside public education institutions.

In Alsace and Moselle, the state provides religious education for pupils during the primary and secondary cycles (confessional education for pupils belonging to recognized religions/faiths) and may pay the salaries of religion teachers (many of whom are volunteers). Religious education has a similar status as other subjects, but grades are not considered as part of the general evaluation of the pupil. Pupils must sign up to participate in religious education courses.

Theology/Confessional Education

Theology education is organized outside the public education system.

Diplomas from higher confessional educational institutions are not recognized by the French state. However the latter authorizes agreements between public and private educational institutions which allow students to obtain diplomas from both institutions.

Ireland

Church-State relations	There is a separation between church and state. There is no legal recognition of religions who have major self-governing rights (affecting even the right to work), so there is no specialized public institution that administers the relations between church and state. Nevertheless, the importance of religion in society is recognized. The preamble of the Irish Constitution includes an invocation of the Holy Trinity and of Jesus Christ as Lord.
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Financing of religious activities

The state has committed itself not to offer subvention to any religion/faith and to respect the principle of non-discrimination. Religions mostly finance their activities with their own funds. Religions do not automatically obtain a legal status, so religious properties are generally administered by trusts or private foundations..

Salaries for clergy	The salaries of the employees of religions are covered by their own funds and income tax is due on these.
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Financing houses of worship	The financing of houses of worship comes from the own funds of religions/faiths. Public subvention may be offered only for the administration of churches registered as belonging to the historic architectural patrimony
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Chaplains in public institutions	Chaplains in the army and the penitentiary system are the employees of those institutions and are paid by the state. In public community school, chaplains must be appointed with the permission of the religions/faiths; they have the status of teachers and their right to a salary is the same as that of other teachers..
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Tax and fee exemptions	Charitable donations (including those destined for religions/faiths) are exempt from taxes, and inheritances left to religions as charitable donations are exempt from inheritance taxes. Houses of worship are exempt from communal taxes, as are hospitals (many administered by Catholic orders and congregations).
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Other forms of financing	For the most part the state finances private schools and institutions of higher education (most are confessional).
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Religion and Education

The educational system is dominated by confessional schools (overwhelmingly Catholic, but there are also Protestant and Jewish educational institutions).

Religious education in schools	Religious education in schools is part of the common core of subjects. In confessional schools this is usually the religion/faith of the community that administers the school.
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Theology/Confessional education	The National University of Ireland at Maynooth and the University of Dublin offer degrees in Theology. The state finances the construction, administration, and operation of higher confessional institutions of learning to a great degree. The amounts are allocated per student, with total amounts proportional to the number of students.
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4.2 *The particularity of church-state relations in Europe and the Romanian model*

As some researchers of this phenomenon²⁰, have observed, historic religions in Europe have retained their advantage over newer faiths, with European states traditionally showing some reservations relating to the latter. Only in the past two decades have these reservations started to be blotted out, with newer or newly-arrived religions in their territories beginning to be recognized by European states and assimilated with a legal status alongside historic religions.

In Romania, the church-state relations, governed by the Romanian Constitution and Law nr. 489/2006 on Freedom of Religion and the General Status of Religions, are based on cooperation and multiple-level recognition. As in other European states, such as Austria, Belgium, Italy or Spain, where by tradition most of the population belongs to one large confession (Catholic for the first, Orthodox in the case of Romania), relations between church and state are marked, in practice, by the historic and legal tradition of the presence of a dominant church.

The choice of one model or another for relations between church and state in Europe has not always been linked directly to the level of religiosity manifested by the citizens of a country. Some countries with the lowest rate of participation in religious services (Nordic countries) have had, until recently, or still have a state church, while countries with a very high level of religiosity (such as Ireland) have opted to separate church and state. A country such as the Czech Republic, with one of the lowest rates of religiosity in Europe, continues to support religions, and has developed a multi-level system of recognition which is comparable in many ways with those of Poland and Romania, where levels of religiosity are much higher.

The choice of one solution over another of state financing for church activities has likewise not been determined exclusively by the presence or absence of a confessional majority: the dominant church in a country like Ireland receives no direct financing; the Evangelical Church in Denmark, which is the state church, is financed through a church tax and funds allocated by the state, as is the Catholic Church in Italy and Spain.

²⁰ Francesco MARGIOTTA-BROGLIO, Cesare MIRABELLI, Francesco ONIDA, *Religioni e sistemi giuridici. Introduzione al diritto ecclesiastico comparato*, Il Mulino, Bologna, 2000.

Nor does the separation of church and state necessarily mean that there is no form of financing: in secular France chaplains in hospitals can be paid by the state. However, this does not happen in Belgium, which has a regimen for recognized religions. And finally, regardless of the type of church-state relationship, religions enjoy a varying number of tax exemptions.

In Romania, a country with a high level of religiosity, with an average European rate of religious participation (but higher than the average for Orthodox countries), a regimen of positive neutrality was preferred, based on the cooperation between religions and the state, characterized by an elaborate combination of direct and indirect public financing for religions.

A portion of the direct financing is part of the “compensation” logic marking the relationship between the state and religions. Romania is not alone in this stance. In Germany, Austria, Belgium, the Czech Republic, and other European countries, some direct financing offered to religions is explicitly presented as compensation to these faiths for the confiscations of assets by public authorities in the past two centuries. The problem is especially acute in post-communist countries (including Romania), where the most recent wave of confiscations dates back to the second half of the 20th century.

Different approaches were adopted by European states offering direct financing: either in the form of a church tax, usually administered by the state and most often automatically retained from the income tax (Germany, Italy, and Spain), or directly from the state budget or local budgets (Belgium, Czech Republic, Slovakia, Greece, and Romania).

In most European states there exists a form of financing of houses of worship (financing constructions, administration, or repairs). Financing comes from either the central or local authorities, and can be global or limited to a certain type of house of worship (historical monuments or state owned houses of worship). On the other hand, due to a drop in the number of believers and in order to ensure the upkeep of some churches, in some European countries, such as Germany, the Netherlands, or Great Britain, the state or even certain religions have been resorting to the transformation of churches (including historical monuments) into libraries, conference/exhibition centers, restaurants, gyms, or offices.

Unlike countries with consolidated systems of state cooperation with various types of religious communities, “a social partnership” between state and religions is still under construction in Romania. Religions are recognized as “providers of social services,” but the guarantees of the proper functioning and the inclusion of services organized by religions in the social services market and in the whole of the non-profit sector will depend directly on the way in which reforms in the areas of health and social assistance will evolve, and on the model according to which Romanian social economy legislation will be defined.

Finally, most European states recognize the need or at least the legitimacy of organizing some forms of religious education and/or education about the religious phenomenon. Even in places where the state does not itself support a form of religious education in public schools, or even prohibits (such as France) the manifestation of any form of religiosity in the public education system, the state understands that it must find a solution which allows for the organization of such religious education courses in the private sphere. Furthermore, as providers of private education services, confessional schools may benefit from financial state support in most European countries, even in countries where a strict separation of church and state is in place. In this respect, the Romanian system follows the logic of the multi-level system of recognition of religions, offering confessional religious education courses as a part of the common core of subjects.

Thus, it can be seen that from a legal standpoint the Romanian model of church-state relations resembles in part the German and Belgian system of cooperation, and on the other the church-state relations of post-communist countries. Although it is still being developed along various levels, Romanian legislations in the area of religions has entered a phase of stabilization. Naturally, in the long term, adjustments of various institutional practices remain still possible.

Issues in public debate

5.1 What changes do we consider necessary to the Romanian Constitution in connection with religious life?

With the launch, at the beginning of 2013, of a public debate on the revision of the Constitution, one of the issues most frequently discussed was the status of rights and freedoms. Also discussed was a revision of the constitutional text regarding the situation of religions and faiths in the public space.

Religions and faiths, aware of the importance of these debates for the reconstruction of the Romanian political community, have actively taken part in debates and have sent their observations to both the Constitutional Forum and Romania's Parliament. Discussions centered on the historic role of religions and faith, the building of relations between the state and religions, as well as the inclusion in the Constitution of an explicit definition of family. As an integral part of civil society, religions and faiths communicated directly with decision-makers. As a result of the high level of interest shown by religions and faiths in the constitutional revision process, and considering the legal evolution of the status of religions and faiths since the last revision to the Constitution (2003), the State Secretariat for Religious Affairs formulated and proposed for debate its own vision on the revision of those aspects of the Constitution which relate to religious life. Specific proposals by the State Secretariat for Religious Affairs, resulting from a European political and democratic vision on political communities, as well as technical expertise of our institution include the following:

1. *Expressis verbis* guarantee in the Constitution of religious freedom as a fundamental freedom;

2. The introduction into the text of the Constitution of the principal of the state's neutrality in terms of religious or philosophical beliefs, as a fundamental principle which governs church-state relations, as well as relations between the state and society, and which puts an accent on freedom of religions in their relations with the state;

3. The explicit mention of the role of religions and faiths as social partners of the state, according to Romanian legislation and European treaties.

On 4 September 2013, the State Secretariat for Religious Affairs organized a debate to which it invited representatives of the Romanian Parliament's Constitutional Revision Commission and the 18 recognized religions and faiths. Proposals formulated by the State Secretariat for Religious Affairs were discussed, and this resulted in the agreement thereto of the debate participants, with several observations and some of their own proposals in connection with the text of the Constitution. All of these proposals were submitted by the Romanian Parliament for debate.

5.2 Why and how does the Romanian state offer financial support to religions/faiths?

All Romanian political regimes, since the establishment of the modern state, have stipulated some form of financial support for religious activities. This was felt to be especially important after the secularization of the church's assets, when the Orthodox Church was left without any financial means to support its activities. The Romanian state undertook to partially compensate it for losses suffered by covering the costs of the church's activities. The main principle guiding the state in its support of church activities continued and was expanded throughout the following century and a half.

The current situation, where there is a partial support by the state of the activities of religions and faiths is driven on the one hand by the Romanian legal tradition and on the other by current social needs and existing European models. Thus, according to provisions of the 1991 Constitution, changed and amended in 2003, and Law nr. 489/2006 on Freedom of Religion and the General Status of Religions, the Romanian state guarantees the respect of the autonomy of religions and faiths, and accepts the need to cooperate with the various religions and faiths²¹, recognizing their spiritual, educational, social-charitable, cultural, and social partnership roles, and their status as social peace-makers. Religions and faiths are equal in the face of the law and public authorities, and the state neither promotes nor favors the according of

²¹ "All religions shall be free and organized in accordance with their own statutes, under the terms laid down by law (...) they shall be autonomous from the State and shall enjoy support from it..."; Romanian Constitution, Art. 29, points 3 and 5;

privileges or discrimination against any religion or faith, making the Romanian state neutral with respect to all religions²².

Respecting the principle of religious neutrality and of equality of religions and faiths before the law, the Romanian state knows that it must support the religions in proportion to the number of their believers. Taking into account the particularity of religions and faiths and their different needs, Law nr. 489/2006 stipulates that financing depends not only on the number of their believers but also on the real needs of these religions and faiths, estimated annually in collaboration with these.

Table 9. Definitive budget appropriations (in current prices) allocated by the State Secretariat for Religious Affairs, 2010-2014.

Years	Total amounts allocated (thousands of lei)
2010	325,925
2011	326,440
2012	318,324
2013	350,556
2014	434,845

According to 2014 State Budget Law no. 356/2013, 321,586,000 lei were distributed by our institution. With respect to the budget appropriations allocated to the State Secretariat for Religious Affairs, a series of fluctuations in 2014 led to a 35.02% increase by the end of the year.

Thus, the budget of the State Secretariat for Religious Affairs for the year 2014 amounted to 434,845,000 lei, an increase compared to previous years²³.

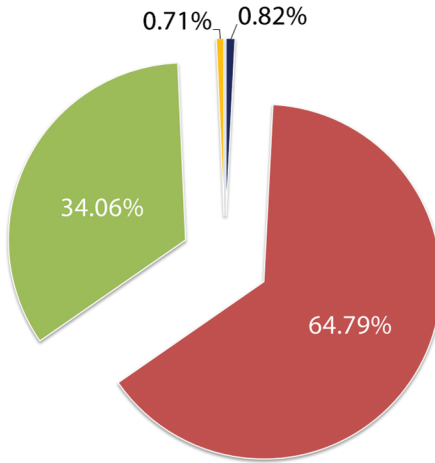
Of this amount, 0.82% was allocated to support the institution, 64.79% for salaries of clergy and non-clerical staff in the country and abroad, 34.06% for repairs and construction of houses of worship, and 0.71% for other activities.

²² "There is no State Religion in Romania; the State is neutral towards any religious persuasion or atheistic ideology." Art. 9 point (1) of Law nr. 489/2006.

²³ According to the latest GDP estimates and total Romanian state expenditures for 2014, the total share of the State Secretariat for Religious Affairs budget amounted to some 0.36% of total state expenditures, or 0.065% of the GDP.

According to the judicial principles and legal provisions mentioned above and based on existing openness, the Romanian state offers monthly contributions worth some 22,000,000 lei for the salaries of about 16,600 employees of recognized religions and faiths (priests, pastors, imams, rabbis, deacons, etc. and leadership

Graph 1. Budget of the State Secretariat for Religious Affairs in 2014.



- Direct expenses of the State Secretariat
- Salaries of clerical and non-clerical personnel
- Repairs and constructions of churches/houses of worship
- Other activities

staff)²⁴. Due to the fact that salary assistance is offered on the basis of proportionality, each religion or faith receives an amount directly proportional to the number of believers reported in the last census. Thus, for example, in 2014, the religious personnel of the Romanian Orthodox Church received a monthly 18,144,538 lei, or 82.8% of the total, while the religious staff of the Greek Catholic Church received a monthly 742,341 lei, or 3.4% of the total amount.

²⁴ Although all 18 recognized religions may request assistance for the salaries of their clerical staff, the Baptist Church, the Seventh-Day Adventist Church, and the Jehovah's Witnesses may not request financial assistance.

Table 10. Distribution of funds for salaries, by religious affiliation, in 2014 annual amounts (lei) and ratio

Religious Affiliation	Amount (lei)	%
Orthodox	219,255,119	82.63%
Reformed	13,254,233	4.99%
Roman Catholic	13,198,197	4.97%
Greek-Catholic	8,928,511	3.36%
Pentecostal	2,807,613	1.06%
Unitarian	1,939,893	0.73%
Old-Rite	1,101,650	0.42%
Christians of the Gospel	930,252	0.35%
Islam	951,618	0.36%
Evangelic Lutheran Church	886,860	0.33%
Evangelical C.A.	794,565	0.30%
Serbian Orthodox	724,566	0.27%
Evangelical Church	180,726	0.07%
Armenian Church	281,640	0.11%
Judaism	117,732	0.04%
Total	265,353,175	100.00%

As can be seen in the table above, based on the proportion of believers reported in the census of 2002, namely 86.7% Orthodox, 4.73% Roman Catholic, 3.23% Reformed, 1.50% Pentecostal, 0.9% Greek Catholic, etc., the level of funds allocated to several minority religions is comparatively higher than their share of the population (Reformed, Greek Catholic, Unitarians, etc.), while the level for others (Pentecostal) is lower than their share of the population. This differentiated distribution of funds is an expression of the fact that the Romanian state recognizes the different needs of minority faiths among each other and with the majority religions (principle of respecting real needs of religions/faiths). According to the state budget Law for 2015, total funds to be allocated in 2015²⁵ for the salaries of religious personnel will amount to 287,697,000 lei.

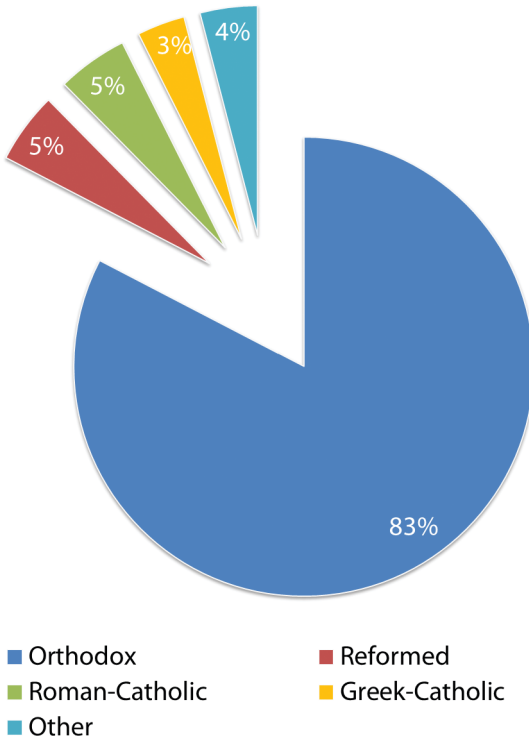
According to Law 284/2010 on the uniform remuneration of the personnel paid from public funds, the salaries for clerical staff are matched against those of the pre-university state education teaching

²⁵ Published in the Official Gazette, Part I, no. 960 of 30 December 2014.

staff (with the state paying only a portion of clerical salaries). The main leadership functions of religions and faiths (religious leaders, down to the level of bishop-vicar) are assimilated with public dignitary positions, and the holders thereof (93 functions) receive a fixed monthly indemnity, by grade, of between 6,691 and 8,817 lei per month.

The state's contribution to the remuneration of religious personnel (15,237 positions)²⁶ is partial, covering 65% of the full amount of salaries for most positions (10,683 positions), or 80% for units with lower incomes (4,554 posts or 30% of the total thereof). As can be seen in the table below, the distribution per

Graph 2. Allocation of funds for the salaries of religious personnel, per religion, 2015



²⁶ For an evolution in the number of positions for which contributions of 65% and 80% of salaries were made by religion in the 2009-2013 period, see Annex 1.

religion of positions for which these contributions are allocated are based on a double criterion of proportionality and real needs of the religions and faiths.

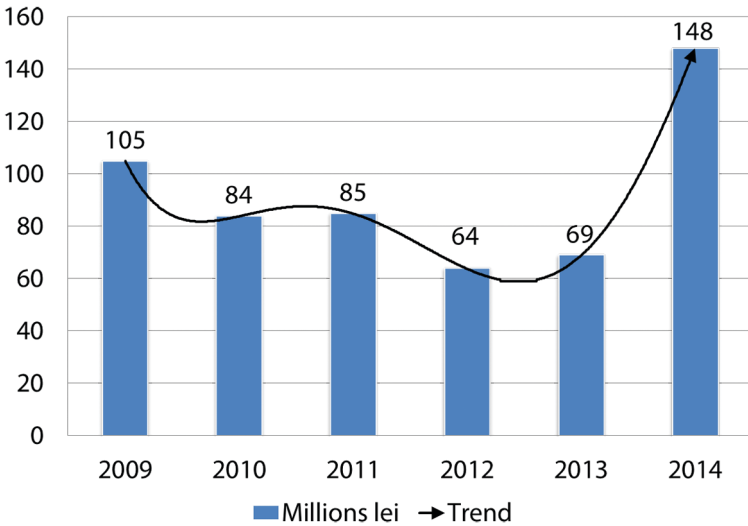
Table 11. Distribution of the number of religious positions for which budget funds are allocated for salaries, total positions and percentages – 2014 –

Religious Affiliation	Number of positions	%
Orthodox	12,765	83.70
Reformed	756	4.96
Roman-Catholic	689	4.52
Greek-Catholic	442	2.9
Pentecostal	189	1.24
Unitarian	105	0.69
Islam	55	0.36
Christians of the Gospel	55	0.36
Old Believer	52	0.34
Evangelical Lutheran	44	0.29
Evangelical Church – Augustan Confession	42	0.28
Serbian Orthodox Church	42	0.28
Evangelical Church	9	0.06
Armenian Church	4	0.03
Judaism	1	0.001
Total	15,250	100%

The state provides full salaries for the higher management personnel of religions and faiths, besides those of public dignitary grade, from Vice President of the union to Abbot (1,272 positions). Depending on the number of years in employment, the level of education, and position held, financial support offered for religious staff amounts to 738 to 1,756 lei a month, increasing to 2,194 lei per month for the higher management personnel. Religions make up the difference of salaries for clerical staff from their own funds, and pay income tax, health insurance, and social taxes to the state. Salaries for military clergy are covered by the institutions to which they are posted. Additional positions created by the various faiths are financed by the latter from their own funds.

Furthermore, the Romanian state offers assistance for the construction and repair of houses of worship of religious communities in the country and for Romanian communities in the Diaspora, for the restoration of churches considered historic monuments, and for socio-charitable activities carried out by 17 religions and faiths²⁷. These amounts are offered principally from the annual budget of the State Secretariat for Religious Affairs. The government may decide, by Government Decision, to supplement these amounts if it considers this to be necessary.

Graph 3. Evolution of the state support for building and repairing of houses of worship, 2009-2014



As can be seen, the general trend during the economic crisis was to diminish allocated funds for construction and repair of churches, as well as for social activities of the religions and faiths, while the funds allocated for salaries and indemnities remained relatively stable.

At the end of 2014 an increase in funding was allocated for this purpose, bringing the total allocation at the end of 2014 to

²⁷ The Jehovah's Witnesses do not request assistance.

exceed the level of the year before. The amount scheduled to be provided by the State Budget Law for 2015 is 51 million lei²⁸.

The annual amount of 250,000 Euro is allocated for the maintenance of a Romanian presence at Mount Athos, the Romanian “Prodromos” Skete, based on Law no. 114/2007.

As concerns non-clerical staff salary contributions, based on provisions in Government Ordinance no. 82/2001, as of 2002, these are to come from the local budgets (for 18,951 positions).

The State Secretariat for Religious Affairs also covers the health insurance for religious personnel who do not have any income, such as monastics and other clerical personnel of the recognized religions. Thus, in 2014, this amounted to a total of 204,500 lei for a total of 2,847 persons without income, including monastic and/or clerical personnel belonging to the Romanian Orthodox Church – 1,885 persons, Roman Catholic Church - 386 persons, Greek Catholic Church - 39 persons, Jehovah’s Witnesses - 537 persons.

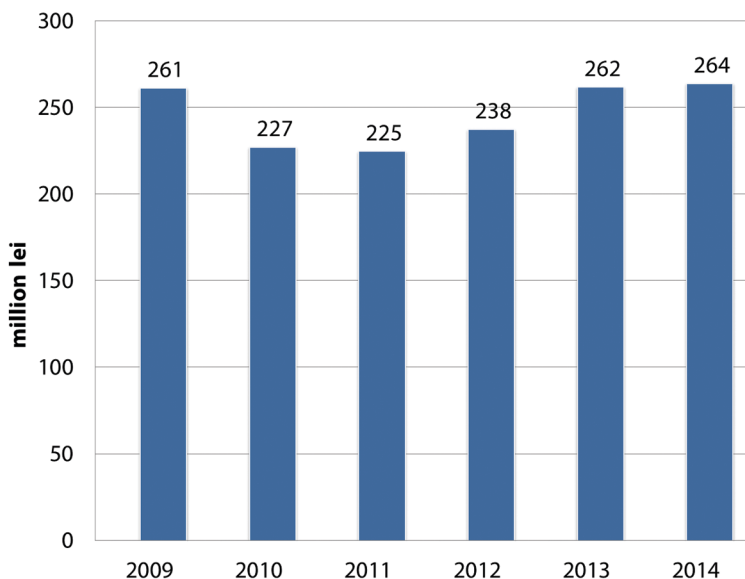
The salaries of personnel in theology education units not integrated into the public system and belonging to the Roman Catholic Church, the Reformed Church, the Pentecostal Church, the Seventh-Day Adventists, and the Church of Christians of the Gospel amounted to a total of 292 contributions of 600 lei per month per contribution; the monthly amount allocated in 2014 was 223,416 lei. The total budget to support religious activities in 2014, according to the State Budget Law for 2014 was 370,821,000 lei (approximately 83.43 million Euro).

The payment of financial support to religions and faiths is based on European practices and several constitutional provisions consigned in Law 489/2006 on Freedom of Religion and the General Status of Religions, Law nr. 284/2010, Government Ordinance O.G. nr. 82/2001, and the Fiscal Code. Such assistance is offered to recognized religions and faiths on the basis of an application, and acceding to the number of believers and real need.

²⁸ See Annex 1.

As can be seen above, the Romanian legal regimen that regulates financial assistance for religions and faiths is no exception. In most European countries, religions and faiths receive either direct financial support (Belgium, Czech Republic,

Graph 4. Evolution of the distribution of funds for salaries for all religions/faiths 2009-2014



Denmark, Greece, Slovakia, Sweden, et al) or indirect funding (through tax deductions or a church tax – Germany, Italy, Spain, or funds for maintenance or repair of churches belonging to the state – France, Italy) from the state.

Thus, partial state financing of religious activities and fiscal exemptions given to religions and faiths are a direct result of their historic role and their current social role, recognized by the Romanian state, which understands that it should encourage and support these. This is also a European solution which respects religious freedom, the state's neutrality, and the autonomy of religions and faiths, and conforms to European treaties and international obligations to which Romania is committed.

5.3. Why does the Romanian state support the construction of the Patriarchal Cathedral?

The financing of the construction of the Patriarchal Cathedral in Bucharest is an obligation undertaken by the Romanian state one century ago, which was not honored for a long time. Thus, after the proclamation of Romania as a Kingdom (1881), King Carol I proposed a draft law to the Assembly of Deputies regarding the construction of an Orthodox Cathedral in Bucharest. In 1884 the state budget allocated 5,000,000 lei in gold, the equivalent of 5% of the state budget, for the construction of the cathedral. Funds initially destined for the cathedral were redirected until 1900 for the construction of public schools, especially in villages. Steps were taken again to raise a cathedral after 1920 by the Metropolitan Primate Miron Cristea and by King Ferdinand, who decided to raise a monumental church in honor of the victorious Romanian armies during the War for integration. Work halted at the design stage and at the selection of a location for the future cathedral due to the economic crisis and the Second World War.

The project was suspended during the communist period, to be restarted after 1990, when Patriarch Teoctist brought it back to the table. After lengthy discussions on the choice of location for the future cathedral, it was decided by Emergency Government Ordinance no. 19/2005 regarding the construction of the Architectural Complex of the National Redemption Cathedral that this important building would be built on Dealul Arsenalului in Bucharest. Romania's Parliament approved the Emergency Government Ordinance, which stipulates that a portion of necessary funds for the construction will be provided by the state budget, through the State Secretariat of Religious Affairs, and by other public local authorities.

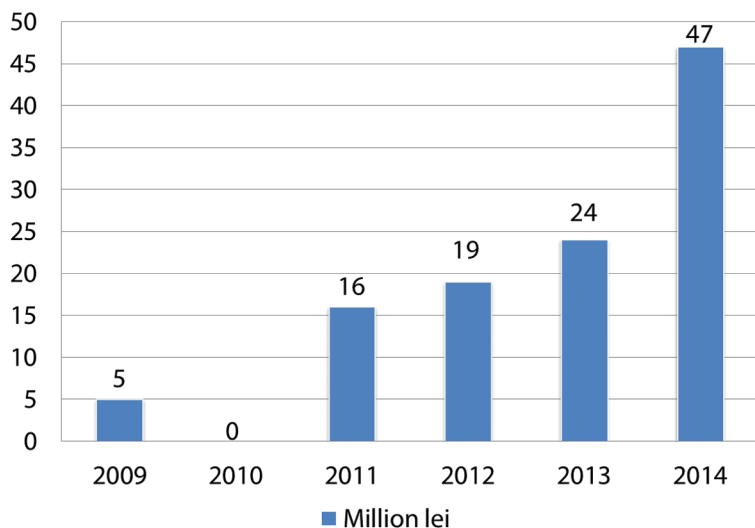
The reasons for the financial support provided by the Romanian state for the construction of the new cathedral include not only the historical importance of this enterprise, but are also symbolic and practical. First, it must be reminded that Bucharest is the only European capital that does not have a representative cathedral²⁹.

²⁹ For example: Berlin – Berliner Dom; Brussels – St. Michel Cathedral; Belgrade – St. Sava Cathedral; Budapest – St. Steven's Basilica; Lisbon – St. Mary Major Cathedral; London – Westminster Abbey; Madrid – Almudena Cathedral (finalized in 1993); Moscow – Cathedral of Christ the Savior, the cathedral destroyed by Stalin in 1931

It should also be noted that Bucharest is the only metropolitan center in Romania that does not have a cathedral befitting its local, regional and national importance. Furthermore, the Orthodox Church does not have a church in the capital offering sufficient space for all believers to attend religious services at major events, considering the number of believers that attend church services, especially on holidays.

The support by the state of the construction of a Patriarchal Cathedral is in keeping with current Romanian legislation, which authorizes the partial financing by the state of the construction or repair of houses of worship when such work is considered necessary for the proper functioning of religious life in our country.

Graph 5. Evolution of the allocation of funds for the construction of the Patriarchal Cathedral in 2009-2014



As concerns funds allocated by the state for the construction of the cathedral, we must stress that this is merely a partial financing of its costs, usually awarded under the annual budget limits allowed for the construction and repair of houses of worship. The construction of the cathedral started in August 2011. To date the Romanian government has allocated 111 million lei through the

was rebuilt between 1994–2000; Paris – Notre Dame Cathedral; Prague – St. Vitus Cathedral; Rome – St. Peter’s Basilica; Sofia – Alexander Nevski Cathedral; Warsaw – St. John’s Archcathedral; Vienna – Stephansdom, et al.

State Secretariat for Religious Affairs for the construction of the Patriarchal Cathedral.

5.4. How and why is religion studied in public schools?

The Romanian state ensures freedom of religious education based on the requirements of each of the 18 recognized religions and faiths. The curriculum of primary, middle school, high school and professional school education include religion as part of the common core of subjects. Pupils belonging to religions or faiths recognized by the state, regardless of their number, have the constitutional right to participate in religion classes, based on their own confession. At the written request of a pupil who has reached the age of 14 or the parents or legal guardian in the case of a minor, the pupil may attend religion classes.

According to the law, religious education in public schools takes the form of confessional education, and for pupils belonging to each recognized religion there is an analytical program and specific textbooks. The program, the approval of manuals, the recruiting and the status of religion teachers are decided together, by a collaborative effort between religious authorities and the Ministry of Education. This approach aims to balance the specific requirements for religious education with the need for a coherent integration of religious education in the national educational system.

The option for a confessional religious education has its origin in the Romanian legal and institutional traditions, and in the need for redeveloping of a personal identity of individuals and religious communities after half a century of communism. Thus, after a long period in which religious identity was forced into the private sphere, and religious education in schools was eliminated, the formula of confessional education was intended to ensure the redevelopment and consolidation of powerful identities, in turn destined to promote strong solidarity and to participate in the consolidation of societal level social ties. At the beginning of the '90s there were discussions on many ways of reintroducing religious education in public schools, with the choice eventually agreed upon by most of the debate participants being confessional education. The Romanian state makes an effort to ensure that all pupils have the right to a religious education, but leaves the freedom to the parents and pupils to choose if they wish their pupils to attend religion

classes, the confession they wish their children to be educated in, according to international legal norms.

The availability of religious education in public schools is not unique to the Romanian educational system. Thus, in Europe, of the 47 member countries of the Council of Europe, only three countries (Albania, Macedonia and France—excepting Alsace and Moselle) offer no form of religious education in public schools. In 25 of these countries religion classes are mandatory, while in the remaining 18 countries religion classes are optional or elective.

As a result, the Romanian system of teaching religion in the form of confessional education, as part of the common core of subjects, with attendance based on individual request, was developed in its current form to meet the many criteria and needs. Thus, from the perspective of the State Secretariat for Religious Affairs, the current system has many advantages. Firstly, it continues to be part of a judicial-institutional tradition temporarily interrupted for the duration of the communist regime. Its choice then constituted a response to the needs for moral and identity reconstruction of Romanian society after the fall of communism, with the choice being one agreed upon by the main players involved in the debate. Furthermore, this model appears to be a rational choice for a country with a very high level of religiosity, confessional adherence, and a relatively high rate of religious practices, compared to other European countries. And finally, this system is coherent and compatible legally with other European models in this domain, with an obligation to respect all forms of religious freedom assumed by Romania in its own legislation and through international treaties³⁰

5.5 What is the status of retrocession of church properties confiscated by the communist regime from Romania's religions and faiths?

With the collapse of the totalitarian regime in 1989 and the establishment of the new democracies in former European socialist

³⁰ Until recently, religious education class registration was implicit, leaving to the parents and guardians or to children of legal consent age (14) the right to opt out of religion classes. Following a recent decision of the Constitutional Court in November 2014, which deemed implicit registration unconstitutional, an "opt in" system is being implemented. As of March 2015, some 90% of parents and pupils have submitted written requests to continue to participate in religion classes.

states, the liberalization of the judicial regimen on properties was a given, along with other civil, political, economic, and social rights and freedoms recovered by their citizens.

The development of private property generally shows two trends:

- a) the constitution of new private property;
- b) the reestablishment of the right to private property, either by restitution to former owners or successors of goods taken by the state or other legal entities during the communist regime, or by instituting reparatory or compensatory measures in those cases where restitution in kind is not possible.

The difficulty in the process of reestablishing the right to property is linked on the one hand to the fact that many goods no longer exist materially, and on the other to the fact that multiple conflicting interests must be respected (of those who lost their goods and those who obtained the respective goods in good faith).

However, despite aspects present above, it is indubitable that the process for reestablishing the right to property must be carried out at the very least based on the following arguments:

- the restitution of goods taken by the state or compensation for damages because of this takeover are due on the basis of valid universal law principles: the protection of the right to property and the need to repair prejudices caused by the abuse of this right;
- property is a fundamental right of a citizen, so the neglect, delay or refusal to initiate the process of restitution may be interpreted as a form of non-respecting of that right;
- the recognition of the right to property by its consecration in the Constitution would be incomplete without measures for restitution of goods taken abusively.

Unlike other former communist states who *ab initio* resorted to the adoption of a legal framework for restitution in kind or by equivalent for goods taken abusively, Romania opted not to resolve this as a whole, but rather to adopt partial and gradual solutions through distinct regulations.

As early as 1991 serious issues began being resolved that had to do with nationalization, cooperatization, or confiscation of peasant lands by the adoption of a land fund law that related only to the restitution of land.

This particular normative act consecrated rural property by both reestablishing and establishing the right to property in favor of individuals, religions and faith, and other legal entities for agricultural, non-agricultural and forest lands, upon demand. There were initially certain limits, but these were later removed by the modification and amendment of legislation relating to the land fund.

The right to agricultural and forestry lands began being reestablished for religions and faiths as of 1991. As concerns the restitution of other real estate that was taken abusively from religions and faiths, namely any that was not specifically mentioned in the land fund law, Emergency Government Ordinance nr. 94/2000 was issued to return a limited amount of real estate which had belonged to religions and faiths in Romania to these religions and faiths (up to ten buildings to each bishopric or religion/faith).

Following the adoption of Law nr. 10/2001, that established a policy for certain real estate abusively taken in the 6 March 1945 – 22 December 1989 period, a normative act which constitutes the legal framework for restitution in kind or by equivalent, sets premises for the adoption of special regulations to fully reconstitute real estate that was taken abusively from religions/faiths, with the exception of houses of worship.

In this context the evolution of the legal framework in the area of restitution of properties taken abusively is marked by three phases, as follows:

- Law nr. 10/2001, setting the premises for the restitution of real estate (urban property), goes into effect;
- Passage of Law nr. 247/2005 on reforms in the area of properties and justice, including several additional measures that modified or amended the entire legal framework on the restitution of goods taken abusively;
- Law nr. 165/2013, which determines measures to finalize the process of restitution in kind or equivalent of buildings taken over abusively during the communist period in Romania, goes into effect.

5.5.1 Evolution of the normative framework applicable to the restitution of properties that belonged to religions in Romania

Until the passage of Law nr. 10/2001, the general legal regimen for restitution of real estate belonging to religions in

Romania was regulated by Emergency Government Ordinance nr. 94/2000.

As stated previously, the initial form of the normative act treated the issue of restitution of real estate belonging to religions in a limited manner, namely that it permitted the restitution of only ten buildings to each bishopric or religion/faith.

With the passage of Law nr. 10/2001, a provision was set and adopted for a new special normative act in this area to allow for the speedier and proper resolution of the problem of restitution of real estate belonging to religions in Romania.

Consequently, Law nr. 501/2002 to approve Emergency Government Ordinance nr. 94/2000 on the restitution of some real estate belonging to religions in Romania, brought about substantial amendments of this latter normative act, creating a general framework for the restitution of real estate belonging to religions in Romania. The most important amendment was the extension of the real estate sphere that could be restituted to religions/faiths.

Other important amendments coming into effect with this law were:

- the elimination of initial limitations that stipulated that only ten buildings could be restituted to each bishopric or religion/faith;
- the possibility of restituting reclaimed buildings even if these were assigned for public interest activities (hospitals, school, museums, the headquarters of public institutions);
- the possibility of restituting some non-real estate property intended for the functioning of a religion/faith;
- the establishment of a special restitution commission with a limited number of members (5 instead of 7), to improve their decision-making and provide them with technical equipment.

Later, with the adoption of Law nr. 247/2005 on reform in the area of properties and justice, including several additional measures, substantial amendments were made to the legal framework which regulates the restitution of real estate that belonged to the religions in Romania.

Subsequent legislative changes and amendments introduced measures intended to accelerate the restitution process, and the most important are listed below:

- the expansion of the objective of the law regarding real estate to be restituted, namely unoccupied land in incorporated localities or the offering of damages for lands occupied by constructions;
- the restitution of some buildings belonging to commercial companies for which the state still has capital available;
- the according of just and equitable damages, according to values in effect in conformity with international evaluation standards, for cases where restitution in kind is no longer possible;
- the facilitating of materials needed for proof;
- the according of a new 6-month deadline for filing restitution claims;
- the according of a new 6-month deadline to file an appeal against the sale of a building that is the object of this ordinance;
- the removal of initial limitations, namely the restitution of all non-real estate properties confiscated with the real estate property, if these still exist, and not only those needed for the functioning of the religion/faith;
- the application of sanctions in the case of non-respecting of administrative procedures stipulated by law.

On 17 April 2013, the Romanian Government assumed responsibility before Parliament for the Draft Law on measures to finalize the process of restitution, in kind or equivalent, of buildings taken over abusively in the communist regime period in Romania.

Unlike all other legal acts regulating property restitution, Law nr. 165/2013 on measures to finalize the process of restitution, in kind or equivalent, of buildings taken over abusively in the communist period in Romania integrates into a single legal framework the applicable principles and categories of reparation measures for buildings taken over in an arbitrary manner, previously contained in a variety of laws.

New elements introduced by this legal act principally aim at the following: to establish several principles that will govern the new legal framework, namely:

- principle of the prevalence of restitution in kind;
- principle of equity;
- principle of transparency of the process to set reparation measures;
- principle to promote a proper balance between the particular interest of former owners and the general interest of society;

There is no provision in the new normative act for the limiting of or a ceiling for damages, and this means that these will have to be calculated according to a chart provided by notary publics (at the circulation value of the real estate property). This provision represents a legislative first in terms of old regulations, intended to accelerate the administrative analysis procedures for drawing up the evaluation reports by the authorized evaluators, which very much delays the damages process and gives way to suspicion about the objectivity of the setting of damages.

The according of damages in the form of points, each point having a nominal value of 1 Leu. Thus, a true mixed system of damages is instituted, with the entitled person allowed to choose between redeeming the points offered by ordinance of the National Commission for the acquisition at auction of buildings that are part of the National Fund for Agricultural Lands and other buildings, created to provide reparation for former owners or transform points into cash damages, as of 1 January 2014, at an annual limit of 14%, with the last installment at 16%.

The introduction of a 90-day deadline of administrative forfeiture by which to file a claim with supporting documents, in order to accelerate the process for bringing the case to a conclusion. This forfeiture deadline was subsequently set at 120 days, with the introduction of Law nr. 368/2013, which changes and amends Law nr. 165/2013.

The obligation to maintain those public interest buildings, used as educational, health or cultural institutions, for a period of 10 years, that are due to be restituted to their former owners.

In conclusion, we highlight the fact that in connection with restitution in kind to religions of buildings taken over abusively, the application of Law nr. 165/2013 provides for the following:

- The extension from 5 to 10 years of the period in which buildings can continue to be used for educational or health care public interest activities, regardless of whether these are financed or co-financed by state or local budgets;
- The extension of the possibility of extending the use of public interest buildings occupied by public cultural institutions;
- The institution of an administrative grace period during which religions may file their claims with legal entities for restitution.

5.5.2 Current situation of the applications for restitution

The following religions have made 14,814 claims for restitution to the Special Commission for Restitution for buildings abusively taken from them: Orthodox Church, Roman Catholic Church, Romanian Church United with Rome, Greek Catholic, Reformed Church, Judaism (Caritatea Foundation), Unitarian Church, Evangelical Church of Romania, Evangelical Lutheran Church of Romania, Islam, Archbishopric of the Armenian Church, Seventh-Day Adventist Christian Church of Romania, Union of Christian Baptist Churches of Romania, Pentecostal Union – The Apostolic Church of God of Romania, and the Nazarene Religious Association.

In this context, it needs to be mentioned that a part of the claims made by the same religion/faith have the same objective, so that when the time comes for their resolution these will be combined, and the number of claims will thereby drop significantly.

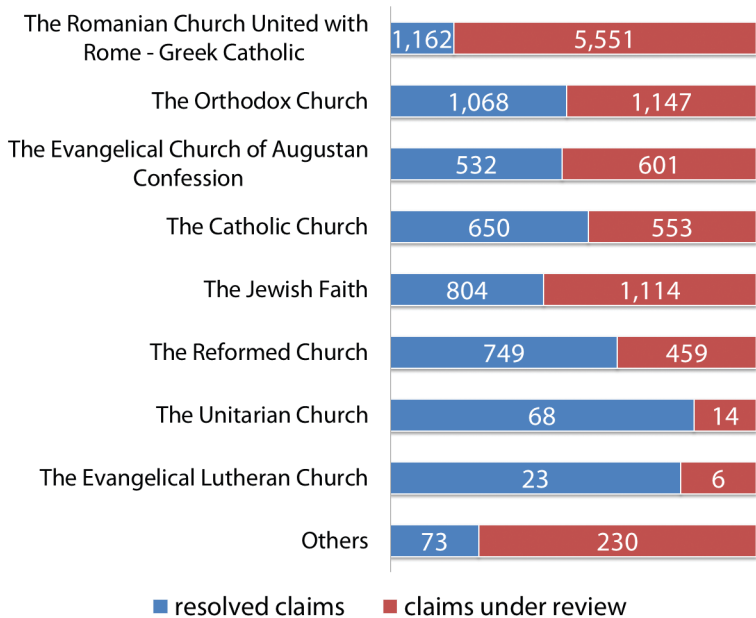
By “resolution of a restitution claim” is understood: the restitution in kind of a building, the refusal of restitution of a building, the proposal for the granting of damages/compensation measures for a building that can no longer be restituted in kind, the redirecting of a claim for restitution to the entity legally responsible for its resolution, or the acknowledgement of a decision to forego a claim for restitution.

- The Orthodox Church submitted 2,215 claims for restitution, of which 1,068 claims have been resolved, leaving 1,147 restitution claims under review.
- The Catholic Church submitted 1,203 claims for restitution, of which 650 claims have been resolved, leaving 553 restitution claims under review.
- The Romanian Church United with Rome - Greek Catholic submitted 6,723 claims for restitution, of which 1,162 claims have been resolved, leaving 5,561 restitution claims under review.
- The Reformed Church of Romania submitted 1,208 claims for restitution, of which 749 claims have been resolved, leaving 459 restitution claims under review.
- The Jewish Faith (Fundatia Caritatea) submitted 1,918 claims for restitution, of which 804 claims have been resolved, leaving 1,114 restitution claims under review.

▪ The Unitarian Church submitted 82 claims for restitution, of which 68 claims have been resolved, leaving 14 restitution claims under review.

▪ The Evangelical Church of Augustan Confession submitted 1,133 claims for restitution, of which 532 claims have been resolved, leaving 601 restitution claims under review.

Graph 6. Current situation of the applications for restitution by religion/faith



▪ The Evangelical Lutheran Church of Romania submitted 29 claims for restitution, of which 23 claims have been resolved, leaving 6 restitution claims under review.

▪ The Muslim Faith, the Archbishopric of the Armenian Church, the Seventh-Day Adventist Christian Church, the Union of Christian Baptist Churches of Romania, the Pentecostal Union – the Apostolic Church of God of Romania, and the Nazarene Religious Association submitted 303 claims for restitution, of which 73 claims have been resolved, leaving 230 claims under review.

5.5.3 How is the State Secretariat for Religious Affairs involved in the restitution of properties having belonged to the Romanian Church United with Rome - Greek Catholic?

After the establishment of communism, by the Decree nr. 358/1948, the Greek Catholic Church in Romania was disbanded, and most of its properties were taken over by the Romanian state. Most of its believers were forced to either convert to Orthodoxy or Catholic Latin rite. The Decree stipulated that houses of worship and parochial homes were to be turned over to the Orthodox Church. After the toppling of the communist regime the first decision relating to religious life taken by the state authorities was to restore the Romanian Church United with Rome - Greek Catholic to legality by Decree nr. 9/31.12.1989 of the Council of the National Salvation Front. Subsequently the state took it upon itself, by Art. 4 of Decree-Law nr. 126/1990, to support the construction of new houses of worship (including the necessary land and financial contributions), wherever the number of houses of worship was insufficient.

The Greek Catholic Church rebuilt its institutional and educational structures, becoming one of the 18 recognized religions in Romania, according to its number of believers, based on figures in successive censuses.

There are two types of confiscated former Greek Catholic properties, with different legal treatment: the first are buildings and properties that became part of the state patrimony, and the second houses of worship taken over by the state and used by the Orthodox Church. This takeover of the patrimony of the Greek-Catholic Church, and the fact that it wishes to have buildings that were turned over to the Orthodox Church restituted in kind, is the principal problem for identifying an equitable solution agreeable to both churches.

The first type of properties that became part of the state patrimony were restituted gradually. Because the communist state confiscated not only a great deal of real estate belonging to religions/faith, but also rather extensive landed properties, the restitution process has proven to be difficult and is ongoing.

A series of normative acts were adopted as far back as 1990. Decree-Law nr. 126/1990 legislating several measures relating to the

Romanian Church United with Rome - Greek Catholic included the following two means for restitution of former Greek Catholic properties, depending on the current owner of the building:

a) goods taken over by the state by Decree nr. 358/1948, and in the possession of the state, excepting estates, will be restituted to the Romanian Church United with Rome - Greek Catholic. A commission appointed by Government Ordinance, made up of representatives of the state and the Romanian Church United with Rome - Greek Catholic will be responsible for identifying, inventorying and turning over these properties;

b) the legal status of houses of worship and parochial homes belonging to the Romanian Church United with Rome - Greek Catholic that were taken over by the communist state and were turned over to the Romanian Orthodox Church was to be determined by a mixed Commission, made up of clerical representatives of the two Religions, and taking into account the believers of the communities that own these properties.

With the establishment of this mixed Commission, legislators called on both churches to use wisdom and mutual agreement in resolving this problem.

In many rural and urban localities in Transylvania, Decree-Law nr. 126/1990 produced no visible results, as local representatives of both Religions were unable to arrive at a consensus during their dialog. In some localities discussions led to tension and even conflict between the Orthodox and Greek Catholic believers.

Because of the failed attempts to resolve the disputes through analysis, dialog, and understanding, the Romanian Senate called on the leadership of the Romanian Orthodox Church and the Romanian Church United with Rome - Greek Catholic through a Declaration-Appeal on 29 December 1994 to resolve all existing tensions between the two Religions in an ecumenical spirit.

According to Land Law no. 18/1991, religions and faiths, including the Romanian Church United with Rome - Greek Catholic, had lands that were the object of this normative act restituted to them.

By Government Ordinance no. 466/1992, concerning the approval of proposals by the Central Commission for the inventorying of state properties and their restitution to the Romanian Church United with Rome - Greek Catholic, issued on the basis of Article 2 of Decree-Law no. 126/1990, 80 buildings included in the Annex of the above-mentioned ordinance were restituted.

Government Ordinance no. 64/2004, approved by Law no. 182/2005, and supplementing Decree-Law no. 126/1990 on measures relating to the Romanian Church United with Rome – Greek Catholic, stipulates that if the clerical representatives of both Religions are unable to reach an agreement in the mixed Commission for houses of worship and parochial homes (that were transferred to the ownership of the Romanian Orthodox Church), the interested party may resort to common law legal action.

Reasons that are slowing down the process for resolving the claims by the Greek Catholic Church for restitution include: the particularity of the takeover of Romanian Church United with Rome - Greek Catholic patrimony, specifically buildings that are presently being administered by the Romanian Orthodox Church, according to Decree nr. 358/1948. We estimate that this refers to some 80% of the total number of claims made by the Romanian Church United with Rome - Greek Catholic, according to Emergency Ordinance nr. 94/2000, republished with subsequent changes and amendments;

Emergency Government Ordinance O.U.G. no. 94/2000, republished with subsequent changes and amendments, does not allow for the restitution in kind or the awarding of damages in the case of buildings that belonged to the Romanian Church United with Rome - Greek Catholic and that are presently owned by the Orthodox Church. In 2002, Emergency Government Ordinance O.U.G. no. 94/2000 approved Law nr. 501, by which all church buildings were restituted, including those taken over by the state, by cooperative organizations or by any legal entity in the 1945-1989 period. Law nr. 501/2002 was modified by Law nr. 247/2005; amendments made improved the legal framework and sped up the restitution of all buildings that belonged to religions that were confiscated by the communist regime.

The process for restitution of church buildings (with the exception of churches) is presently being carried out through the National Authority for Restitution of Properties.

The Romanian state is committed to the reparations of the wrongs committed by the communist regime also with respect to houses of worship. However, we believe that any simplistic solutions would incur the risk of causing further wrongs. Many former members of the Greek Catholic Church converted to Orthodoxy in 1948, and most chose to remain members of the Orthodox Church after 1990 of their own accord.

These believers continued the uninterrupted use of the former local Greek-Catholic parochial churches, and they consider these to be “their own.” Any block restitution of churches, which does not take into account the population’s current confessional structure and local sensitivities risks generating social and inter-confessional unrest, as it has unfortunately happened in several cases in the past. The State Secretariat therefore has repeatedly called for the resolution of these matters through dialogue between the two Religions, and has offered to serve as mediator in order to defuse any tensions.

Likewise, the restitution of former Greek-Catholic churches is also one that relates to the right to property ownership. Thus, from the point of view of the Greek Catholic Church, the churches belong by right to the church as an institution. On the other hand, the Orthodox Church maintain that the churches belong to the community, and as such should take into account the current will of the communities when considering the transfer of a house of worship to another denomination.

Provided the right of parties to take a situation to trial and respecting the authority of judicial sentencing, the State Secretariat for Religious Affairs has pleaded for the identification of amiable solutions concerning the status of former Greek Catholic houses of worship, in the interest of maintaining social peace.

Thus the State Secretariat for Religious Affairs has encouraged and become actively involved in the establishment centrally and locally of bilateral dialog procedures involving the Orthodox and the Greek Catholic Churches.

The two Churches created bilateral dialogue commissions in order to address contentious situation. The Orthodox Church believes that each case should be treated separately, taking into account local sensitivities of the local communities and exclusively through dialogue. The Greek Catholic Church believes that restitution should be integral, and has in several cases found it more expedient to resort to legal actions.

As a result of bilateral dialogue a large number of churches have been restituted or amiable solutions (alternative services, et al) were found in several communities. Nevertheless, due to misunderstandings regarding the purpose and means for bilateral dialogue, these talks were interrupted in 2003. There was an exchange of letters between the leaders of both Religions in 2011 for the purpose of starting up the dialog once more, but these did not result in the reopening of bilateral talks.

The Romanian Orthodox Church has restituted 242 churches, including four of the five bishopric cathedrals (Blaj, Cluj, Lugoj and Oradea) to the Romanian Church United with Rome - Greek Catholic through bilateral agreements, through dialog commissions in some cases, but also more often by other means (local accords, legal action, etc.).

The State Secretariat has been actively involved in mediating the dialog between the two parties. Thus, our institution's mediation led to the restitution to the Greek Catholic community of the "St. Nicholas" Cathedral in Oradea (November 2005) and of the "St. Basil" church on Polonă Street in Bucharest (December 2006).

In order to resolve situations, the State Secretariat for Religious Affairs used funds available to it to finance the construction of new houses of worship, to ensure that both Orthodox and Greek Catholic believers have good conditions for worship activities. Thus, the State Secretariat for Religious Affairs spent a total of 26,000,0000 lei (amount not indexed for inflation) in the period between 1990-2014 for the construction of new houses of worship. The Greek Catholic Church has built and is building over 310 new houses of worship.

We believe that, by promoting dialogue and an analysis of situations on site, our institution will help ensure that the best solutions should be found to equitably resolve these issues, affording

each community its own church, and each believer their full rights and religious freedoms. The State Secretariat for Religious Affairs also believes it is necessary to continue and accelerate the dialogue between the parties involved in order to prevent and/or resolve any tensions and confessional conflicts, and promote social peace.

5.6 What is the role of the State Secretariat for Religious Affairs in supporting Romanian citizens abroad?

The Romanian communities in the Balkans were the first whose existence and destiny claimed the concern of Romanian authorities as far back as the beginnings of the process of national emancipation in the middle of the 19th century. The leaders of the 1848 Revolution were the first to invoke the need for ensuring that groups of ethnic Romanians south of the Danube have access to religious and educational endowments.

The creation of the modern Romanian state allowed for the post-1860 intensification of efforts before the Sublime Porte, suzerain over the Balkan Romanians. The first official claim of this kind was made by Costache Negri, in his capacity as diplomatic agent of the Romanian Principalities in Constantinople, in which he invoked the danger of the denationalization of Romanians in Macedonia, Thessalia, Epirus, and Albania.

The establishment and support of Romanian churches in the Balkan Peninsula rapidly became a priority of the Bucharest government. In 1863, The Chairman of the Romanian Council of Ministers, Mihail Kogălniceanu, decided to establish a special fund as part of the state budget to support Romanian schools and churches in the Ottoman Empire. Shortly thereafter, the Romanian state began offering financial assistance, in the beginning of the 20th century, for the activities of over 40 Romanian priests who were active in the Romanian churches in the districts of Albania, Bitola, and Epirus in the Ottoman Empire.

Subsequently, during the 1912-1913 Balkan Wars, all newly-formed states in the region, with the exception of Serbia, permitted the autonomy of Romanian schools and churches, and their subvention by the Romanian state, under the supervision of local governments. However, the outbreak of the First World War, with its massive mobilizations and destruction led to a powerful phenomenon

of emigration towards Romania, aided by the Bucharest Peace Conference in 1913, according to which all Balkan Romanians received Romanian citizenship, regardless of where they chose to live.

The Interwar period was to lead to an even more powerful involvement of the Romanian state in the supporting of spiritual identities in the Romanian communities of the Balkans. For example, Romanian priests in the Romanian churches in Greece continued to be remunerated by the Romanian state until 1949, and the latter allocated some 3 million lei annually to the Romanian parishes in the Serbian Banat.

Even during the communist period, in spite of the reticence of the authorities, the Romanian Patriarchate made significant efforts to support the Romanian community on Mount Athos.

The establishment over the past two decades of a Romanian Diaspora is a complex phenomenon, without precedent in modern Romanian history. This is the first time in the history of the Romanian state that a community in the order of millions of Romanians leaves its native land and chooses to live outside its borders.

In this context, the consolidation of ethnic, linguistic, cultural and spiritual communities of Romanians abroad is a constant preoccupation of all of Romanian society and a major objective of Romanian state policies, contained in the 2013-2016 Governing Program priorities. This is why the maintaining of active connections of the Diaspora with the spiritual and religious space is encouraged as an important element for preserving a national identity and configuring an identity profile of Romanian communities around the world.

Romanian public authorities, represented principally in these countries by the Embassies, and cultural centers and institutes, make efforts to ensure that Romanians outside its border have these rights and maintain their Romanian identity. However, in most cases, what these institutions can do, from a material and logistical standpoint, and in terms of taking action in the territories of other countries, is limited. Religions and faiths, on the other hand, have built and developed an extended network of communities over time, that also functions as a catalyst for Romanian solidarity, and constitutes the only active and dynamic connection with the country.

The Romanian Orthodox Church, as well as other religions, developing their church communities that are destined to meet the religious needs of Romanians outside the country's borders, also allow them to satisfy certain identity needs and function not only as community centers and Romanian solidarity networks, but also, and increasingly, as true centers for information, and mutual assistance for a large number of Romanians abroad. In order to meet the growing needs of these communities, the Romanian Orthodox Church, for example, has built several bishoprics, hundreds of parochial communities, and several monasteries throughout the world.

In addition to the Christian Orthodox parishes, there are also Catholic communities under the jurisdiction of local bishoprics, as well as Evangelical religious communities with similar religious and social roles.

The Romanian state, conscious of the importance of religious communities in the life of Romanians abroad and convinced of the need to support such efforts, allocates a fixed amount of 200,000 Euro per month through the State Secretariat for Religious Affairs to support the salaries of over 600 priests who serve Romanian parishes abroad (165 in Italy, 116 in the Republic of Moldova, 94 in Spain, 46 in Germany, 44 in France, 20 in Great Britain, 15 in Hungary, 13 in Belgium, 6 in Serbia, 4 in Israel, etc.).

In addition to salary assistance offered to priests who serve Romanian church communities abroad, the State Secretariat for Religious Affairs may also allocate annual funds from the budget destined for construction and repair of religious houses of worship and the building and/or acquisition of churches for the Romanian communities outside the borders.

The State Secretariat for Religious Affairs also supports and promotes the rights of Romanians abroad to keep and affirm their national identity and enjoy religious freedom. Thus, at mixed inter-governmental commission meetings for national minority issues, the State Secretariat for Religious Affairs has constantly supported the idea that, on the basis of the principle of reciprocity, the hundreds of thousands of Romanians in Timoc Valley (Serbia), northern Bukovina, and southern Bessarabia should have the right to religious services in their mother tongue and to build their own houses of worship. The State Secretariat for Religious Affairs claims specially

that, because of the recognition by the Romanian state of the jurisdiction of the Serbian Orthodox Bishopric, which is part of the Serbian Orthodox Church, over the Serbian Orthodox believers in Romania, in keeping with the principle of reciprocity, the Bishop appointed by the Romanian Orthodox Church for the Romanians in Serbia (the Dacia Felix Bishopric) should have jurisdiction over the Romanian Orthodox believers in Serbia and a right to visit not only the Romanian parishes in Voivodina, but also those in Timoc Valley. In support of these efforts, the State Secretariat for Religious Affairs organized and hosted, among others, an inter-institutional working meeting on 30 May 2013, dedicated to the problems of Romanian citizens outside the country's borders, attended by representatives of the Romanian Presidency, the Prime Minister's Chancellery, the Ministry of Foreign Affairs, the Romanian Parliament, the Romanian Patriarchate, and former State Secretaries for Religious Affairs, familiar with the evolution of the situation of Romanian communities abroad.

Furthermore, the State Secretariat for Religious Affairs has made a significant contribution in the past two years to the debates that take place periodically within the framework of the Inter-Institutional Consultative Council for problems of Romanians abroad, an informal cooperative body between all Romanian institutions that are involved in this issue, organized under the aegis of the Ministry for Foreign Affairs, with the approval of the Romanian government.

Frequently Asked Questions:

1. How many religions are recognized in Romania?

There are 18 recognized religions in Romania:

Orthodox Churches:

Romanian Orthodox Church
 Serbian Orthodox Bishopric of Timișoara
 Russian Old-Rite Christian Church of Romania (Lipovans)

Catholic Churches:

Roman Catholic Church
 Romanian Church United with Rome, Greek Catholic

Eastern Orthodox Churches:

Archbishopric of the Armenian Church

Protestant Churches:

Evangelical Church of Augustan Confession of Romania
 Evangelical Lutheran Church of Romania
 Reformed Church of Romania
 Unitarian Church of Transylvania

Evangelical Churches (Neo-Protestant):

Union of Christian Baptist Churches of Romania
 Seventh-Day Adventist Christian Church of Romania
 Pentecostal Union – The Apostolic Church of God of Romania
 Christian Church of the Gospel in Romania – Union of Christian Churches of the Gospel in Romania
 Romanian Evangelical Church

Other Religions:

Federation of Jewish Communities in Romania
 Islam
 Jehovah's Witnesses Religious Organization

2. How many religious associations are functioning in Romania?

There are 21 religious associations that have received consultative agreement from the State Secretariat for Religious Affairs to gain the status of religious associations, of which only three have submitted a copy of the court decision necessary for the validation of this status.

3. What are the main sources of financing for religions/faiths?

a. Private revenues

Religions and faiths finance themselves to a great extent through their own private revenues (contributions from and donations by believers, production and sale of religious objects, grants, European projects, revenues from the administration of their private properties, other).

b. Central budget financing

The Romanian state offers financial assistance to religions and faiths from the State budget, usually through the State Secretariat for Religious Affairs, for the payment of salaries (65% generally and 80% for low-income parishes/communities), or remuneration for religious leadership. The State Secretariat for Religious Affairs also administers budget funds earmarked for the construction and repair of houses of worship.

The religious personnel posted to public institutions (army, police, penitentiary system) is paid either by the specific ministries/institutions, by religions themselves, or both (in the case of hospitals).

Educational personnel (religion teachers, theology education professors) is paid through the Ministry of Education. For theology education institutions that are not part of the public system, the state offers a contribution to the salaries of the teaching personnel, amounting to 600 lei per month, per person.

c. Local budget financing

The local authorities may finance, by county/local council ordinance, the construction or repair of houses of worship and projects initiated by religious organizations.

d. Partnerships

Religions may also collaborate with Romanian state institutions on the basis of specific collaboration protocols.

e. Winning national and European project competitions

Religions, sub-divisions thereof, and connected institutions (associations, foundations, etc.) may take part in various project competitions as part of the national and European programs for financing of activities and specific institutions.

4. *Does the Romanian state finance only the activities of the Romanian Orthodox Church?*

No, by law the Romanian state finances the activities of all 18 recognized religions, provided they request such financing (some religions do not accept financing from the state for religious activities)

5. *How are these funds allocated, by whom, and according to what principles?*

Recognized religions determine how they spend their own income, in accordance with the law. Income allocated by the State budget through the State Secretariat for Religious Affairs is distributed to the religions according to the principles of proportionality to the number of believers and that of the real needs of the religions, in keeping with the law.

6. *Why are public funds allocated to support the activities of religions?*

Religions in Romania are considered institutions of public utility, because they provide public services, participate in the development of Romanian societal identity, define public values, and build social solidarity; they play an important role in society in the social, educational, socio-charitable, and cultural life; they have the status of social partners of the state, and are recognized as social peacemakers; and they contribute to the development of civil society.

The Romanian state has committed to provide financial support to religions ever since it built its own patrimony on confiscated Church assets, back in the second half of the 19th century, through a process culminating in the 1863 secularization of all monastic assets.

7. *What is the social partnership between church and state? Does it refer only to the Romanian Orthodox Church?*

The social partnership means that the Romanian state recognizes the expertise of the religions and faiths in spiritual, educational, socio-charitable, and cultural areas, and is interested in consulting as often as it deems it necessary in this capacity about public policy reforms in these areas.

On the other hand, the social partnership between the state and religions is a form of recognition of the important role played by these not only in religious life, but also in the educational sector, in the network of socio-charitable and social inclusion organizations in Romania, and in cultural activities. The State thus expresses its willingness to develop joint projects with all recognized religions in all the above-mentioned areas.

8. *Why is the number of religions limited, and why do other religious groups and associations not enjoy a comparable status to those that are recognized?*

As is the case in other European states, the Romanian state has set relatively strict criteria for the recognition of religions precisely because of the important role they have in society. The criteria for gaining recognized religion status were set because organizations that aspire to the status of social partner of the state must demonstrate their credibility, stability, sustainability, and public utility in order to justify the investment of time and resources on the part of the state to support such partnerships.

Religious groups that do not have this legal recognition are free to function and carry out public activities based on common law. Their activities are not limited by public authorities.

Recognized Religions and Religious Associations

In Romania, all persons have the right to belong to or adopt a religion, to manifest this individually or collectively, in public or private, by specific practices and rituals, including religious education, and the freedom to keep or change their faith³¹. All persons have the right to be part of a religious community (religion or religious association) that is a legal entity or one that is not (religious group). Religious entities that are legal entities are:

- Religions recognized by Government Ordinance, as per the proposal of the State Secretariat for Religious Affairs;
- Religious associations, recognized by court decision, with the approval of the State Secretariat for Religious Affairs;
- Associations and foundations whose objectives are religious, registered in accordance with Government Ordinance no. 26/2000 concerning associations and foundations. These are usually cultural, social and or charitable organizations, belonging to recognized religions or autonomous organizations of believers belonging to these religions.

Religions

The Romanian state treats recognized religions as legal private or public entities. They are equal before the law and public authorities, organize themselves and function autonomously, according to their own statutes, canonical code and regulations, abiding by the Constitution and the laws of the country. The Romanian state affirms its neutrality in terms of religions/faiths, in the sense that

³¹ According to Art. 2 point (1) and Art. 5 point (1) and (2) of Law 489/2006 on Freedom of Religion and the General Status of Religions.

it does not favor one over another, but has a relationship of cooperation and social partnership with the recognized religions/faiths. Religious associations do not automatically receive the public utility status, but may enjoy certain facilities or tax exemptions.

Below we include a brief presentation of essential data regarding the history, current organization and functioning of legally recognized religions in Romania.

6.1. Romanian Orthodox Church³²

Although Byzantine Rite Christianity has a bimillennial tradition and history in the Romanian space, developing according to canonical obedience to the Ecumenical Patriarchy of Constantinople, the Romanian Orthodox Church was institutionally consecrated with the establishment of the Holy Synod and implicitly with the union of the Hungaro-Wallachian and Moldavian Bishoprics in 1872. In subsequent years, the Romanian Orthodox Church became autocephaly (1885) and was raised to the rank of Patriarchy (1925). There has been a succession of patriarchal dignitaries of the Romanian Orthodox Church: Miron Cristea (1925-1939), Nicodim Munteanu (1939-1948), Justinian Marina (1948-1977), Justin Moisescu (1977-1986), and Teoctist Arăpașu (1986-2007). Since 30 September 2007, the Romanian Orthodox Church is under the guidance of Patriarch Daniel Ciobotea, who holds the title of Archbishop of Bucharest, Metropolitan of Muntenia and Dobrogea, Locum tenens of the throne of Caesarea Cappadociae, and Patriarch of the Romanian Orthodox Church.

The Romanian Orthodox Church is governed by the Holy Synod, presided over by the Patriarch and made up of three acting bishops. The central deliberative body of the Romanian Orthodox Church for all administrative, social, cultural, economic and patrimonial issues is the National Church Assembly, made up of three representatives of each bishopric (a clergyman and two lay persons), appointed by the bishopric assemblies for a period of four years. The central executive body of the National Church Assembly is made up of twelve members of the National Church Assembly (one clergyman and one lay person representing each bishopric in the

³² The order for presenting the 18 religions will follow the list of recognized religions in Romania in the Annex of Law 489/2006 on Freedom of Religion and the General Status of Religions.

country, appointed for a period of four years). The members of the Holy Synod may participate by deliberative vote in the meetings of the National Church Assembly and the National Church Council.

The Romanian Orthodox Church has brotherly and ecumenical ties with almost all Christian churches in the world, especially other Orthodox Churches. It has had visit exchanges and bilateral contacts at the highest level, with its sister Orthodox Churches³³, the Oriental Orthodox Churches³⁴, the Roman Catholic Church, the Protestant Churches in Europe, and with churches in America, Asia, and other parts of the world. Furthermore, the Romanian Orthodox Church is active as part of European and international church organizations – as a member of the World (Ecumenical) Council of Churches, the European Conference of Churches, and of other Christian organizations involved in different activities (youth, women, etc.) –, as well as in international bilateral dialog between the Orthodox Church and other great Christian families (Oriental Orthodox, Roman-Catholic, Old Catholic, Anglican, Lutheran, Reformed, etc.).

The units that make up the Romanian Orthodox Church are: parishes, monasteries, deaneries, vicarages, diocese (archdiocese and bishoprics), and the metropolitan church.

According to data from the 2011 census, 86.45% of total population declared themselves as belonging to the Romanian Orthodox Church, most of them ethnic Romanians (96.46%), followed by ethnic Roma (2.92%), ethnic Ukrainians (0.24%), ethnic Hungarians (0.16%), and other nationalities.

Within the country's borders and as part of Romania's Patriarchate, there are 14,809 churches operational, and organized as follows: one Patriarchate Center, 6 metropolitan churches, 10

³³ The Ecumenical Patriarchate of Constantinople, the Orthodox Patriarchate of Alexandria, the Orthodox Patriarchate of Antioch, the Orthodox Patriarchate of Jerusalem, the Russian Orthodox Church, the Serbian Orthodox Church, the Bulgarian Orthodox Church, the Georgian Orthodox Church, the Orthodox Church of Cyprus, the Greek Orthodox Church, the Orthodox Church of Poland, the Orthodox Church of Albania, and the Orthodox Church of the Czech Lands and Slovakia.

³⁴ The Armenian Apostolic Church, the Coptic Patriarchate of Alexandria, the Syrian Orthodox Patriarchate of Antioch, the Ethiopian Orthodox Church, the Eritrean Orthodox Church

archdiocese, 13 dioceses³⁵, one vicar, 177 deaneries, 11,409 parishes, 2,444 branches, 541 monasteries, 192 sketes, and 15 metochions.

The Romanian Orthodox Church (Patriarchate, diocese, vicarage, deaneries, parishes, branches, monasteries, and sketes) has 14,933 priests and deacons in its service, of which 14,313 priests and deacons in parishes, monasteries, sketes, eparchy centers, and deaneries, and 505 priests in state and private budget institutions.

A total of 12,765 priests and deacons in parishes, monasteries, sketes, eparchy centers, and deaneries receive salary assistance from the state budget, and the number of clerics receiving their salaries from own funds is 1,548.

Training of religious staff of the Romanian Orthodox Church is available in 29 secondary theological seminaries, 11 schools of theology, and 4 theology departments in other universities, that are part of the state university education, with some 7,851 students registered. Over 6,800 educators teach Religion in public schools.

Ukrainian Orthodox Vicarage

The Ukrainian Orthodox Vicarage in Romania is an administrative church unit with special missionary-pastoral status, and its role is that of coordinating the spiritual life of Ukrainian Orthodox believers in Romania. Canonically, the vicarage is under the jurisdiction of the Romanian Orthodox Church Patriarchate, but it is administratively self-ruling.

According to the 2011 census, there are some 40,000 Ukrainian Orthodox believers, making up 0.24% of the total Orthodox believers; these are under the ecclesiastical jurisdiction of the Ukrainian Orthodox Vicarage, grouped in two deaneries:

- The Deanery of Sighetu Marmației (Maramureș County) – for Ukrainian Orthodox believers in Maramureș County.
- The Deanery of Lugoj (Timiș County) – for Ukrainian Orthodox believers in Timiș and Caraș-Severin Counties.

³⁵ The organizational-administrative structure of the Romanian Orthodox Church is based on Art. 6 of the Statute for the organization and functioning of the Romanian Orthodox Church, approved by Government Ordinance H.G. nr. 53/2008, published in the *Official Gazette*.

These two deaneries have 28 parishes and 32 houses of worship in their jurisdiction, with 27 priests and 3 monasteries established since 1990.

6.2. Serbian Orthodox Diocese of Timișoara

The Serbian Orthodox Diocese of Timișoara includes the Orthodox Serbians in Romania who are under the canonic jurisdiction of the Serbian Orthodox Church. As such it functions as an autonomous recognized denomination.

According to the 2011 census, there are 18,076 ethnic Serbians living in Romania, of which 94.8% are Christian Orthodox, most of these (11,112 persons) having declared that they belong to the Serbian Orthodox Diocese of Timișoara, while the rest (some 6,000 persons) stated that they belong to the Romanian Orthodox Church.

The diocese's three deaneries in Timișoara, Arad and Socol (Caraș-Severin County) oversee 55 parishes and 5 monasteries served by 46 priests and deacons. Written records on the existence of the diocese's monasteries (Baziaș, Cusici, Zlatița in Caraș-Severin County, Bezdin in Arad County, and the „St. George” Monastery in Timiș County), which are included in the list of historic monuments in Romania, date from as far back as the 16th -18th centuries.

The Serbian Orthodox Diocese of Timișoara uses the Julian calendar (“old style”) and is led by the Bishop-Administrator of the Serbian Orthodox Diocese of Timișoara, Luchian Pantelić, Bishop of Buda (Hungary) and by a Bishop's locum tenens, Marinco Marcov (as of 2010).

6.3. Roman Catholic Church

The Catholic Church is present in Romania with its Latin (Roman Catholic Church), Byzantine (Romanian Church United with Rome), and Armenian rite (Armenian-Catholic Ordinariate). The Catholic Church is the world community of Christian believers, united through faith and the Sacraments, under the leadership and canonic dependence of the Pope in Rome (currently His Holiness Pope Francis). The Sovereign Pontiff periodically appoints a Papal Ambassador as Apostolic Nuncio. Archbishop Francisco-Javier Lozano is currently accredited as the Apostolic Nuncio for Romania and the Republic of Moldova.

The Roman Catholic Church in Romania is organized on the basis of the Code of Canon Law of 1983 (*Codex iuris canonici*) while the Romanian Church United with Rome and the Armenian Catholic Ordinariate are based on the Code of the Canons of the Eastern Churches of 1990 (*Codex canonum Orientalium Ecclesiarum*)³⁶.

The Episcopal Conference provides the leadership for all Catholic believers in Romania, bringing together all Roman Catholic and Greek Catholic Bishops. This Romanian Episcopal Conference, in its present form, dates back to 16 March 1991, with its basis in Protocol nr. 855/1990 of the Congregation for Bishops and Congregations for Eastern Churches. The plenary meeting of the Conference takes place twice a year (in spring and fall), with periodic extraordinary sessions. The Romanian Episcopal Conference has two sub-sections: the Latin sub-section and the Council of Greek Catholic Hierarchs. Their Presidents and Vice Presidents are elected alternatively from each of the two Religions. The current President of the Romanian Episcopal Conference is the Gracious Cardinal Lucian Mureșan, Major Archbishop of the Romanian Church United with Rome, Greek Catholic, and the Vice President is His Eminence Father Ioan Robu, Archbishop and Metropolitan Priest of Bucharest.

The Roman Catholic Church in Romania currently has 870,774 believers, according to the 2011 census, of which 500,444 (57.47%) are ethnic Hungarians, 297,246 (34.16%) ethnic Romanians, 21,324 (2.43%) ethnic Germans, 20,281 (2.33%) ethnic Roma, 9,250 (1.06%) ethnic Slovaks, and the remainder other nationalities.

The Roman Catholic Church of Romania has 6 dioceses:

1) The Roman Catholic Archbishopric of Bucharest has jurisdiction over the Catholic believers in Tulcea, Constanța, Brăila, Ialomița, Călărași, Buzău, Prahova, Ilfov, Giurgiu, Dâmbovița, Argeș, Teleorman, Vâlcea, Olt, Gorj, Dolj, and Mehedinți Counties, and Bucharest. The Archdiocese takes care of some 42,000 believers and is divided into six deaneries in northern Bucharest, southern Bucharest, Ploiești, Craiova, Constanța and Brăila.

³⁶ Officially recognized by Government Ordinance H.G. 1218/2008, published in the Official Gazette, Part I, nr. 798 bis of 27.11.2008.

2) The Roman Catholic Archbishopric of Alba Iulia has canonic jurisdiction over the Catholic believers in the Counties of Transylvania (excepting Maramureş and Crişana). Statistical data from the 2011 census shows there are some 430,000 believers, most of which are ethnic Hungarians. The Archbishopric carries out its activities in 15 deaneries in Alba Iulia, Bistriţa, Hunedoara, Sibiu–Făgăraş, Dumbrăveni, Braşov, Târgu Secuiesc, Cluj-Dăbâca, Arieş-Turda, Târnava, Târgu Mureş, Ciuc Inferior, Ciuc Superior, Gheorghieni, and Odorhei, in 321 parishes.

3) The Roman Catholic Archbishopric of Iaşi has jurisdiction over eight Counties: Bacău, Botoşani, Galaţi, Iaşi, Neamţ, Suceava, Vaslui, and Vrancea. According to statistical data from the 2011 census, this Archbishopric has 196,188 believers, most of which are Romanians. The territory of the diocese is divided into 10 deaneries in Iaşi, Valea Siretului, Bucovina, Roman, Moineşti, Bacău, Traian, Trotuş, Piatra, and Vrancea.

4) According to the 2011 census, the Roman Catholic Archbishopric of Timişoara has some 105,000 Roman Catholic believers in 8 deaneries in Timişoara, Cenad, Deta, Arad, Vinga, Pâncota, Caraş, and Severin.

5) The Roman Catholic Archbishopric of Oradea has jurisdiction over some 53,000 Roman Catholic believers, according to the 2011 census, in Bihor and Sălaj Counties, and in parts of Arad, Satu Mare and Mureş Counties, mostly ethnic Hungarians. Its parishes are grouped into two deaneries: Catedrală (located in Oradea Municipality) and Crasna.

6) The Roman Catholic Archbishopric of Satu Mare includes Satu Mare and Maramureş Counties, with some 80,000 believers, mostly ethnic Hungarians, in this diocese. The Archbishopric has seven deaneries in Satu Mare, Ugocea, Arduş, Carei I, Carei II, Baia Mare, and Sighetu Marmăţiei.

6.4. The Romanian Church United with Rome, Greek Catholic

The Romanian Church United with Rome, Greek Catholic, was established in Transylvania at the end of the 17th century, a union of some Romanian Orthodox Christians and the Catholic Church. The Synod of Alba Iulia, convoked in 1697 by the Orthodox Metropolitan Atanasie Anghel, accepted four principles that allowed this denomination to become part of the canonic jurisdiction of the Holy See: recognition of papal primacy, the existence of purgatory, the receiving of the Eucharist with Matzos and Filioque

(the procession of the Holy Spirit from the Father and the Son). By accepting these conditions, the Romanians United with Rome were guaranteed the following: that they may retain the Byzantine rite, that they may celebrate the Orthodox holy days, that the Synod may elect the Bishops, and that clergy and believers would have equality of rights with those of the Catholic Church. The Romanian United Church has functioned as one of the two Romanian churches in Transylvania for two centuries. With the establishment of the communist regime in 1948, the Greek Catholic Church was abolished by the Romanian government by Decree nr. 358/1948, and believers were forced to convert to Orthodoxy or the Latin Catholic rite. According to this decree, all its properties were taken over by the state, except its churches and parochial houses, which were transferred to the Romanian Orthodox Church. After the December 1989 Revolution, one of the first measures taken by the Romanian state was the passage of Decree-Law nr. 9 of 31 December 1989, which abrogated Decree nr. 358/1948, and officially recognized the Romanian Church United with Rome, Greek Catholic.

The 2011 census recorded 150,593 Greek Catholic believers, representing 0.8% of the population that declared this as their religious affiliation; of these, 124,563 (82.71%) are ethnic Romanians; 16,144 (10.72%) ethnic Hungarians, 6,511 (4.32%) ethnic Roma, 1,204 (0.8%) ethnic Ukrainians, and the remainder other nationalities.

The Romanian Church United with Rome, Greek Catholic has 5 eparchies, with 5 vicarages, 75 deaneries, 763 parishes, 540 houses of worship, some 760 priests, and over 25 monastic orders and congregations under the canonic jurisdiction of 5 Archbishops:

1) The Romanian Church United with Rome, Greek Catholic Archbishopric of Alba Iulia and Făgăraș, with headquarters in Blaj, whose canonic jurisdiction includes the Alba (partial), Brașov, Cluj (partial), Covasna, Harghita, Mureș, and Sibiu Counties, and the Counties of the Old Kingdom. This includes two vicarages in Bucharest and Făgăraș.

2) The Romanian Church United with Rome, Greek Catholic Archbishopric of Oradea, has canonic jurisdiction over Arad (partial), Bihor, Satu Mare (partial) and Sălaj (partial) Counties.

3) The Romanian Church United with Rome, Greek Catholic Archbishopric of Cluj-Gherla, with headquarters in Cluj-Napoca, has canonical jurisdiction over Alba (partial), Bistrița-Năsăud, Cluj (partial), Maramureș (partial) and Sălaj (partial) Counties.

4) The Romanian Church United with Rome, Greek Catholic Archbishopric of Lugoj, has canonical jurisdiction over Alba (partial), Arad (partial), Caraș-Severin, Hunedoara and Timiș Counties, and includes two vicarages in Timișoara and Hașeg.

5) The Romanian Church United with Rome, Greek Catholic Archbishopric of Maramureș, with headquarters in Baia-Mare, has jurisdiction over Maramureș, Satu-Mare (partial), Sălaj (partial) and Suceava Counties, and includes a vicar in Baia Mare for Ukrainian Greek Catholic believers.

Armenian Catholic Ordinariate

At the end of the 17th century, the Armenians of Transylvania converted to Catholicism. An eparchy was organized with a seat in the city of Gherla. The situation of the Armenian Catholics was similar to that of the Romanian Greek Catholics, namely that the Armenians accepted basic principles of Catholicism, but also retained the traditional rite, and services were celebrated in Armenian.

By the Concordat with the Vatican, the Armenian Catholic ecclesiastical unit was recognized on June 5th, 1930 as a self-governing eparchy, directed by an Apostolic administrator (a priest with the jurisdiction of an *ordinarius*, or titular bishop), with its seat in Gherla. After 1948 and the abandoning of the Concordat, the Armenian Catholic eparchy's status changed, and the ordinariate entered de facto (but not de jure) under the administration of the Roman Catholic Archbishopric of Alba Iulia. Only after 1991 was the auxiliary bishop of Alba Iulia appointed as Apostolic Administrator³⁷, *ad nutum Sanctae Sedis* (i.e. ad interim). Thus, the Armenian Catholic Ordinariate entered a personal union with the Roman-Catholic Archbishopric of Alba Iulia.

³⁷ In 1991, a request was made to the Romanian state for the recognition of the appointment of the Apostolic Administrator, but the request was abandoned for administrative reasons.

This Ordinariate presently comprises four parishes: Gherla, Gheorghieni, Dumbrăveni and Frumoasa, but the Armenian Catholic believers also live in other Transylvanian cities.

6.5. Armenian Apostolic Archbishopric

The Armenian Apostolic Eparchy is under the jurisdiction of the Armenian Apostolic Church, whose spiritual center is in Etchmiadzin (in Armenia), the residence of the Catholicos Patriarch of all Armenians.

The Armenians settled in the Romanian space as far back as the 11th and 12th centuries, and Prince Alexander the Good established a diocese for them in 1401 in Suceava. In the modern era, the Armenian Church was recognized by the Law on Religions in 1928, and the Law for the establishment and operation of the Armenian Eparchy was passed in 1931.

In 1949 the organic and administrative statutes of the Armenian Eparchy of Romania were approved, which mentions the fact that this denomination was under the dogmatic and canonical authority of the Catholicos Patriarch of all Armenians of Etchmiadzin, but regulates, leads and self-administers all its activities, in conformity with Romanian legislation.

The Armenian Eparchy is run by an Archbishop or Bishop, assisted by a Diocesan Vicar. The central body of the Eparchy is the Diocesan Congress, and the higher executive body is the Diocesan Council. The latter has three committees: the spiritual church committee, the cultural committee, and the economic committee. The parochial leadership bodies are the Parochial Assembly, the Parochial Council (curator), and Parochial Committees.

There are 10 parishes in the Armenian Eparchy of Romania, served by four priests, three deacons, two cantors, with 16 churches and 6 confessional cemeteries. The most important communities are in Bucharest and Constanța. The other communities on the territory of this country are made up of 12-20 families. There are two monasteries in Suceava County, registered on the list of historical monuments, in Zamca and Hagigadar.

During the 2011 census 393 Armenian believers were registered in a population of 2,017 ethnic Armenians.

6.6. Russian Old-Rite Christian Church of Romania

The Russian Old-Rite Christian Church of Romania was established by the Russian Old Believers (*staroveri*) in the first part of the 18th century. They refused the liturgical reforms of Patriarch Nikon of Moscow (1652-1658); as a result of state persecutions to which they were subjected by the state, part of the Old Believers took refuge in the Romanian Countries, where they formed the Old Believers (*Lipovan*) community. The first Old Believer (*Lipovan*) communities in the Romanian space were documented in the Suceava villages of *Lipoveni* (1724) and *Manolea* (1743). In 1846, the Old-Rite Metropolis of *Fântâna Albă* was established in northern Bukovina, under the leadership of Metropolitan *Ambrozie*. The event marked the aggregation of Old-Rite Christian communities in an autonomous church, which included all Old-Rite believers in Europe, America, and Australia. *Ambrozie's* successors (*Kirill*, *Arkadi*, etc.) also held the title of Metropolitans, and were recognized as spiritual leaders of all Old-Rite Christian believers in the world, a status and recognition they have to this day.

On 28 June, 1940, following the occupation of northern Bukovina by the Soviet Union, the Old-Rite Christian Metropolis moved from *Fântâna Albă* to *Brăila*, where it is still located today, with prerogatives of spiritual leadership over all co-religionist throughout the world. Old-Rite Russian Christians follow the traditional Orthodox ordinances, celebrate services in the Slavonic language following the Pre-Nikonian liturgical practices, and follow the unrevised Julian calendar.

According to the 2011 census, the Russian Old-Rite Christian Church of Romania has some 33,000 believers, of which 17,268 (53.03%) are Russian Old Believers (*Lipovans*), and 13,667 (42%) Romanians, organized in 48 parishes with 69 churches, 46 priests and 10 deacons, plus ten parishes and nine priests for the communities outside the borders, and four monasteries.

The administrative organization of the Russian Old-Rite Christian Church of Romania includes the following church units:

1) Eparchy of Fântâna Albă, with its seat in Brăila. This includes the Russian Old-Rite Orthodox parishes in Brăila and Galați counties, Bucharest, Bordenișeni (Ialomița county), and Fântâna Albă (in Ukraine).

2) Eparchy of Slava, with residence in the Slava Rusă locality, Tulcea county, which includes the Russian Old-Rite Orthodox parishes of the Slava Rusă, Slava Cercheză, Carcaliu, Ghindărești, Jurilovca, and 2 Mai, the towns of Cernavodă and Năvodari, the Municipality of Constanța, and the parishes in Bulgaria.

3) Eparchy of Bukovina and Moldavia, with its seat in Târgu-Frumos (Iași county), which includes the parishes of Iași, Vaslui, Neamț, Suceava and Botoșani counties.

4) Eparchy of Tulcea, with its seat in Tulcea, which includes the Russian Old-Rite parishes of the Tulcea, Sulina and Mahmudia, Sarichioi, Periprava, Chilia Veche, Mila 23, and Sfîștovca.

5) Eparchy of the United States of America, with its seat in Oregon, including its Old-Rite parishes of the U.S.A, Canada, and Australia.

6) Eparchy of the West, with its seat in Torino, Italy, including the Old-Rite parishes of Italy, Spain, Portugal, France, Germany, Austria, and Hungary.

7) Eparchy of the Baltic countries, with its seat in Jēkabpils, including the Old-Rite parishes of Estonia, Lithuania, and Latvia.

The Russian Christian Orthodox Old-Rite community does not have its own organized system of theological education, and priests are chosen from among believers considered apt to celebrate religious services, familiar with the Slavonic language, the specific aspects of the Church and its canons. As of 2003, with the support of the Romanian Orthodox Church, a class for the Russian Christian Orthodox Old-Rite students has been established in the Orthodox Theological Seminary in Iași.

6.7. Reformed Church of Romania

The Christian Reformed faith, based on the theology of Jean Calvin, arrived in Transylvania in the 16th century, and was organized and institutionally recognized in 1564-1580, with the establishment of the Reformed Bishopric of Ardeal. After 1918, the Reformed parishes in Banat, Crișana and Maramureș left the jurisdiction of the Hungarian Reformed Church, forming a new Diocese with its seat in Oradea.

According to the 2011 census, the Reformed Church of Romania has 600,932 believers, most of which (93.78%) are ethnic Hungarian, united in two eparchies:

1) the Reformed Eparchy of Ardeal, with its seat in Cluj-Napoca, which includes the Reformed believers in the Transylvanian counties. The Eparchy is divided into 15 deaneries: Aiud, Braşov, Călata (Huedin), Cluj, Dej, Gurghiu (Reghin), Hunedoara, Mureş, Mureş-Câmpie, Odorheiul Secuiesc, Sfântu Gheorghe, Târnava, Târgu Secuiesc-Orbei, Turda and Ținutul Pădurii (Baraolt).

2) the Reformed Eparchy of Piatra Craiului, with its seat in Oradea, which includes the Reformed believers in Banat, Crişana and Maramureş. The parishes of the Eparchy are organized in nine deaneries: Bihor, Baia Mare, Satu Mare, Carei, Eriu (Marghita), Arad, Timișoara, Șimleul Silvaniei and Zalău.

The denomination's governing bodies are:

- The Synod, for the whole church, with responsibilities for church legislation and doctrine;
- The General Eparchy Assembly, for each eparchy;
- The Deanery Assembly, for each deanery;
- The Parish Assembly, for each parish.
- The executive bodies are:
 - The Ruling Council – at the eparchy level;
 - The Deanery Council – at the deanery level;
 - The Presbytery – at the parish level.

Reformed priests are trained (in Hungarian) at the Protestant Theological Institute in Cluj-Napoca.

6.8. Evangelical Church of Augustan Confession in Romania

The Protestant Evangelical Faith has as its foundation the theology of Martin Luther, and established itself in the Romanian space with an independent church at the initiative of Johannes Honterus (1498-1549), an inhabitant of Braşov. The Mediaş Synod in 1572 set the Augustan (Augsburg) Confession as the official doctrine of this church, adopted by the princes of the Roman-German Empire in 1530. After the annexation of Transylvania to the Hungarian Kingdom in 1867, the Protestant Evangelical Church of the confesio

augustana, established traditionally by Saxon believers, developed significant socio-cultural activities, which were however greatly hampered later, during the communist regime.

Prior to 1940, the total number of Evangelical Lutheran believers was 250,000, reunited in over 250 parishes. Following the War and subsequent developments, especially the successive waves of emigration, the number of believers dropped significantly, and the 2011 census recorded 5,399 believers (of which 53.6% ethnic Germans, 27.8% ethnic Romanians, and 14.4% ethnic Hungarians).

The organizational structure of the Church includes: the local church, the district church, and the general church. The local church (parish) is a legal entity and is governed by a General Assembly of Representatives of church communities and a Parish Council (presbyterium). It includes five church districts (deaneries): Braşov, Mediaş, Sebeş, Sibiu and Sighişoara. The district governing bodies are: the District Church Congress and the District Consistory. The district is led by a Deacon.

The parishes together form the general Church. The governing bodies are: the General Church Congress and the Supreme Consistory. The General Church Congress is made up of some 50 members of the Supreme Consistory, Deacons, and Church district curators, and clerical and lay delegations. This body is able to deal with the most important issues of the Church, including the choice of Bishop, of the General Curator, and of the members of the Supreme Consistory. The Head of the General Church is the Bishop. The Supreme Consistory is made up of a Bishop, a General Church Curator, a vicar bishop, three priests (at least two of parish priest rank) and six laymen. The Supreme Consistory administers all the problems of the Church and represents it with other religions, and with the state authorities.

6.9. Evangelical Lutheran Church of Romania

The Evangelical Lutheran Church has the same doctrine and history as the Protestant Evangelical Church of Augustan Confession, but its believers are traditionally ethnic Hungarians and Slovaks. After 1918, the Hungarian and Slovak Lutheran parishes in Greater Romania formed a distinct church from that of the Saxons, which continued to this day.

According to the 2011 census, the Evangelical Lutheran Church of Romania has 20,168 believers (some 62% ethnic Hungarians, 16% ethnic Germans, 12% ethnic Slovaks, and some 9.8% Romanians).

The Evangelical Lutheran Church is organized on the basis of a synodal-presbyterian system³⁸, with its Head, a Bishop, elected by the General Assembly of Parishes. Its supreme representative body is the Synod, whose members with voting rights are: the Episcopal and Deanery Presidia, the Supreme General Notary, the Secondary Curator and the Legal Counsellor of the circumscription. From among the three deaneries (Braşov, Cluj-Napoca and Nădlac) a further 30 persons are appointed from among the clergy and lay persons. The Synod usually meets every three years.

Between Synod sessions, executive authority is vested with the Episcopal Presbyterate, made up of the Bishop, the First Curator-General, the Deputy Bishop, the Internal Mission Minister, the principal Episcopal Counsellor, Deans, the President of the Theological Commission, the Cathetical Minister, the Diaconal Minister, and the media officer. The Episcopal Presbyterate usually meets annually.

6.10. The Unitarian Church of Transylvania

The Unitarian Church was established by the Transylvanian theologian Ferenc Dávid (1519-1579), and was officially recognized by the Diet of Turda edict granting religious freedom to the major Religions in Transylvania in 1568.

The organization of this Church is based on the synodal-presbyterial principle, holding that lay persons have an important role, that leadership is collective, and that church units are autonomous. The central governing bodies are: the Synod, the Supreme Consistory and the Church Consistory.

The Synod is made up, *ex officio*, of the Bishop, two Curators-General, and other church and lay dignitaries, as well as delegates elected from the deaneries and parishes, a total of some 250 members. They Synod meets once every three years, and has the following principal attributes: the election of the

³⁸ This is why the denomination was also known by the name Evangelical Lutheran Church S.P. (Synodal-Presbyterian).

Bishop, the ordination of priests, and the amendment of the Church's Constitution.

The Supreme Consistory is made up of elected and ex officio priests and lay persons; it meets annually in Cluj and has as its principal attribute the governance of the Church. Between Supreme Consistory sessions, the operative governance is provided by the Church Consistory, which meets every three months. The Church Presidency is made up of the Bishop, the Vicar, two Curators-General, and the Public Affairs Director. A General Assembly of Deaneries and a General Parochial Assembly provide governance at the deanery and parish levels.

At present the Unitarian Church has its central seat in Cluj-Napoca, and has 57,686 ethnic Hungarian believers according to the 2011 census. Significant communities of Unitarian believers can be found in the Counties of Cluj, Braşov, Covasna, Harghita and Mureş, organized in the 6 Deaneries of Cluj Turda, Mureş, Târnava, Cristuru Secuiesc, Trei Scaune-Alba de Sus and Odorheiul Secuiesc.

6.11. The Union of Baptist Christian Churches in Romania

Baptist Christians claim the traditions of the 15-16th century Anabaptist movements, especially the efforts of John Smith, who founded the first Baptist Church in Amsterdam in 1609. The first Baptist Church in Romania was established in 1856 in Bucharest, and Baptist believers organized under the name of the Union of Christian Baptist Communities in 1920. At present the Christian Baptist denomination in Romania has some 1,800 churches in all regions of the country and 700 pastors.

According to the 2011 census, there were 112,850 Baptist believers, of which 80% ethnic Romanians, 11% Hungarians, 7.8% Roma, and the rest of other ethnic backgrounds.

The church's governing bodies are the General Assembly, the Church Committee, and the Church Pastor, who serves as Presbyter (elder), also called a Bishop (supervisor). The Union of Christian Baptist Churches of Romania (Baptist Union) is a national representative body of the Christian Baptist denomination in Romania. The Baptist Union expresses the spiritual and

doctrinal unity of Baptist believers in Romania and represents the general interests of Baptist Churches and other component parts of the Christian Baptist Church in Romania.

6.12. Christian Church of the Gospel in Romania – Union of Christian Churches of the Gospel in Romania

The institutional organization of the Christian Community of the Gospel began in Bucharest in 1899. With state recognition as a religious association in 1933, the Christians of the Gospel were constrained by the Carol II regime to merge with the Christians of the Scripture, forming the Christian Church of the Gospel, with two branches: branch 1 (the actual Christians of the Gospel), and branch 2 (the current Romanian Evangelical Church). Later, in 1946, the Christian Church of the Gospel was recognized as a religion/faith, and the two branches split again after 1989.

As a result of the split of the two branches and the drop in the population there were 49,393 members registered according to the 1992 census, and 42,495 members in the 2011 census (of which 86.6% ethnic Romanians, 7% ethnic Roma, and 4.6% ethnic Hungarians).

The organizational structure of the Christian Church of the Gospel is local, in communities, with a maximum of 20 members (over 18). There are 678 such communities functioning throughout the country and led by presbyters (elder brothers).

The Union of Christian Churches of the Gospel is led by the National Council of Brothers. The university level Timotheus Theology Institute in Bucharest and five biblical schools are run by the Christian Church of the Gospel.

6.13. The Romanian Evangelical Church

The Romanian Evangelical Church was established around the Orthodox theologians Dumitru Cornilescu and Teodor Popescu in the 1920-1924 period. In 1926, guided by the latter, several hundred believers built the first church in Bucharest. At the request of the authorities, in order that they might be distinguished from other believers, the new Christian movement took the name of Christians of the Scripture in 1927, organized officially as an

association. Churches were established in a very short time in Ploiești, Câmpulung, Târgoviște, Rucăr, Buzău, Pitești, Bârlad and Brașov.

As a result of pressure from the political authorities, the Christians of the Scripture united temporarily in 1939 with the Christians of the Gospel. After 1990, the Romanian Evangelical believers separated from the Christians of the Gospel, forming the Romanian Evangelical Church.

The leadership for the denomination is provided by the National Council of Brothers (maximum 21 members) the Executive Bureau (3 members) and the General Assembly of Representatives. The National Council of Brothers carries out missionary activities, coordinates the activities of the denomination, including administration and finances. The Executive Bureau of the denomination, directly subordinate to the National Council of Brothers, runs the daily problems of the church and represents it with the public authorities and other institutions in the country and abroad. The General Assembly of representatives is the supreme forum that guides and controls the activities of the Romanian Evangelical Church, and is its main deliberative and representative (one representative for each 50 believers) body.

According to the 2011 census, the number of persons who declared that they belonged to the Romanian Evangelical Church was 15,514 (0.08% of the population that declared themselves as belonging to a religion), mostly ethnic Romanians (67.65%), Germans (15%)³⁹, Hungarians (9.62%) and Roma (5.61%).

6.14. Christian Pentecostal Church – Apostolic Church of God in Romania

The Christian Pentecostals take their name from one of their most important beliefs, according to which the Holy Spirit descends on believers, who acquire the gift of speaking in tongues, like the Apostles on the Pentecost. Pentecostals first appeared in the United States at the beginning of the 20th century, and the first Romanian community was recorded in 1922 in Păuliș, in Arad County.

³⁹ It is possible that the large number of ethnic Germans who declared their adherence to the Romanian Evangelical Church is due to an error in registration because of the similarity of the names of the Evangelical Church – C.A. and the Evangelical Lutheran Church of Romania.

According to the 2011 census, 362,314 persons declared themselves to be Pentecostal Union – Apostolic Church of God believers, or 1,92% of the total population. Most Pentecostals are ethnic Romanians (76.36%), followed by ethnic Roma (19.66%), Hungarians (1.77%) and Ukrainians (1.76%).

The organization of this denomination has as its basis a decentralized system, respecting the local church autonomy. The denomination has a central, collective leadership, represented by a 33-member Church Council and an Executive Committee of 9 members, with a President as its head. These bodies are elected at a General Elective Assembly, the denomination's highest governing body, which meets once every four years. There are nine regional communities that serve as intermediaries between the local churches and the central governing body, in Arad, Braşov, Bucharest, Cluj, Constanţa, Maramureş, Oltenia, Oradea, and Suceava, plus two territorial communities (functioning as regional Romanian communities) outside the borders, in Italy and Spain. One or several pastors head a local church, depending on the number of believers, with an elected committee at each church, whose members also include presbyters and deacons, subordinate to the pastor.

Pastoral training takes place at the university level at the Pentecostal Theology Institute in Bucharest and at several theological seminaries and post-secondary schools.

6.15. Seventh-Day Adventist Church in Romania

The Adventist movement initiated by the American pastor William Miller (1782-1849) and centered on the Second Coming of Jesus Christ on Earth (lat. *adventus* = coming) has been present in Romania since 1870, but only gained recognition in 1950.

The central governing body of the Church is the Union of Conferences, with six subordinate units, known as Conferences (Muntenia, Moldova, Oltenia, southern Transylvania, northern Transylvania, and Banat). The current pastoral body of the Church is made up of some 340 pastors.

According to the results of the 2011 census, the number of believers who declared themselves as belonging to the Adventist

community is 80,944, mostly ethnic Romanians (79.6%), Hungarians (9.86%), Roma (8.39%), and Ukrainians (1.6%).

Clerical personnel training is conducted in the university level Adventist Theology Institute in Cernica, and in three seminary secondary schools.

6.16. Federation of Jewish Communities in Romania – Jewish Faith

The first Jewish communities settled in the Romanian space in the 16th and 17th centuries under the protection of Romanian Princes who offered them freedom of belief, and recognition of rabbinical courts and specific educational institutions. Prince Constantin Brâncoveanu treated them like a guild, and the position of Chief Rabbi, Hahambashia, was instituted in Moldavia in 1719. The political emancipation of the Jews became a reality with the Constitution of 1923, and in 1936 the Jewish communities were unified under the name of the United Federation of Jewish Communities. Nevertheless, the end of the period between the two Wars and the Second World War years were marked by restrictions of citizen and religious rights and freedoms of the Jews, culminating in the Holocaust.

According to the statute of organization and functioning of the Jewish Faith, the confessional activity of the Jewish Minority in Romania is headed by the Federation of Jewish Communities, which includes all communities and towns in the country, with its seat in Bucharest. Of the 39 communities and towns, the most important were in Bucharest, Oradea, Cluj, Iași, Timișoara, Arad, Botoșani, Galați, Bacău, Târgu Mureș.

The local governing bodies are the General Assembly, the Governing Committee, and the Censors Commission, and the following are clerical positions:

- Chief Rabbi – the foremost religious leader;
- Grand Rabbi – the most erudite and eldest Rabbi in a locality;
 - Rabbi – a spiritual leader of Jewish believers at one or several synagogues;
 - Hakham – ensures that ritual meat meets Jewish standards;

- Chazzan (Cantor) – participates in the officiating of religious services;
- Melamed (Teacher) – leads Talmud and Torah courses;
- Mashgiach – supervises food preparation and certifies the food is kosher;
- Gabbai – a lay person who volunteers to perform various duties in connection with Torah readings at religious services;
- Dayan – Rabbinical judge;
- Baal Koreh - chants Torah from the scroll.

There are 87 temples and synagogues on the Romanian territory. Many of these have been declared historic or architectural monuments, and are protected by law (such as the Coral Temple and the Great Synagogue of Bucharest (Templul Unirea Sfântă din București), the Great Synagogue of Iași, the Temple of the fortified city of Timișoara, the Orthodox Synagogue of Oradea). The Jewish Community also has 832 cemeteries in over 600 localities, administered by the Jewish religious communities of those areas.

According to the 2011 census, the number of Jews in Romania was 3,211, of which 2,371 declared that they belong to the Jewish Faith.

6.17. Islam

The beginning of Islam in Romania is linked to the arrival of the Pechenegs and Cumans in the 11th and 12th centuries, and especially to the Turco-Tatar conquest of the Khanate of the Golden Horde in the 13th century. However, it is only in the 14th and 15th century that the first stable Muslim communities appeared, as a result of the instauration of Ottoman suzerainty over the Romanian Countries. With the takeover of Dobrogea by the Romanian state in 1877-1878, Muslim believers were organized into four muftiates, dropping to a single one in 1943, with its seat in Constanța. Muslim believers were ethnic Turks, Tatars, and Albanians, and their status as an officialy recognized religion dates back to 1928.

The religious activities of the Muslim community are led by the Mufti, elected by secret ballot from among the Imams. A synodal body, known as the Sura Islam, which meets periodically to resolve any administrative and organizational problems of the faith, and assists the Mufti.

The community is the basic unit of the Muslim religion, which includes all Muslim believers in a locality, and is governed by a committee of 5, 7 or 9 members elected for a period of four years. At present there are 78 Muslim communities throughout Constanța, Tulcea, Brăila and Galați County, and in Bucharest. There are 82 Muslim houses of worship in Romania: the Carol I Royal Mosque in Constanța, plus 78 mosques and 3 mesgids. The Muslim religion also has the concession of 108 cemeteries.

According to the 2011 census, there are 64,337 Muslim believers in Romania, making up 0.34% of the population having declared their religious affiliation; most of these are ethnic Turks (41.81%), Tatars (31.18%), Romanians (9.76%), and a significant number of persons belonging to various ethnic groups not separately registered in the census (6,906 believers, or 10.76% of the Muslim population), of which 67.27% live in Constanța County, 14.04% in Bucharest, 5.11% in Tulcea County, and the remainder in various urban centers, such as Brăila, Cluj-Napoca, Călărași, Galați, Giurgiu, Drobeta-Turnu Severin, and Ilfov County.

6.18. Jehovah's Witnesses

The first Christians belonging to the Jehovah's Witnesses⁴⁰ afaith appeared in Romania before the First World War, but the denomination remained unknown and even prohibited by the Romanian state for a long time. The Jehovah's Witnesses obtained religious association status in 1990, and were recognized as a denomination in 2003.

As a result of this legal change, the 2011 census was the first time believers of this denomination were registered officially. According to the census there were 49,280 believers, or 0.26% of the population, of which most are ethnic Romanians (72%), ethnic Hungarians (22.72%), ethnic Roma (3.65%), and ethnic Ukrainian (1.7%).

The believers are organized in congregations, and regularly hold meetings or religious services, principally Bible study. Some 20 congregations make up a constituency. The general administrative structure includes 546 congregations and 28 constituencies.

⁴⁰ This name is found primarily in the scriptural text of Isaiah 43:10 – "Ye are my witnesses, sayeth the Lord (Jehovah)".

In Romania, the activities of all congregations are overseen by a group of appointed elders who serve as spiritual leaders and coordinate the religious activities of the congregation. The organization has 364 houses of worship (known as Kingdom Halls) where religious services are held.

Religious Associations

A religious association is a legal entity religious structure, made up of at least 300 members, Romanian citizens or residents, that form an association in order to express a religious belief. The procedure for obtaining this legal status involves the registration of the religious association in the religious associations registry, determined by the court registry in the territorial constituency where the association has its seat.

To become established as a religious association it is necessary to obtain the advisory opinion of the State Secretariat for Religious Affairs, accompanied by the documentation set out by Art. 41, point (2), letters a-c, of Law no. 489/2006 and Order no. 15/12.03.2012, published in the Official Gazette no. 222 of 03.04.2012, concerning the procedure for obtaining the advisory opinion of the State Secretariat for Religious Affairs for the establishment of new religious associations or the reestablishment of existing associations.

Both associations established on the basis of Government Ordinance O.G. nr. 26/2000 on associations and foundations and newly-established associations may obtain advisory opinion.

Three days from the submission of the application and documents required by Art. 41, point (2), the judge appointed by the Court Chair will verify the legality of the religious group, and determine whether or not the group may be registered in the religious association registry. Once it is registered, the registration agreement is communicated ex officio to the local financial body in whose territory the religious association's seat is located, for tax purposes, with the religious association registry registration number.

According to the law, religious associations may be exempted from taxation for their religious activities, according to Law no. 571/2003 on the Fiscal Code, with its subsequent changes and

amendments. Religious associations may establish legal entity subsidiaries, in accordance with their statute.

The following groups have received an advisory opinion for their establishment as/transformation into religious associations:

- The Religious Association of the New Apostolic Christian Society – Romania, with its seat in Bucharest;
- The Religious Association of the Nazarene, with its seat in Arad;
- The Religious Association of the Assembly of God of Romania, with its seat in Bucharest;
- The Religious Association of the Old-Rite Orthodox Church of Romania, with its seat at the Slătioara Monastery, Suceava County;
- The Religious Association of the Seventh Day Adventists – Reformed Movement, with its seat in Făgăraș, Brașov County.
- The Religious Association of the Aletheia Christian Center, with its seat in Timișoara, Timiș County;
- The Religious Association of the Metanoia Christian Center, with its seat in Timișoara, Timiș County;
- The Religious Association of the Faith Communities of Romania, with its seat in Târgu Mureș, Mureș County;
- The Religious Association of the “Bethesda” Christian Gypsies, with its seat in Târgu Mureș, Mureș County;
- The Religious Association of the Philadelphia Apostolic, with its seat in Pâncota, Arad County;
- The Religious Association of the “Hope of Life Romania Christian Center,” with its seat in Târgoviște, Dâmbovița County;
- The Religious Association of the Apostolic “Temple of God”, with its seat in Târnăveni, Mureș County;
- The Religious Association of Christian “Emanuel”, with its seat in Deda Commune, Mureș County;
- The Religious Association of the Baha’i Communities of Romania, with its seat in Bucharest;
- The Religious Association of the “Christian Center Timișoara,” with its seat in Timișoara, Timiș County;
- The Religious Association of the Christian Pentecostal “Gospel,” with its seat in Bucharest;
- The Religious Association of the Christian Ecumenical Association, with its seat in Scornicești, Olt County;

- The Religious Association of the Apostolic “Fortress of Zion”, with its seat in Târgu Mureș, Mureș County;
- The Religious Association of the Apostolic Church of Faith in Jesus Christ IAFCJ, with its seat in Alba Iulia, Alba County;
- The Religious Association of the Christian Pentecostal Union of Churches Baptized with the Holy Spirit, with its seat in Negrești Oaș, Satu Mare County.
- The Religious Association of the International Union of Pentecostal Churches of the Roma, with its seat in Arad, Arad County.

Religious associations and foundations

Legal regulations in effect for associations and foundations that are entirely or partly religious are included in Government Ordinance no. 26/2000 regarding associations and foundations. The State Secretariat for Religious Affairs has given its approval for the establishment of over 1,000 associations and foundations, of which more than half are operating under the aegis of legally recognized religions in the country, with the approval of the State Secretariat of Religious Affairs, which allows these associations and foundations to acquire public utility status.

Religious Policy Legislation

7.1. Consolidated version of the Treaty on the Functioning of the European Union (excerpts)

Article 17

(1) The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.

(2) The Union equally respects the status under national law of philosophical and non-confessional organisations.

(3) Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

7.2 Charter of Fundamental Rights of the European Union (excerpts)

Article 10 Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

Article 14 Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their

religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Article 21 Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.

Article 22 Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

7.3. Romanian Constitution (excerpts)

Art. 4

(2) Romania is the common and indivisible homeland of all its citizens, without any discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.

Art. 6

(1) The State recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.

Art. 7

The State supports the strengthening of ties with Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic and religious identity, in keeping with legislation of the State whose citizens they are.

Art. 20

(1) Constitutional provisions concerning the rights and liberties of citizens shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, and covenants and other treaties to which Romania is a party.

(2) Where any inconsistencies exist between the covenants and treaties on the fundamental human rights which Romania is a party to and the national laws, the international regulations shall take precedence, unless the provisions in the Constitution or national laws are more favorable.

Art. 29

(1) Freedom of thought, opinion, and religious beliefs shall not be restricted in any form whatsoever. No one shall be compelled to embrace an opinion or religious belief contrary to his own convictions.

(2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.

(3) All religions are free and may organize themselves in accordance with their own statutes, under the terms laid down by the law.

(4) Any forms, means, acts or actions of religious enmity shall be prohibited in the relationships between religions.

(5) Religions are autonomous from the State and enjoy its support, including the facilitation of religious assistance in the army, hospitals, prisons, homes, and orphanages.

(6) Parents or legal guardians have the right to ensure that minor children whose responsibility devolves on them are educated according to their own convictions.

Art. 30

(1) Freedom of expression of thoughts, opinions, and beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.

(7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class, or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to decency, shall be prohibited by law.

Art. 32

(5) Education at all levels shall be organized in state, private or confessional institutions, in accordance with the law.

(7) The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religion. In public schools, religious education is organized and guaranteed by law.

Art. 39

Public meetings, demonstrations, processions, or any other form of assembly shall be free, and may be organized and held only peacefully, without arms of any kind whatsoever.

Art. 40

(1) Citizens may freely adhere to political parties, trade unions, employers' associations, and other forms of association.

(4) Secret associations are prohibited.

Art. 42

(2) Forced labor does not include:

a) activities to carry out military service, as well as activities performed in lieu thereof, in accordance with the law, for religious or conscience-related reasons;

Art. 44

(4) The nationalization or any other measures to forcibly transfer assets to public property based on the social, ethnic, religious, or political adherence of their owner, or other forms of discrimination are forbidden.

Art. 48

(1) The family is founded on the free and consensual marriage of the spouses, their full equality, as well as the right and duty of parents to ensure the upbringing, education and instruction of their children.

(2) The terms for the declaration of the dissolution or nullity of marriage shall be established by law. Religious marriage may be celebrated only after the civil marriage.

Art. 73 (1) Parliament passes constitutional, organic, and ordinary laws.

(3) Organic laws shall regulate:

s) the general statutory rules of religions.

7.4. Law 489/2006 on Religious Freedom and the General Status of Religions

Published in the Official Gazette, Part I, issue #11/08 Jan. 2007

The Parliament of Romania hereby adopts the following Law:

CHAPTER I

General Provisions

Art. 1

(1) The Romanian State observes and guarantees the fundamental right to freedom of thought, conscience and religion for any individual on Romanian territory, in conformity with the Romanian Constitution and international treaties to which Romania is a party.

(2) No one shall be prevented from or coerced into adopting an opinion or religious belief, contrary to his/her persuasion, and no one shall be subjected to any discrimination, pursued or placed in a position of inferiority on account of his/her religion or faith, his/her membership or non-membership in a religious group, association or faith, or for the exercise, according to the law, of his/her religious freedom.

Art. 2

(1) Religious freedom includes the right of every individual to have or embrace a religion or faith, to manifest it individually or collectively, in public or in private, through practices and rituals specific to that religion, including through religious education, as well as the freedom to preserve or change one's religious beliefs.

(2) The freedom to manifest one's religion or faith cannot be subject to any restrictions other than those required by law and which are necessary in a democratic society for the protection of the public safety, public order, health or morals, or for the protection of fundamental human rights and liberties.

Art. 3

(1) Parents or guardians have the exclusive right to opt for the religious education of their under-age wards, in accordance with their own convictions.

(2) The religion of a child who has turned 14 years of age cannot be changed without his/her consent; a child who has turned 16 years of age shall have the right to choose his/her own religion or faith.

Art. 4

Any person, religion, religious association or religious group in Romania shall be free to establish and maintain ecumenical and brotherly relations with other individuals, religions or religious groups and with inter-Christian and inter-religious organizations, at both national and international levels.

Art. 5

(1) Any person shall have the right to manifest his/her religious beliefs collectively, in accordance with his/her own convictions and the provisions of this Law, both within religious structures with legal entity status and within religious structures without legal entity status.

(2) The religious structures with a distinct legal entity status as regulated by this Law are religions and religious associations, and the religious structures without a distinct legal entity status are religious groups.

(3) Religious communities shall be free to choose the associative structure within which they wish to manifest their religious beliefs: religion, religious association or religious group, in observance of this Law.

(4) In their activities, religions, religious associations and religious groups are under an obligation to abide by the Romanian Constitution and laws, and to not be a threat to public safety, order, health, morals, and the fundamental human rights and freedoms.

(5) The processing of personal data concerning religious beliefs or membership in religions is hereby forbidden, except in the organization of a national census sanctioned by law, or in a situation where the concerned individual has given his/her explicit consent to this effect.

(6) It is forbidden to compel an individual to declare his/her religion in any relation with public authorities or private-law legal entities.

Art. 6

(1) A religious group is a form of association of individuals, with no legal entity status, who, without any preliminary procedure, freely adopt, share and practice the same religion.

(2) A religious association is a private-law legal entity, established according to this Law, and made up of individuals who adopt, share and practice the same religious beliefs.

(3) Under this Law, a religious association may become a recognized religion.

CHAPTER II

Section I

Relationship between the State and Religions

Art. 7

(1) The Romanian State recognizes the spiritual, educational, social-charitable, cultural and social partnership role of religions, as well as their status as factors of social peace.

(2) The Romanian State recognizes the important role of the Romanian Orthodox Church and that of other churches and faiths in Romania's national history and in the life of the Romanian society.

Art. 8

(1) Recognized religions are public-utility legal entities. They shall be organized and shall operate according to the Constitution and this Law, autonomously, according to their own by-laws or canonic codes.

(2) The component units of religions, as mentioned in their by-laws or canonic codes, provided they meet the conditions set forth therein, are also public-utility legal entities,

(3) Religions shall operate in accordance with the laws and their own by-laws and canonic codes, whose provisions are applicable only to their followers.

(4) The name of a religion may not be identical to that of another recognized religion in Romania.

Art. 9

(1) There is no State religion in Romania; the State is neutral towards any religious persuasion or atheistic ideology.

(2) Religions are equal before the law and public authorities. The State, through its authorities, shall neither promote nor support the granting of privileges or the institution of discrimination towards any religion.

(3) Public authorities shall cooperate with religions in matters of common interest and shall support their activities.

(4) The Romanian State, through its apposite public authorities, shall support spiritual-cultural and social activities carried out in other countries by religions recognized in Romania.

(5) The central public authorities may conclude partnerships with recognized religions in areas of common interest, as well as agreements for regulating certain aspects specific to the tradition of religions, and which shall be subject to approval by law.

Art. 10

(1) Expenditures for maintaining religions and their activities shall be financed primarily from their own incomes, as generated and managed according to their by-laws.

(2) Religions may institute contributions from their worshippers in order to support their activities.

(3) The State shall promote citizen support for religions through tax exemptions, and shall encourage sponsorship of religions, under the law.

(4) Upon request, the State shall support the salaries of clerical and non-clerical staff of recognized religions through contributions, based on the number of their worshippers who are Romanian citizens and based on their real needs of subsistence and activity. The State shall grant higher contributions for the salaries of the clerical personnel of low-income religious units, under the rules established by law.

(5) No one may be coerced, through administrative means or other, to contribute to the funding of a religion.

(6) Upon request, recognized religions may receive material support from the State for expenditures relating to the operation of religious units, repairs and new buildings, based on the number of worshippers as per the latest census and based on their real needs.

(7) The State shall also support the activity of recognized religions in their capacity as providers of social services.

(8) Upon request, public authorities shall grant to any individual the right to receive counseling according to his/her religious beliefs, by facilitating their access to religious assistance.

Art. 11

State support also consists in tax exemptions, stipulated by law.

Art. 12

The use of funds received from the State or local budgets and the observance of the destination of assets received as property or in use from local or central public authorities shall be subject to State control.

Art. 13

(1) Relations between religions, as well as between religious associations and groups shall be based on mutual understanding and respect.

(2) Any form, means, act or action of religious defamation and antagonism, as well as the public offense of religious symbols are forbidden in Romania.

(3) Preventing or interfering with the freedom of exercise of a religious activity carried out in accordance to the law shall be punished under the rules of criminal law.

Art. 14

(1) Every religion must have a national governing or representative body.

(2) Religious units, including subdivisions without legal entity status, shall be established and organized by religions according to their own by-laws, regulations and canonic codes.

(3) For administrative purposes, the creation of a new religious unit must be reported to the Ministry of Culture and Religious Affairs.

(4) By law, religious units recently established as legal entities may request and be granted financial support.

Art. 15

The seals and stamps used by a religion or by a local religious unit must include the official name by which the respective religion was recognized, or the acronym thereof.

Art. 16

(1) Recognized religions may use any language in the exercise of their activities. Financial and accounting records must be kept in the Romanian language.

(2) In their official relations with the authorities of the State, religions shall use the Romanian language.

Section II

Recognition of religion status

Art. 17

(1) State recognized religion status shall be awarded by Government Decision, based on a proposal by the Ministry of Culture and Religious Affairs, to religious associations that, by their activities and number of worshippers, provide guarantees of sustainability, stability, and public interest.

(2) Recognition of by-laws and canonic codes is granted provided these do not, in their contents, threaten public safety, order, health, morals, or fundamental human rights and liberties.

Art. 18

A religious association requesting recognized religion status may apply to the Ministry of Culture and Religious Affairs, and will provide the following documents:

- a) proof that it is legally established and has been operating uninterruptedly on the Romanian territory as a religious association for at least 12 years;
- b) the original membership lists containing a number of Romanian citizens resident in Romania equal to at least 0.1% of the population of Romania, according to the latest census;
- c) its own declaration of faith and statutes for organization and operation, that will include the following: name of the religion, its central and local organizational structure, its forms of governance, administration and control, its representative bodies, its manner of establishing and dismantling religious units, the status of its employees, as well as provisions specific to the respective religion.

Art. 19

(1) The Ministry of Culture and Religious Affairs shall submit the recognition documentation to the Government within 60 days of the date the application was filed, accompanied by its own consultative opinion based on the documentation on file.

(2) If the documentation is incomplete or the by-laws contain provisions that are contrary to the law, such documentation shall be sent back to the applicant, accompanied by relevant explanations, in order that this documentation may be amended or supplemented, and the completion deadline shall be extended accordingly.

Art. 20

(1) The Government shall return a justified decision for the granting or denial of the application within 60 days of receiving the consultative opinion.

(2) That Government Decision shall be published in the Official Gazette, Part I, and the law provides that this may be challenged in court.

(3) In cases where the application is denied, a religious association may repeat the process for recognition of its status of recognized religion only if it is able to produce evidence that the grounds for denial have ceased to exist.

(4) The rights and duties pertaining to fully recognized religion status may be exercised as of the date the Government Decision to grant recognition goes into effect.

Art. 21

Based on a proposal by the Ministry of Culture and Religious Affairs, the Government may withdraw the recognized religion status when that religion's activities seriously threatens public safety, order, health, morals, or fundamental human rights and liberties.

Art. 22

(1) For the purpose of obtaining full recognition, amendments and supplements to the statutes on the organization and operation or to canonic codes shall be reported to the Ministry of Culture and Religious Affairs.

(2) By law, administrative documents issued on the basis of this Section, as well as failure to issue such documents by their legal deadline may be challenged in court.

Section III

Personnel of recognized religions

Art. 23

(1) Religions elect, appoint, hire, or terminate personnel according to their own by-laws, canonic codes, or regulations.

(2) The personnel of religions may be disciplined for violating the religion's doctrinal or moral principles, based on that religion's by-laws, canonic codes, or regulations.

(3) Clerical and assimilated personnel of recognized religions may not be compelled to reveal facts entrusted to their knowledge or learned during the exercise of their functions.

(4) The exercise of a priestly function or any other function that may be presumed to include the exercise of a priestly office, without the explicit authorization or agreement from the religious structures, whether these be legal entities or not, is punishable under the provisions of criminal law.

Art. 24

(1) Employees and the insured personnel of recognized religions, whose pension trusts are part of the public social security system, shall be subject to the relevant public social security law.

(2) Employees and the insured personnel of recognized religions, who have their own private pension trusts or pension funds shall be subject to regulations adopted by the leadership of their religions, according to their by-laws and in agreement with the general principles of relevant public social security law.

Art. 25 Clerical and assimilated personnel of recognized religions, as well as monastic personnel belonging to recognized religions shall be exempt from military service.

Art. 26

(1) Recognized religions may have their own religious courts for internal disciplinary matters, according to their by-laws and internal regulations.

(2) Internal disciplinary matters are subject exclusively to by-laws and canonic regulations.

(3) The existence of such internal jurisdictional organs does not preclude the applicability of Romanian law on infractions and criminal violations.

Section IV

Assets of recognized religions

Art. 27

(1) Recognized religions and their units may own and acquire, as property or in use, movable assets and real estate, of which they may dispose according to their own by-laws.

(2) Sacred assets, namely those devoted directly and exclusively to religious rites, as established through a religion's own by-laws based on its traditions and practices, may neither be seized nor are they subject to a statute of limitations, and may be disposed of only in accordance to by-laws specific to that religion.

(3) The provisions in paragraph (2) do not affect the recovery of sacred assets having been abusively seized and forfeited by the State in the years 1940-1989, or of those taken over by the State without any title.

Art. 28

(1) Local religious units may have and maintain, alone or in association with other religions, denominational cemeteries for their worshippers. Denominational cemeteries shall be managed according to the regulations of the religion that owns these.

The denominational identity of historic cemeteries is protected by law.

(2) In localities that do not have a local public cemetery and where certain religions do not have their own cemetery, deceased members of those religions may be buried according to that religion's rites in the existing functional cemeteries.

(3) The stipulations in paragraph (2) do not apply to cemeteries belonging to the Jewish and Muslim Faiths.

(4) Local public administration authorities are under obligation to establish local public cemeteries in every village and town.

(5) Village or town cemeteries shall be organized in such manner as to include appropriate sections for every recognized religion, if so requested by the religions that operate in the respective village or town.

Art. 29

(1) By law, religions have the exclusive right to produce and sell objects and goods needed for their religious activity.

(2) The use of musical works in the activity of recognized religions shall be exempt from the dues normally owed to the copyright authorities.

Art. 30

Churches or similar assets located in other countries and owned by the Romanian State or religions may be the object of bilateral agreements signed by the Romanian State, at the request of interested parties.

Art. 31

(1) The assets that a religion acquires in any manner – contributions, donations, inheritance – as well as any other assets that become the legal property of a religion may not be subject to any subsequent claims.

(2) Individuals who leave a recognized religion may not lay claims against the assets of that religion.

(3) Asset-related disputes between recognized religions shall be settled amicably and, failing that, shall be subject to common law litigation.

(4) In the event that a religion is stripped of its recognized status, by this Law or following its dissolution, the destination of its assets shall be stipulated in its by-laws.

Section V

Education organized by recognized religions

Art. 32

(1) The teaching of religion in the public and private education system is guaranteed by law for recognized religions.

(2) By law, the personnel teaching religion in public schools shall be appointed in agreement with the religion they represent.

(3) In the event that a teacher commits serious violations of his religion's doctrine or morals, that religion may withdraw its agreement that he/she teach religion, which will lead to the termination of that person's working contract.

(4) Upon request, in the situation where the school cannot provide teachers of religion who are members of the religion of which the students are members, such students may produce evidence of studies in their respective religion provided by the religion of which they are members.

Art. 33

(1) By law, religions have the right to establish and manage educational facilities for the training of their religious staff, of religion teachers, as well as of other specialists needed in their religious activity.

(2) By law, every religion is free to establish the form, levels, numbers and curriculum for their own educational plans.

Art. 34

(1) Religions develop their own educational plans and curricula for undergraduate theological studies and the curricula for the teaching of religion. Such plans and curricula shall be submitted to the Ministry of Culture and Religious Affairs for review, and to the Ministry of Education and Research for approval.

(2) For higher education, education plans and curricula shall be developed by the educational institutions, based on agreement with the respective religions, and shall be subject to approval by the University Senates.

Art. 35

(1) By law, the teaching personnel of theological education facilities integrated in the public education system shall be recognized by the Ministry of Education and Research, based on a preliminary agreement from the relevant bodies of the respective religions.

(2) The teaching personnel of theological education facilities not integrated in the public education system shall be appointed by the relevant bodies of the religions concerned, according to their by-laws. The personnel teaching religion in schools must meet the requirements of Law no. 128/1997 on the Status of Teaching Personnel, with its subsequent amendments and changes.

Art. 36

(1) In children's institutions operated by public agencies, or by private entities or religions, religious education shall be provided to the children according to their religious belonging.

(2) In children's institutions, irrespective of their financing entity, religious education for children whose religion is not known shall only be provided based on agreement of persons in whose charge they are, according to applicable law.

Art. 37

The salaries of teaching and administrative personnel in theological educational facilities that are not part of the public education system shall be provided by the religions. Upon the request of religions, the State, through the Ministry of Culture and Religious Affairs, may provide a contribution to their salary, proportionally to the number of that religion's worshippers.

Art. 38

Diplomas and certificates of theological studies obtained in other countries shall be recognized according to applicable legal provisions.

Art. 39

(1) By law, recognized religions have the right to establish and manage religious education facilities of all levels, profiles and specialties.

(2) Diplomas for the graduates of private educational facilities of a religion shall be issued according to applicable legal provisions.

(3) By law, the State shall provide financial support for confessional education.

(4) Confessional educational facilities shall have organizational and operational autonomy, according to their standards and canons, and in observance of legal provisions applicable to the national education system.

(5) Pupils or students may enroll in confessional education, irrespective of their religion or persuasion, and they are guaranteed freedom of religious education according to their own religion of persuasion.

CHAPTER III

Religious associations

Art. 40

(1) Religious freedom may also be exercised in religious associations, which are legal entities comprised of at least 300 members, citizens of Romania or residents in Romania, who associate in order to manifest a religious belief.

(2) A religious association receives legal entity status by registering with the Religious Association Registry, which will operate in the Clerk's Office of every Trial Court in whose jurisdiction the association's head office is located.

Art. 41

(1) Any one of the members, based on a power of attorney provided by the other members, may apply for the registration of that association with the Religious Association Registry.

(2) The registration application shall be accompanied by the following documents:

a) notarized articles of incorporation, which shall include the name of the religious association – which cannot be identical or similar to that of a recognized religion or religious association – identification and signature of the members, head office, starting assets worth the equivalent of at least two national gross monthly salaries, contributed in currency or in kind by the members, as well as the first governing structures;

b) declaration of faith and statutes of the religious association, which must include: its central and local organizational structure for government, administration and supervision, manner of establishing and dismantling of local units, rights and obligations of members, main activities the association intends to undertake in order to attain its spiritual goals; other stipulations specific to that particular religious association;

c) evidence of existence of a head office and starting assets;

d) consultative opinion from the Ministry of Culture and Religious Affairs;

e) evidence from the Ministry of Justice that the chosen name is available.

Art. 42

(1) Within 3 days of applying for registration and filing the documents required under Art. 41 (2), a judge, appointed by the court's Chief Justice, shall verify their legal compliance and shall return a decision to list the association in the Religious Association Registry.

(2) Once the registration is complete, the judicial decision to that effect shall be automatically announced to the local fiscal authority that has jurisdiction over the association's head office, for tax registration, and will include the registration number given in the Religious Association Registry.

Art. 43

Religious associations may establish subsidiaries that have legal entity status, according to their by-laws, under the procedure stipulated in Art. 41 and 42.

Art. 44

(1) Religious associations shall receive tax exemptions related to their religious activity, under Law no. 571/2003 on the Tax Code, with its subsequent amendments and changes.

(2) Religious associations shall also be subject to relevant provisions of Article 10 (2), Art. 15, Art. 16 and Art. 28 of this Law.

Art. 45

A jurisdictional court of law shall rule to dissolve a religious association when that association, through its activities, poses a serious threat to public safety, order, health, morals, and the fundamental human rights and liberties, or when that religious association pursues a goal different from the one it was established for.

Art. 46

The provisions in this Article shall be in effect in conjunction with those in Government Ordinance no. 26/2000 on Associations and Foundations, as approved with amendments and changes through Law no. 246/2005.

Art. 47

(1) Existing associations, established based on the laws on associations and foundations, whose main objectives are the exercise of a religious belief, who desire to acquire the status of religious association, must file with their local Trial Court for a transformation of that association, for their being stricken from the Registry of Associations and Foundations, and for their registration in the Registry of Religious Associations at the

Clerk's Office of the same Trial Court, accompanied by the relevant documentation stipulated in Art. 41.

(2) The application must bear the signatures of the legal governing structures of the association, and must explicitly request the transformation of the original association into a religious association.

(3) The delegate-judge shall rule both on the transformation of the association and on its registration, and shall establish for how long the association has had the exercise of a religious faith as its objective.

(4) The duration of operation determined by the court shall be taken into consideration and added to the overall period of existence of the religious association with a view to the latter's acquiring recognized religion status.

Art. 48

(1) In all manner of motions and judicial action concerning the acquisition or loss of religious association status each session shall be conducted in the presence of a Prosecutor and of a representative summoned from the Ministry of Culture and Religious Affairs.

(2) Decisions or rulings returned by a court of law in cases concerning religious associations may be legally appealed within 15 days of pronouncement in court.

CHAPTER IV

Transitory and final stipulations

Art. 49

(1) As of the date this Law was enacted, there are 18 fully recognized religions in Romania, as indicated in the Appendix that constitutes an integral part of this Law.

(2) Within 12 months of the enactment of this Law, the recognized religions existing in Romania and included in the Appendix to this Law, shall submit their by-laws and canonic codes to the Ministry of Culture and Religious Affairs, in order to obtain full recognition.

(3) Recognition shall be granted through the Government Decision mechanism, based on a proposal from the Ministry of Culture and Religious Affairs, and shall be published in the Official Gazette of Romania, Part I. The provisions of Art. 17 (2) shall apply accordingly.

Art. 50

(1) Any amendment or change to this Law shall be made following preliminary consultation with the recognized religions,

and in observance of the legal regulations on decision-making transparency.

(2) The representatives of religions have the right to take part, as guests, in debates in Parliament and in those of its Committees discussing draft legislation pertaining to religious life, religious activities, confessional education, social assistance, and national heritage issues that involve the religions.

Art. 51

As of the date this Law is enacted, Decree no. 177/1948 on the General Status of Religions, published in the Official Gazette of Romania, issue #178 of 4 August 1948, as subsequently amended and changed, as well as any other provisions contrary to this Law, are herewith repealed.

Appendix

List of Recognized Religions in Romania

1. Romanian Orthodox Church
2. Serbian Orthodox Bishopric of Timișoara
3. Roman Catholic Church
4. Romanian Church United with Rome, Greek Catholic
5. Archbishopric of the Armenian Church
6. Russian Old-Rite Christian Church of Romania
7. Reformed Church of Romania
8. Evangelical Church of Romania
9. Evangelical Lutheran Church of Romania
10. Unitarian Church of Transylvania
11. Union of Christian Baptist Churches of Romania
12. Christian Church of the Gospel in Romania – Union of Christian Churches of the Gospel in Romania
13. Romanian Evangelical Church
14. Pentecostal Union – The Apostolic Church of God of Romania
15. Seventh Day Adventist Christian Church of Romania
16. Federation of Jewish Communities of Romania
17. Islam
18. Jehovah's Witnesses Religious Organization

This Law was adopted by the Parliament of Romania, in observance of provisions of Art. 75 and Art. 76 (1) of the Constitution of Romania, republished.

7.5. Government Decision H.G. no. 44/2013-02-13 concerning the Organization and Operation of the State Secretariat for Religious Affairs

Government Decision H.G. no. 44/2013-02-13 concerning the Organization and Operation of the State Secretariat for Religious Affairs

Text brought up to date based on amended normative acts, published in the Official Gazette of Romania, Part I, to 12 August 2013.

Principal Act

#B: Government Decision H.G. nr. 44/2013

Amended Acts

#M1: Government Decision H.G. nr. 587/2013

Changes and amendments by amended act are shown in italics. The normative act that is the basis of the respective change or amendment is shown ahead of each change or amendment as #M1.

#B

On the basis of Art. 108 of the Romanian Constitution, republished, and Art. 26, point (1) of Emergency Government Ordinance nr. 96/2012 concerning measures for the reorganization of central public administration and the amendment of certain normative acts, the Government of Romania adopts the following ordinance.

ART. 1

(1) The State Secretariat for Religious Affairs will be organized and will operate as a specialized central public administration body, a legal entity, subordinate to the Government and coordinated by the Prime Minister through the Prime Minister's Chancellery, financed entirely by the State Budget through the Budget of the Secretariat General of the Government.

(2) The State Secretariat for Religious Affairs draws up and provides for the implementation of a strategy and policies in the area of religious life.

(3) The State Secretariat for Religious Affairs has its headquarters in Bucharest Municipality, 40 Nicolae Filipescu Street, Sector 2.

ART. 2 As part of its activities, the State Secretariat for Religious Affairs ensures that fundamental rights and freedoms, enshrined in the republished Romanian Constitution and in Law nr. 489/2006 on Religious Freedom and the General Status of Religions, as well as the international treaties and conventions to which Romania is a

party, and is governed by the fundamental principle that religions recognized by law are free, autonomous, and equal before the state authorities.

ART. 3

The general objective of the State Secretariat for Religious Affairs is the development of a partnership between the central and local public administration authorities and religion recognized by law in social, cultural and educational areas, through the promotion of relations of respect and cooperation between religions recognized by law, for the benefit of the whole of society.

ART. 4

(1) The State Secretariat for Religious Affairs has the following attributes:

1. administers the relations of the state with all recognized religious groups and associations in Romania;
2. supports all religious groups and associations to ensure that they fully participate in the country's social and spiritual life;
3. participates in the amicable resolution of conflicts between religions and between these and religious associations, in order to prevent or eliminate any forms, means or acts of religious division.
4. monitors the application of internal and international normative acts in the area of respect for religious freedoms;
5. provides a connection between religions recognized by law and the Ministries and other central and local administration bodies, in order to ensure that the freedoms and autonomy of these religions are respected, and to prevent and eliminate any abuses, by the application of the Law;
6. reviews applications for the establishment of new religions, compiles the documentation required by law, and makes proposals to Government for their recognition;
7. issues advisory opinions prior to the granting of religious association status;
8. advises the Government on the recognition by the State of public utility status for non-governmental organizations in the area of religious life, in keeping with legal norms;
9. grants foreign missionaries the agreement notices required for the issuing long-stay visas for religious activities or for an extension of temporary stay rights for the purpose of religious activities;
10. keeps a record of and makes payments into the Unified National Health Social Insurance Fund for the monastic personnel

of religions recognized by law receiving no income from work, pensions, or other sources;

11. collaborates with the educational system, and records the educational plans and analytical programs for the teaching of religion drawn up by the legally recognized religions;

12. supports recognized religions in the organization and carrying out of activities of religious and social assistance in the army, prisons, hospitals, homes for the aged, orphanages, and other institutions, as well as for special needs families;

13. supports recognized religions in their activities to record, maintain, preserve, restore, and put to good use real estate and other cultural assets and properties belonging to these religions and/or being used by these, in keeping with applicable legislation;

14. records the election or appointment of persons due to take over leadership functions, and of the clerical and lay personnel of legally recognized religions, including those involved in theological education, who are not integrated in the public education system, in order to allocate financial support from the state budget for the payment of salaries of religious personnel, in accordance with the law;

15. keeps a record of the religious units of recognized religions that are requesting assistance for paying the salaries of their clerical staff;

16. initiates foreign affairs activities with similar state institutions in other countries and with international non-governmental organizations that promote and guarantee the respect of religious freedom and of other fundamental human rights, and participates in activities by these organized;

17. draws up studies and documentary syntheses on religious life in Romania, as well as on the activities of faith and religious communities in other countries; invites national and international experts for debates it organizes on the theory and secular and ecclesiastical practices in this domains.

18. manages public financial resources allocated for the supplementing of funds needed for the salaries of clerical personnel, based on legal provisions;

19. provides financial assistance, according to the laws, for:

a) construction work, based on technical and economic approval in keeping with legislation in effect, and repairs of houses of worship belonging to recognized religions;

b) the restoration and conservation of houses of worship that have been designated as historic monuments and that belong to recognized religions;

c) the restoration and conservation of assets that are part of the national cultural heritage belonging to recognized religions;

d) supplementing their funds, when required for the upkeep and operation of religious units with low or no income;

e) the furnishing and upkeep of museums owned by or administered by religious units;

f) the acquisition of buildings needed by religious units to carry out their activities, including social and medical assistance;

g) supporting social and medical assistance activities organized by legally recognized religions in hospitals, orphanages, homes for the elderly, and other forms of assistance;

h) supporting national and international activities carried out by legally recognized religions;

i) building, furnishing, and repairing buildings due to become establishments for social and medical assistance;

j) construction and repair of administrative headquarters of eparchies or religious centers;

k) construction and repair of theological education institutional headquarters owned by recognized religions;

20. controls the way in which funds received by religions from the State Budget are used, in accordance with specific appropriation and in keeping with legal provisions;

21. supports religions, upon request, in the organization of their accounting and statistics, in accordance with specialized legislation, ensuring their collaboration with competent institutions.

(2) The State Secretariat for Religious Affairs also carries out other attributes stipulated by law, as well as tasks assigned by the Prime Minister.

ART. 5

The State Secretariat for Religious Affairs promotes the development and implementation of laws and governmental strategies relating to religious life; it approves proposed normative acts having a potential impact on religious life issued by other governmental and administrative bodies.

ART. 6

(1) The direction of the State Secretariat for Religious Affairs is provided by a Secretary of State, appointed by decision of the Prime Minister.

(2) The Secretary of State is a tertiary authorizing officer.

(3) The Secretary of State runs the entire activity of the State Secretariat for Religious Affairs and represents it in relation to other ministries, other public authorities and organizations, and to other individuals and legal entities in the country and abroad.

4) The Secretary of State may issue orders, opinions, and instructions, as part of his attributes.

ART. 7

The staff needed to carry out the activities of the State Secretariat for Religious Affairs is made up of civil servants and contracted staff, appointed and/or hired according to legal provisions. The maximum number of staff is stipulated in Art. 10, point (1).

ART. 8

Financing for the activities of the State Secretariat for Religious Affairs comes from the state budget, through the budget of the Secretary General of the Government.

ART. 9

The transfer of patrimonial responsibilities pertaining to the area of religious affairs will be accomplished based on a protocol between the Secretary General of the Government, the Ministry of Culture, and the State Secretariat for Religious Affairs within 15 days of the present decision going into effect.

#M1ART. 10

(1) The maximum number of positions approved for its own apparatus is 29, excluding the dignitary and his cabinet.

#B

(2) The organizational structure of the State Secretariat for Religious Affairs is included in an annex which is an integral part of this decision.

(3) The means for functioning, the detailed organizational structure, and its own organizational and operational regulations will be approved by order of the Secretary of State.

ART. 11

The hiring of staff as per the maximum number of positions in the new organizational structure is effected in compliance with the legal regime applicable to each category of staff, by order of the Secretary of State, within 45 days of this ordinance going into effect.

ART. 12

As of the date that this ordinance goes into effect, Government Decision no. 22/2010 on the organization and operation of the State Secretariat for Religious Affairs, published in the Official Gazette of Romania, Part I, nr. 17 of 11 January 2010, with subsequent changes and amendments, is abrogated.

#CIN

NOTE:

Hereunder are provisions of Art. II of Government Decision no. 587/2013 (#M1).

#M1

„ART. II

The hiring of staff as per the maximum number of positions in the new organizational structure is effected in compliance with the legal regime applicable to each category of staff, by order of the Secretary of State, within 30 days of this decision going into effect.

#M1

ANNEX 1*)

*) This annex is reproduced as a facsimile.

ORGANIZATIONAL STRUCTURE of the State Secretariat for Religious Affairs

Maximum number of positions: 29
excluding the dignitary and his cabinet

Annex 1 *Situation of the amounts allocated from the State Budget for the salaries of the personnel of religious units and for the construction and repair of houses of worship and other activities carried out by religions in 1990-2014 lei⁴¹*

YEAR	TOTAL	Out of which:	
		Salaries	Constructions and repairs
1990	16,814	15,694	1,120
1991	32,661	29,231	3,430
1992	141,008	118,338	22,670
1993	629,370	575,35	54,020
1994	2,002,697	1,731,167	271,530
1995	2,705,743	2,290,452	415,291
1996	4,165,736	2,997,036	1,168,700
1997	8,809,587	7,369,437	1,440,150
1998	10,947,815	8,347,875	2,599,940
1999	26,256,196	17,188,236	9,067,960
2000	68,434,671	40,447,371	27,987,300
2001	84,285,809	67,693,308	16,592,500
2002*	62,630,921	51,181,321	11,449,600
2003	94,994,803	69,316,363	25,678,440
2004	108,881,385	90,751,585	18,129,800
2005	141,890,789	111,122,500	30,768,289
2006	178,484,990	132,502,990	45,982,000
2007	314,729,598	151,298,543	163,431,055
2008	351,373,638	83,949,388	267,424,250
2009	367,700,856	261,451,356	106,249,500
2010	311,111,738	227,312,238	83,799,500
2011	310,653,100	224,846,035	85,807,065
2012	301,781,209	237,517,209	64,264,000
2013	331,145,838	261,943,338	69,202,500
2014	411,488,695	263,338,695	148,150,000
TOTAL	3,495,295,667	2,315,335,056	1,179,960,610

⁴¹ Not adjusted with inflation.

* As of 2002, according to provisions in Government Ordinance nr. 82/2001 payments for non-clerical staff are paid from local budgets.

Annex 2 *Distribution of funds for salaries, by religion, in 2010-2014*
– total amounts (lei)–

RELIGION/FAITH	2010	2011	2012	2013	2014
Orthodox	187,321,196	185,420,634	195,897,154	216,156,469	219,255,119
Reformed Church	11,574,630	11,418,549	12,025,755	13,227,527	13,254,233
Roman Catholic	11,410,736	11,279,078	11,881,566	13,059,817	13,198,197
Greek-Catholic	7,786,791	7,620,098	8,057,824	8,887,013	8,928,511
Pentecostal	2,403,246	2,371,116	2,494,813	2,745,938	2,807,613
Unitarian	1,685,256	1,662,612	1,751,533	1,926,132	1,939,893
Old Believer	966,276	952,992	1,003,963	1,096,731	1,101,650
Islam	818,007	808,116	848,688	922,402	930,252
Christians acc. to the Gospel	814,229	802,330	845,321	936,438	951,618
Evangelical - Lutheran	694,443	703,527	774,678	842,380	886,860
Evangelical C.A.	644,207	661,445	689,220	746,882	794,565
Serbian Orthodox	638,177	629,628	663,273	729,421	724,566
Evangelical Church	252,888	249,420	262,746	289,006	180,726
Armenian	168,658	159,054	212,600	258,281	281,640
Judaism	133,498	107,436	108,075	118,901	117,732
TOTAL	227,312,238	224,846,035	237,517,209	261,943,338	265,353,175

Annex 3 *Number of positions for which state budget salary contributions were allocated, in proportion of 65% or 80% (lower income units); distribution by religion, 2010-2014*

RELIGION/FAITH	2010		2011		2012		2013		2014		total positions annex III
	65%	80%	65%	80%	65%	80%	65%	80%	65%	80%	
Orthodox	8,971	3,784	12,755	3,828	8,927	3,830	12,755	3,830	8,925	3,830	12,765
Serbian Orthodox	30	12	42	12	30	12	42	30	30	12	42
Roman Catholic	513	174	687	490	490	201	687	486	486	201	689
Greek-Catholic	309	133	442	309	309	133	442	308	308	134	442
Reformed Church	530	226	756	226	530	226	756	530	529	227	756
Old Believer	35	16	51	16	35	16	51	35	36	16	52
Islam	39	16	55	16	39	16	55	39	39	16	55
Armenian	3	1	4	1	3	1	4	3	3	1	4
Evangelical C.A.	42	0	42	0	42	0	42	42	42	0	42
Evangelical - Lutheran	30	14	44	14	30	14	44	30	30	14	44
Unitarian	74	31	105	31	74	31	105	74	74	31	105
Judaism	1	0	1	0	1	0	1	1	1	0	1
Evangelical Church	7	2	9	2	7	2	9	7	7	2	9
Pentecostal	125	54	179	54	125	54	179	125	135	54	189
Christians acc. to the Gospel	39	16	55	16	39	15	55	38	38	17	55
TOTAL	10,748	4,479	15,227	4,546	10,681	4,551	15,227	10,673	10,695	4,555	15,250

This book was put together on the basis of legislation in effect for religions/faiths, of data from censuses and data available to the State Secretariat for Religious Affairs, as well as other sources, with the assistance of the National Institute of Statistics (Chapter 3), the National Authority for the Restitution of Properties, and the Romanian Embassies in European Union countries.

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Translator's Notes

There are terms in the Romanian language, which are widely used in this book, that present a challenge for translators. For example, the Romanian word “cult”, which is part of the name of the institution that prepared and published this book, Secretariatul de Stat pentru Culte, is often translated into English with the cognate “cult.” While the word in both languages does have a religious meaning, in English “cult” has a pejorative sense, and it would not be proper for it to be used in the English name of this institution. For this reason the Romanian word “cult,” which also appears in other contexts throughout the text, is translated “religious affairs” in the name of the institution, and as “religion” and/or “faith” in other instances.

The expression “lăcaș de cult,” which originally comes from a popular expression “a da cuiva locaș,” which is defined as “to receive someone in the house; to offer refuge, to host someone,” is now also used to refer to a holy building, such as “lăcaș sfânt” [literally “holy house” or “lăcaș dumnezeiesc” [“house of God”]]. It would normally be used to designate a church, but can also refer to the church-like buildings in other religions or faiths, such as mosques or temples. Because in English the word church is defined as “a building used for public Christian worship”, the term “lăcaș de cult” is translated in this text as “house of worship”, regardless of the religion or faith to which it refers.

In some earlier English translations of official documents, such as Law no. 489/2006, the term “culte” has been translated as “Religions.” Since the word “denomination” is defined as “a recognized autonomous branch of the Christian Church” and its use in these documents does not refer exclusively to the autonomous branches of the Christian Church, it is translated in this book as religions and/or faiths, except in the final section where the official translations have been reproduced in their original form.