

Delegation of Romania

ENGLISH only

**OSCE CONFERENCE ON TOLERANCE AND THE FIGHT
AGAINST RACISM, XENOPHOBIA AND DISCRIMINATION
(Brussels, 13-14 September 2004)**

**Session I – Legislative and institutional mechanisms and governmental
action, including law enforcement**

STATEMENT

Thank you moderator,

Ladies and gentlemen,

Two years ago I had an intervention to announce that the National Council for Combating Discrimination was established in Romania as a specialized body to prevent and combat discrimination deeds. That opportunity was given by the ODIHR annual meeting in Warsaw. At those times, the institution was a very young, new-born institution, without experience, without case-law and I was thinking about all these challenges especially taking into account that it was a new area in my country.

Now, I can say that our institution works well and our initiatives regarding the legislation, institutional framework and practice are very much in accordance with the European trends, Durban action plan and, of course, with the OSCE recommendations.

Mr moderator,

Considering the limited time for this intervention, please allow me to present, briefly, the present situation in Romania in the field of anti-discrimination.

As I told you, we took some actions on the legislative framework so that now our anti-discrimination law has the following guidelines:

- 15 grounds of discrimination are covered, including race, nationality, religion, disability, gender, age, sexual orientation;

- Both, direct and indirect discrimination are sanctioned through our legal provisions as well as instruction to discriminate, harassment and victimization;
- Affirmative measures are also provided by law;
- Discrimination deeds are sanctioned in five main fields such as employment area, access to goods and services, right to education, freedom of movement and right to personal dignity;
- Main tasks of our Council are provided by law including the independence of activity, the role of mediator, the role of investigator and provider of specialized consultancy for persons discriminated against;
- Also, there are provisions for contraventional sanctions imposed by the Council and after compensations for victims in civil courts.

Regarding the institutional aspects I can say now that we are in the final phase of institutional building in this field and I am proud to tell you that the final developments are going to be achieved through a twinning project with our colleagues from The Netherlands.

Concerning the Council's practice, it is structured in two main areas: sanctions and prevention. So far, in two years, we have sanctioned up to 50 discrimination cases by imposing fines or warnings. 10 discrimination cases have been successfully mediated, 80% out of these being on religious ground. Over 100 independent investigations have been carried out during this period of time. Part of our decisions has been challenged in courts but, so far there is no court decision against ours.

In the field of prevention, there are three main directions of activity all focused of the cooperation with civil society, social partners, universities and public institutions. In April last year, we invited representants of civil society and social partners to join the new created National Alliance against Discrimination, an open-ended forum of debates in the field of anti-discrimination. The main tasks of the Alliance are to elaborate recommendations in this field and to assist the Council to implement the National Action Plan to Combat Discrimination without excluding other NGO's outside the Alliance . So far, 81 NGO's and Trade Unions have joined the Alliance.

At the academic level, we started to implement an ambitious project in order to create research centers in Universities to train the students as future specialists in the field of non-discrimination, to develop them into think-tanks and to carry out regional and international research projects.

Recognizing both the experience and expertise of different bodies in certain fields, the Council has initiated protocols of collaboration with some ministries and public institutions, in order to support themselves and to cooperate in organizing activities for the prevention of discrimination.

All these initiatives are now very much connected with the implementation of the National Action Plan to Combat Discrimination, a complex strategy approved by the Government three weeks ago.

The strategic objectives of the National Action Plan are:

- to elaborate specific strategies for different categories of persons subjected to discrimination
- to ensure the respect of legal regulations in force
- to optimize the legislative and institutional framework
- the education for the respect of non-discrimination, diversity, human rights and fundamental values
- to promote informing actions in the field
- to collaborate with national and international governmental and non-governmental organisms
- to substantiate the activity on social research
- to ensure the transparency of actions in the field.

Mr moderator,

For sure, this intervention was not meant to suggest that we hold a perfect record of non-discrimination practices in Romania. There are also challenges to be met in the future. However, we are committed to follow this path, to improve our procedures and activities and to be open to collaborate both at regional and international level, because there is a lot of experience and expertise to be identified, shared and adapted to national realities.

Thank you!