

**Statement by Mr. Christian JURA,
President of the National Council for Combating Discrimination,
at the OSCE Conference on Racism, Xenophobia and Discrimination
- Vienna, 4-5 September -
Working Session 1**

Mr. President,
Ladies and Gentlemen,

It is a pleasure for me to address my warmest thoughts to the participants at this conference.

The Legislative framework in the field of anti-discrimination is very generous in Romania. Romanian law covers 14 grounds of discrimination which makes it the most comprehensive law across Europe. These grounds are:

- Race
- Nationality
- Ethnicity
- Language
- Religion
- Social status
- Beliefs
- Gender
- Sexual orientation
- Disability
- HIV/AIDS
- Chronic non-infectious diseases infections
- Refugees
- Asylum seeker

In the same time, there are specific provisions into the law regarding the fields of discrimination. Law provisions sanction discrimination in fields as:

- Equality in the economic activity, in terms of employment and profession
- Access to legal, administrative and health public services, to other services, goods and facilities
- Access to education
- Freedom of movement, choice of residence and access to public places
- The right to personal dignity.

Also, the law provides that all discrimination deeds are considered offences and they are sanctioned by the National Council for Combating Discrimination with variable fines decided according to the perpetrators and the impact of that discrimination deed. From this point of view, The Council is a unique structure among all similar bodies across Europe according to our information.

In order to ensure a full transposition of the provisions of the Communautaire Acquis in the field of anti-discrimination (EU Directives 43/2000/EC and 78/2000/EC) the Government approved at the end of August, Ordinance no.77/2003 for amending the G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination. Under this new document, a full implementation of the Communautaire Acquis is accomplished. The amendments concern:

- The definition of indirect discrimination;
- The definition and sanction of the multiple discrimination;
- The definition and sanction of victimization;
- Introduction of mediation as a way to combat discrimination deeds;
- Establishment of minimal standards;
- Establishment by law of the principle of independence regarding the activity of National Council for Combating Discrimination;
- Assistance to persons discriminated against;
- The abolishment of the provisions contrary to the principle of equal treatment.

Obviously, the documents and recommendations adopted by OSCE were taken into account when this Ordinance was drafted.

As I've mentioned, the National Council for Combating Discrimination is the body entitled to enforce the provisions of anti/discrimination legislation in Romania. The Council is a governmental specialised body created under the 13 chapter of Race Directive. Its purposes are to promote special measures, affirmative actions to combat discrimination, the mediation of conflicts caused by a discriminatory action and, to sanction, directly, by contravention fines, discrimination deeds. There are 33 cases of discrimination sanctioned by the Council so far.

Also, the Council offers specialised assistance for discriminated persons. There are 250 persons so far who benefitted by our services.

In exercise of its functions, The National Council for Combating Discrimination, independently carries out its activity, without any influence from public authorities or institutions. Its independence resides from this certain facts:

- the Council's budget is projected until 2006 as a task resulted from the National Programme for Accession into the EU and for the implementation of the National Plan for Combating Discrimination
- the National Council can apply contravention sanctions even to the central and local public administration's authorities
- the recruitment of its personnel has made by the Council itself
- the members of the Steering Board are appointed for a period of 7 years and the procedure for changing them is very complicated art 5 paragraph (7) – G.D. no 1194/2001
- by law, some of Council's functions can be established by the Parliament art. 2 paragraph (2) – G.D. no 1194/2001
- most of the Council's activities are focused on the relation with the Trade Unions, the Employers and NGO's.

Our activity, in the past few months, focused on three main directions:

1. Cooperation

To ensure a good cooperation with the Civil Society and social partners, the National Council for Combating Discrimination launched the initiative named the National Alliance against Discrimination as an open-ended forum for debates, established in April 2003, composed of NGOs, social partners and NCCD (47 members at the moment) and observers from UE Delegation, Ministry of Integration, Ministry of Foreign Affairs, UNHCR and UNICEF;

At the Universities' level, the Council intends to create research units on discrimination within universities, to use universities as think-tanks, to train students and professors, to disseminate information – 10 universities have confirmed their participation so far.

Considering the large expertise of certain NGO's, the National Council for Combating Discrimination intends to sign protocols of representation at local level with local active NGO's in every county.

2. National Campaigns

Following the monitoring activity a big number of discriminatory job offers has been noticed. Therefore, the Steering Board of the National Council for Combating Discrimination adopted the Guidelines no.1/2003 concerning the obligations of employers and the representatives thereof, as well as of the authors and makers of publicity announcements and their representatives, with respect to conditioning employee positions in announcements and/or competitions and the publication of such announcements. Based on the provisions of the legislation and this document as well, the Council carried out a sanctioning campaign against newspapers which had published discriminatory job offers. 7 newspapers were sanctioned with warnings.

In order to increase the employers' awareness on the principle of non-discrimination, the National Council for Combating Discrimination has launched, during July, the national campaign „Give a chance, give yourself a chance”. This campaign consists in distribution of leaflets containing the basic principles on combating discrimination in employment area. As the collaboration with the National Agency for Employment goes well, the next phase of the Campaign will be carried in cooperation with this institution.

Protocols of collaboration

As to the cooperation protocols with public institutions, the National Council for Combating Discrimination has agreed such protocols with the National Agency for Employment, Ministry of Culture and Cults and the National Agency for Sport.

Thank you for attention.