



## NEWS REPORT

**Date:** 7 July 2010  
**Expert:** IORDACHE, Romanița  
**Title:** Craiova Court of Appeal maintains the decision of the lower court sanctioning discrimination against a Roma pupil by a teacher and raises the civil damages to EUR 10,000  
**Country:** Romania

### Context

**Issue at stake:** Moral damages awarded in a case where a Roma girl was denied access to public education  
**Ground of discrimination:** Racial/ethnic origin  
**Source:** Judicial decision, File 8011/101/2009 of Curtea de Apel Craiova, decided on 19 May 2010.  
**Field:** Education

### Content

**Case development:** During the spring of 2007, the plaintiff, a young Roma girl, was placed by her father into a new school due to family reasons. The defendant, a teacher at the school, refused to let the pupil attend classes with the result that she could not go to school for a couple of weeks. Only an intervention of the local school inspectorate and of the local media allowed the pupil to return to school. The father filed a criminal complaint to court, including a request for damages on grounds of the tort clauses of the Civil Code (Article 998, 999 and 1000), as well as a complaint with the national Equality body. Within the criminal investigation, the Prosecutor of Judecătoria Strehăia imposed a RON 100 (approx. EUR 25) administrative fine for abuse in service damaging the individual interest pursuant to Article 246 of the Criminal Code. The Court of First Instance (*Judecătoria Strehăia*) decided in January 2009 in favour of the plaintiff but raised the fine to RON 1500 (approx. EUR 360) for the moral damage suffered that both the defendant and the local school inspectorate had to pay. The plaintiff



as well as the defendants filed an appeal. The Mehedinti Tribunal as Court of Second Instance increased the amount to EUR 5000 in February 2010.

**Decision of the Court:** The Court of Appeal Craiova decided to apply to the case the provisions of the Anti-discrimination Law in conjunction with the general provisions of the Civil Code and found that an unlawful act occurred as shown by the the pupil access into the classroom's denial and the offending language used by the teacher in addressing the pupil. This situation led to infringing the right to education of the plaintiff and to correlated damages. The Court held that the quantum of damages must be reasonably proportionate to the damage caused to the infringed right. In addition, the trauma caused to the minor by her marginalisation and rejection as well as the fact that due to the teacher's behaviour, the educational process had been severely hindered, justify higher damages. Consequently, the Court of Appeal awarded EUR 10,000 to the plaintiff. The decision is final and irrevocable.

**Internet link source and additional information:** Not available online. A scanned decision is available with the author.