



NEWS REPORT

Date:	29 December 2011
Expert:	Romanița Iordache
Title:	The Romanian national equality body sanctions mayor of Baia Mare for raising a segregating wall
Country:	Romania
Context	
Issue at stake:	In a case started ex officio against the mayor of Baia Mare city who ordered a segregating wall to be erected, the NCCD issues an unprecedented fine
Ground of discrimination:	Roma
Source:	Decision of the National Council for Combating Discrimination No. 439 from 15.11.2011 in file no. 4A/2011
Field:	All
Legislative provisions:	Art.2(5) and Art. 15 of the Governmental Ordinance 137/2000 for preventing and sanctioning all forms of discrimination

Content

Legal development: In July 2012, the erection of a wall of height of 1.8 -2 meters and long of approximately 100 meters between a Roma neighbourhood and the main road in the northern Romanian city Baia Mare has led human rights groups to accuse the mayor Cătălin Cherecheș of trying to set up a ghetto. In response, the mayor claimed that the wall was designed to prevent traffic accidents and carried on with his plans in spite of wide media outcry and a field visit and press releases issued by the president of the national equality body who went to Baia Mare in early July when the first statements regarding the separation wall were made. The NCCD started an investigation ex officio and soon petitions were filed also by the NGO Centrul Creștin al Romilor as well as by the Ministry of Regional Development and Tourism (Ministerul Dezvoltării Regionale și Turismului).

In its decision 439 from 15.11.2011, the NCCD discussed the impact of segregation for a community and sanctioned it as harassment provided for by Article 2(5) of the Anti-discrimination Law in conjunction with Article 15

on the infringement of human dignity. In rebutting the allegations of the defendant who claimed that the erection of the wall was necessary due to public safety concerns, the NCCD looked at the objective and reasonable justification, the legitimacy of the scope as well as at the proportionality of the measure issued.

The NCCD noticed that based on the information provided by the local police, the particular area of Horea Street is not the place with the highest rate of traffic accidents in the city and that the justification cannot be accepted as objective; even if the scope (avoiding accidents) is a legitimate one, the method is not adequate (as there are quite a number of adequate measures for reducing the number of traffic accidents, such as reducing the speed of automobiles by inserting bumpers).

Decision: The NCCD decided that the erection of a separating concrete wall between the area with social housing predominantly occupied by Roma and the rest of the neighbourhood “is a very serious deed which negatively affects the life of the entire Roma community.” Subsequently, the NCCD decided to impose a fine of RON 6,000 (approx. €1,500) and to recommend the demolishing of the concrete wall.

Internet link source and additional information: Decision of the National Council for Combating Discrimination available in Romanian.