

ORDINANCE No 137/2000
ON PREVENTING AND SANCTIONING ALL FORMS OF DISCRIMINATION
- Republished-*

CHAPTER I
Principles and Definitions

Art. 1. - (1) In Romania, as a democratic and social state governed by the rule of law, human dignity, citizens' rights and freedoms, free development of human personality represent supreme values and shall be guaranteed.

(2) The principle of equality among citizens, the elimination of all privileges and discrimination shall be guaranteed, in particular with regard to the exercise of the following rights:

- a) the right to equal treatment before courts and any other jurisdictional bodies;
- b) the right to personal security and to be granted state protection against violence and mistreatment perpetrated by any individual, group or institution;
- c) political rights, namely electoral rights, the right to take part in public life and the right to access to public positions;
- d) other civil rights, in particular:
 - i) the right to freedom of movement and of choosing one's residence;
 - ii) the right to leave and return to one's country;
 - iii) the right to obtain the Romanian citizenship;
 - iv) the right to marry and to choose one's partner;
 - v) the right to property;
 - vi) the right to inheritance;
 - vii) the right to freedom of thought, conscience and religion;
 - viii) the right to freedom of expression and opinion;
 - ix) the right to freedom of peaceful meeting and association;
 - (x) the right to file a petition.
- e) economic, social and cultural rights, in particular:

* Unofficial translation from Romanian language

- i) the right to work, to freely choose an occupation, to fair and satisfactory working conditions, to protection against unemployment, to equal pay for equal work, to fair and satisfactory wages;
 - ii) the right to establish and to join trade unions;
 - iii) the right to housing;
 - iv) the right to health, medical assistance, social security and social services;
 - v) the right to education and to professional training;
 - vi) the right to take part in cultural activities in conditions of equality;
- f) the right of access to all public places and services.

(3) The exercise of the rights provided by present article regards the persons found in comparable situations.

(4) Any natural and legal entity shall be under the obligation to comply with the principles provided under paragraph (2).

Art. 2. - (1) In accordance with the ordinance herein, discrimination encompasses any difference, exclusion, restriction or preference based on race, nationality, ethnicity, language, religion, social category, beliefs, sex or sexual orientation, age, handicap, non contagious chronic disease, HIV infection, belonging to a disfavoured category, as well as any other criterion aiming to or resulting in the restriction or elimination of the recognition, use or exercise, in conditions of equality, of human rights and fundamental liberties or of rights granted by law in the political, economic, social and cultural field or in any other domains of public life

(2) The instruction to discriminate a person on any ground provided by paragraph (1) is considered to be discrimination in accordance with the ordinance herein.

(3) In accordance with the ordinance herein, the provisions, criteria and practices apparently neutral that disadvantages certain persons toward other persons, on the ground of criteria provided under paragraph (1) are considered to be discriminatory, excepting the case when these provisions, criteria and practices are objectively justified by a legitimate aim and the ways of reaching that aim are adequately and necessary.

(4) Any active or passive behaviour that generates effects liable to favour or disadvantage, in an unjustified manner, a person, a group of persons or a community, or that subjects them to an unjust or degrading treatment, in comparison to other persons, groups of persons or

communities, shall trigger contraventional liability, unless it falls under the incidence of criminal law.

(5) Any behaviour that on the ground of race, nationality, ethnicity, language, religion, social category, beliefs, sex or sexual orientation, belonging to a disfavoured category, age, handicap, refugee or asylum seeker status any other criterion aiming to create a humiliating, hostile, degrading or offending atmosphere constitute harassment and it's contraventionally sanctioned.

(6) Any difference, exclusion, restriction or preference based on two or more criteria provided under the paragraph (1) constitutes aggravating circumstance to the establishment of the contraventional liability unless one or more of its components does not fall under the incidence of criminal law.

(7) In accordance with the ordinance herein, any adverse treatment as a reaction to a petition or a case law regarding the infringement of non-discrimination and equal treatment principle constitutes harassment and it's contraventionally sanctioned.

(8) The provisions of the present ordinance can not be interpreted as a restraint of the right to freedom of expression and opinion and the right to information.

(9) Measures taken by public authorities or by legal entities under private law in favour of a person, a group of persons or a community, aiming to ensure their natural development and the effective achievement of their right to equal opportunities as opposed to other persons, groups of persons or communities, as well as positive measures aiming to protect disfavoured groups, shall not be regarded as discrimination under the ordinance herein.

(10) In accordance with the ordinance herein, the elimination of all forms of discrimination shall be achieved by means of:

a) prevention of any discrimination deeds, by the establishment of special measures, including positive measures, aiming to protect disfavoured persons when they do not enjoy equal opportunities;

b) mediation, by solving on amiable terms the conflicts resulting from the commitment of a discrimination act/deed;

c) sanction of the discriminatory behaviour provided under paragraphs (1)-(7).

(11) The discriminatory behaviour provided under the paragraphs (1)-(7) shall trigger contraventional, civil or penal liability according to the law in force.

Art. 3. - The provisions of the ordinance herein shall be applicable to all public and private natural or legal entities as well as to public institutions with competencies in the following fields:

- a) employment conditions, conditions and criteria of recruitment and selection, criteria for promotion, access to all forms and levels of professional orientation, formation and improvement;
- b) social protection and social security;
- c) public services or other services, access to goods and facilities;
- d) the education system;
- e) enforcement of public peace and order;
- g) any other domains of the social life.

Art. 4. - In the sense of the ordinance herein, “disfavoured category” is the category of persons that is either placed in a position of inequality as opposed to the majority of citizens due to their social origin or is facing rejection and marginalization.

CHAPTER II

Special Provisions

Section I

Equality in the economic activity, in terms of employment and profession

Art. 5.- In accordance with the ordinance herein, conditioning the participation of a person in an economic activity or his free choice and exercise of a profession on his belonging to a race, nationality, ethnicity, religion, social category, on his beliefs, sex or sexual orientation, age or his belonging to a disfavoured category shall constitute contravention.

Art. 6. – In accordance with the ordinance herein, discrimination of a person on account of race, nationality, ethnicity, religion, social or disfavoured category respectively on account of beliefs, sex or sexual orientation of that person in a labour and social protection relation, except for the cases provided by law, with respect to:

- a) the conclusion, suspension, modification or cease of the labour relation;

- b) the establishment and modification of job-related duties, of the work place or of the wages;
- c) the granting of social rights other than the wages;
- d) the professional training, improvement, conversion or promotion;
- e) The enforcement of disciplinary measures;
- f) The right to join a trade union and to access to the facilities it ensures;
- g) Any other conditions related to the carry out of a job, in accordance with the law in force.

Art. 7. - (1) In accordance with the ordinance herein, the refusal of any legal or natural entity to hire a person on account of the applicant's race, nationality, ethnicity, religion, social or disfavoured category, beliefs, sex or sexual orientation shall constitute contravention, excepting for the cases provided by law.

(2) In accordance with the ordinance herein, conditioning the filling in of a position in any job advertisement or contest by the employer or employer's representative, on account of the applicant's race, nationality, ethnicity, religion, social or disfavoured age, sex or sexual orientation or beliefs, shall constitute contravention, except for the situation provided under Art. 2 paragraph (9).

(3) Natural or legal entities involved in mediating and distributing work places shall ensure the equal treatment of all applicants, their free and equal access to opportunities to consult the supply and demand of the labour market, to consulting on opportunities to obtain a job or a qualification, and shall refuse to support the employers' discriminatory requirements. All information related to the race, nationality, ethnicity sex or sexual orientation of applicants for a job or any other private information shall be confidential.

Art. 8. - Discrimination committed by employers against their employees, with regard to the social facilities granted on account of the employees' belonging to a race, nationality, ethnic group, religion, social or disfavoured category, age, sex or sexual orientation or beliefs shall constitute contravention.

Art. 9. - None of the provisions of articles 5-8 shall be interpreted as a restriction of the employer's right to refuse to hire a person that does not comply with the usual requirements and standards in the field, as long as the refusal does not constitute an act of discrimination under the ordinance herein and the measures are objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Section II

Access to legal, administrative and health public services, to other services, goods and facilities

Art. 10. - In accordance with the ordinance herein, discrimination of a natural person, a group of persons or a legal entity, on account of their belonging or the belonging of their management to a race, nationality, ethnic group, religion, social or disfavoured category, on account of their beliefs, sex or sexual orientation, shall constitute contravention, if the deed does not fall under the incidence of criminal law, by means of:

- a) refusal to grant administrative and juridical public services;
- b) denying the access of a person or group of persons to health public services – choice of a family doctor, medical assistance, health insurance, first aid or other health services;
- c) refusal to sell or rent a plot of land or building for housing purposes, excepting the situation when this restraint is objectively justified by a legitimate aim and the ways of reaching it are adequately and necessary;
- d) refusal to grant a bank credit or to conclude any kind of contract excepting the situation when this restraint is objectively justified by a legitimate aim and the ways of reaching it are adequately and necessary;
- e) denying the access of a person or group of persons to the services provided by theatres, cinemas, libraries, museums and exhibitions, excepting the situation when this restraint is objectively justified by a legitimate aim and the ways of reaching it are adequately and necessary;
- f) denying the access of a person or group of persons to the services provided by shops, hotels, restaurants, bars, discotheques or any other service providers, whether they are in public or private property, excepting the situation when this restraint is objectively justified by a legitimate aim and the ways of reaching it are adequately and necessary;
- g) denying the access of a person or group of persons to the services provided by public transportation companies – by plane, ship, train, subway, bus, trolley-bus, tram car, taxi or by any other means of transport- excepting the situation when this restraint is objectively justified by a legitimate aim and the ways of reaching it are adequately and necessary;
- h) the refusal to grant a person or group of persons certain rights or facilities.

Section III

Access to education

Art. 11. - (1) In accordance with the ordinance herein, denying the access of a person or a group of persons to the public or private education system of any kind, degree or level, on account of their belonging to a race, nationality, ethnic group, religion, social category or to a disfavoured category, on account of their beliefs, age, sex or sexual orientation, shall constitute contravention.

(2) The provisions of the above paragraph shall be applicable to all stages and levels of education, including admission or enrolment in education institutions and the assessment and examination of students' knowledge.

(3) In accordance with the ordinance herein, requiring a declaration to prove a person's or a group's belonging to an ethnic group as a condition for access to education in their mother tongue shall constitute contravention. The exception to the rule is the situation of the candidates applying in the secondary and higher education system for places allotted specifically to a certain minority, in which case they must prove their belonging to that minority by means of a document issued by a legally established organization of the respective minority.

(4) The provisions under paragraphs (1), (2) and (3) shall not be interpreted as a restriction of the right of an education institution to deny the application of a person whose knowledge and/or prior results do not meet the required admission standards of that institution, as long as the refusal is not determined by the person's belonging to a race, nationality, ethnic group, religion, social category or to a disfavoured category, by his/her beliefs, sex or sexual orientation.

(5) The provisions under paragraphs (1) and (2) shall not be interpreted as a restriction of the right of a religious education institutions that train worship personnel to deny the application of a person whose religious status does not meet the requirements established for access to the respective institution.

(6) In accordance with the ordinance herein, any restrictions occurring during establishment or licensing of education institutions set up in accordance with the legal

framework in force, based on race, nationality, ethnicity, religion, social category or to a disfavoured category shall constitute contravention.

Section IV

Freedom of movement, choice of residence and access to public places

Art. 12. - (1) In accordance with the ordinance herein any threats, constraints, use of force or any other means of assimilation, colonization or forced movement of persons with a view to modify the ethnic, racial or social composition of a region or of a locality shall constitute contravention.

(2) In accordance with the ordinance herein, any behaviour consisting in forcing a person or a group of persons belonging to a race, nationality, ethnic group or religion, or a community to unwillingly leave their residence, deportation or lowering their living standards with a view to determine them to leave their traditional residence shall constitute contravention. Forcing a group of persons belonging to a national minority to leave the locality, area or regions where they live as well as a group belonging to the majority population to settle in areas or regions inhabited by a population belonging to national minorities shall both represent violations of the ordinance herein.

Art. 13. - (1) Any behaviour aiming to determine a persons or a group of persons to move or chase away from a building or neighbourhood on account of their belonging to a race, nationality, ethnic group, religion, social category or to a disfavoured category, on account of their beliefs, sex or sexual orientation, shall constitute contravention.

(2) The provision of the above paragraph shall not be interpreted as a restriction of the authorities' right to enforce urbanism plans, as long as the movement is effected under the law, and the measure is not determined by the person's or group's belonging to a race, nationality, ethnic group, religion, social category or to a disfavoured category, by their beliefs, sex or sexual orientation.

Art. 14. - In accordance with the ordinance herein, denying the access of a person or of a group of persons to public places on account of their belonging to a race, nationality, ethnic group, religion, social category or to a disfavoured category, to their beliefs, sex or sexual orientation shall constitute contravention.

Section V

The right to personal dignity

Art. 15. - Under the ordinance herein, any public behaviour with a nationalistic-chauvinist character, any incitement to racial or national hatred, or any behaviour aiming to prejudice a person's dignity or to create a hostile, degrading, humiliating or offending atmosphere, perpetrated against a person, a group of persons or a community on account of race, nationality, ethnic group, religion, social category or belonging to a disfavoured category, on account of beliefs, sex or sexual orientation shall constitute contravention, unless the deed falls under the incidence of criminal law.

Section VI

National Council For Combating Discrimination

Art. 16. - The National Council for Combating Discrimination, hereinafter referred to as "the Council", is the public authority of the state that rules in matters of discrimination, is autonomous, has legal entity status, under Parliamentary control and at the same time it is the guarantor of enforcement and substantiating the observance of the principle of non-discrimination, in accordance with the national legislation in force and with international covenants to which Romania is a party.

Art. 17. – The National Council for Combating Discrimination performs its duties independently, without any restraint or influence from other public institutions or authorities..

Art. 18. - (1) The Council is responsible for applying and respecting the provisions of the present law in its field of activity, as well as the harmonization of provisions from normative and administrative acts which are infringing the principle of non-discrimination.

(2) The Council is responsible for preparing and enforcing public policies in matters of non-discrimination. For that purpose, the Council will hold advisory meetings with the public authorities, NGOs, trades union and other legal entities whose purpose is to protect human rights and which have a legitimate interest to combat discrimination.

Art. 19. - (1) As regards the combating of discrimination deeds, the National Council for Combating Discrimination is exercising its duties in the following fields:

- a) prevention of all forms of discrimination;
- b) mediation of discrimination deeds;
- c) investigation, ascertaining and sanctioning of discrimination deeds;
- d) monitoring the discriminatory cases;
- e) providing specialized assistance to victims of discrimination.

(2) The National Council for Combating Discrimination exercises its legal authority based on petitions and complaints from natural or legal person or takes action *ex officio*.

Art. 20. - (1) The person, who under the terms of this law consider himself/herself discriminated, may file a complaint at the National Council for Combating Discrimination not later than one year from the commitment of such act or from the data on which the victim takes cognizance of its commission.

(2) The National Council for Combating Discrimination is solving the petition through the Steering Board Decision provided by the article 23, paragraph 1.

(3) By the complaint introduced under the circumstances of paragraph (1), the discriminated persons have the right to claim damages prorated against the harm they suffered and to terminate the situation created by discrimination .

(4) The Steering Board of the National Council for Combating Discrimination adopts proper measures concerning the existence of discrimination, with the obligatory summons of the parts. The summons could be done through any means which ensures the acknowledgement. The absence of the parts involved does not affect the petition's solving.

(5) The investigation made by the Steering Board takes place at the institution's headquarters or in any other place settled by the institution.

(6) The interested person has the obligation to prove the existence of facts from which it may be presumed that there has been direct or indirect discrimination and it shall be for the respondent to prove that the facts does not constitute discrimination. In front of the Steering Board any proof can be pleaded, inclusively the video and audio evidence or statistical data.

(7) The Steering Board's decision regarding the solving of a petition is adopted within 90 days from noticing the petition and must include the following: the full names of the members of the Steering Board who adopted that particular decision, parties names, residence or domicile, object of the complaint and arguments of the parties, description of the discrimination deed, references to the piece of legislation whereby the contravention is

ascertained and punished which represent the basis of the Steering Board Decision, methods of payment of the fine, if any, the way to appeal and the deadline in which the appeal can be filed.

(8) The decision shall be transmitted to parties within 15 days from its adoption and will become effective on the day of communication.

(9) The Decision of the Steering Board may be appealed at the Administrative Courts, under law.

(10) The decisions adopted according to provisions of paragraph (2) and which are not appealed within 15 days represent writ of execution.

Art. 21. - The provisions are enforced adequately in any case in which NCCD is investigating deeds or acts of discrimination *ex officio*.

Art. 22. - (1) NCCD is headed by a president having the rank of Secretary of State, elected by members of the Steering Board, for a five-year mandate. The President is the main chief accountant. In his/her activity the President is helped by a vice-president, elected by the Steering Board for a mandate of two years and a half.

(2) The activity of the NCCD is analyzed by the Parliament, by debating the annual report. The annual activity report of NCCD is debated and adopted by the Parliament. The annual activity report shall be submitted to Standing Bureaus of the Chamber of Deputies and Senate, by April the 15th of the next year.

Art. 23. - (1) The Steering Board of the NCCD is a collective and deliberative body that takes responsibility for the tasks provided by law.

(2) The Steering Board is formed of 9 members having the rank of secretary of state, appointed in the plenary session by the two Chambers of the Parliament.

(3) Any Romanian citizen who complies with all conditions bellow cumulatively could be appointed as a member of the Steering Board:

- a) has full capacity to exercise rights;
- b) has higher education degree with diploma;
- c) has no criminal record and a good reputation;
- d) his/her background in protection of human rights and combating discrimination activities is recognized;
- e) has not been involved in “political police” activities ;
- f) did not collaborate with Communist regime intelligence service.

(4) When members are appointed to the Steering Board, shall be taken into consideration the fact that at least 6 of them should have a law degree.

(5) Members of the Steering Board may be dismissed only in the following circumstances:

- a) resignation;
- b) end of the mandate;
- c) unable to work ,according to law;
- d) if they ever been convicted for a deed provided by criminal law;
- e) if they don't fulfil the conditions provided by the paragraph (3);
- f) on the based proposal of at least two thirds of the Steering Board members;

(6) In the event that a criminal action starts against a member of the Steering Board, such member shall be suspended as of right until the time when the judgment becomes final. If the court decision found that member not guilty, his/her suspension shall be terminated and all of the rights that the member had before being suspended shall be restored to him or her and the remuneration due yet unpaid during the suspension time shall be paid to such member.

(7) In the circumstances described under the paragraph (5), subparagraph (d), the membership of the Steering Board shall cease as of right upon the date when the conviction judgment becomes final.

Art. 24. - (1) Nominees to assign members into the Steering Board shall be filed at the Standing Bureaus of Chambers of Deputies and Senate, within 30 days of the date when the mandates become vacant. The nominees shall have attached: curriculum vitae, criminal record, and statements of the candidates from which results that they don't fall under the provisions of the art.19⁸, paragraph (3), subparagraphs (e) and (f).

(2) The Standing Bureaus of the two Chambers of the Parliament shall publish the list of candidates on their websites and submit their nominees to the standing specialty committees so that candidates can be interviewed in a joint session. Within 15 days of the date when the list of candidates is published, well-substantiated objections against candidates can be filed in writing.

(3) Once candidates have been interviewed, the standing specialty committees shall prepare a joint report that will be read in a joint session of the Chamber of Deputies and the Senate.

(4) Candidates can be approved by the majority of present deputies and senators

Art. 25. - (1) Members of the Steering Board are guarantors of the public interest.

(2) The mandate of the Steering Board members is five years and their assignment is done on phased basis, as soon as one mandate expires.

(3) In the event that a position in the Steering Board becomes vacant before the mandate expires, that particular vacancy shall be filled by a person who will be appointed according to the provisions of the present ordinance, for the remaining period of the mandate.

(4) The Steering Board members' activity during mandate's duration is considered length of service in the field.

(5) When solving discrimination cases, members of the Steering Board act as an ascertained agent who applies the sanctions regarding the contraventions settled by the present ordinance. They can delegate their statute as an ascertained agent to other members of the Council staff.

(6) At the President request, members of the Steering Board, holding a law degree, can act for the Council in the law courts as discrimination acts are concerned.

CHAPTER III

Sanctions

Art. 26. - (1) The contraventions provided under articles 2 paragraph (5) and (7), 5-8, 10, 11 paragraphs (1), (3) and (6), 12, 13 paragraph (1), 14 and 15 of the ordinance herein shall be sanctioned with a lei 400 to lei 4000 fine if perpetrated against a natural entity or with a lei 600 to lei 8000 fine if perpetrated against a group of persons or a community.

(2) The sanctions shall also be applicable to legal entities.

(3) At the request of the ascertained agents, legal representatives of the public authorities and institutions and economic agents, as well as the natural persons have, under the law terms, the following duties:

- a) provide any document that could help agents clarify the issue under inspection;
- b) provide information and explanations verbally and in writing ,as the case may be, about issues under inspection;
- c) provide copies of the requested documents;

d) provide support and conditions so that the inspection proceeds smoothly and help so that all findings can be clarified.

(4) Failure to comply with the obligations provided under paragraph (3) constitutes a contravention and offenders shall be subject to a contravention fine ranging between 200 RON and 1000 RON.

Art. 27. - (1) The persons discriminated against shall be entitled to claim damages, proportionally with the prejudice, as well as to the re-establishment of the situation prior to the discrimination or to the annulment of the situation created by discrimination, in accordance with common law. The claim for damages shall be exempted from judicial taxes and is not conditioned by Council's observation.

(2) The period for submitting the damage claim is 3 years from the commission of the act of discrimination or from the date on which the victim takes cognizance of its commission.

(3) The judgment of the case takes place with the compulsory summon of the Council.

(4) The interested person has the obligation to prove the existence of facts from which it may be presumed that there has been direct or indirect discrimination and it shall be for the respondent to prove that the facts does not constitute discrimination. In front of the Court of Law any proof can be pleaded, inclusively the video and audio evidence or statistical data.

(5) Upon request, the court can order that the competent authorities withdraw the license of legal entities that significantly prejudice the society by means of a discriminatory action or, although have caused a minor prejudice, repeatedly violate the provisions of the law herein.

(6) The decision of the Court shall be transmitted to the Council.

Art. 28. - (1) Human rights non-governmental organisations can appear in court as parties in cases involving discriminations pertaining to their field of activity and which that prejudice a community or a group of persons.

(2) The organisations provided in the above paragraph can also appear in court as parties in cases involving discrimination that prejudice a natural entity, if the latter delegates the organisation to that effect.

CHAPTER IV
Final provisions

Art. 29. - (1) The organizational structure as well as other functional tasks of the Council and the Steering Board shall be established by the order of the President.

(2) In order to exercise its tasks, the Council shall create territorial inspection and monitoring structures.

Art. 30. - (1) The Council's budget is covered from the state budget. The draft budget is drawn up by the Council with Public Finance Ministry approval.

(2) The salaries of civil servants and personnel hired under a contract are paid accordingly to the others autonomous public authorities under the Parliament control, according to annex I of the Government Ordinance no. 2/2006 regarding the settlement of salary rights and other rights of the public servants for the 2006, respectively to the annex no. I of the Government Ordinance no. 24/2004 regarding the system of basic salaries for the personnel from the budgetary sector, with the subsequent amendments and supplementary provisions..

(3) For preserving confidentiality in relation to facts, data or documents that they are aware of in the exercise of their functions, the staff of the Council shall receive confidentiality allowance of up to 15% of their salaries. The category of personnel benefiting from this allowance shall be established by order of the President.

Art. 31. The present ordinance comes into force within 60 days from the date of its publication in the Official Journal of Romania, Part I.

Art. 32. At the date when the present ordinance is coming into force any other contrary provisions are abrogated.

„ NOTE:

We are further reproducing the provisions of the art. II and III, as well as the mention regarding the transpose of the community laws into the domestic rule by Law no. 324/2006 regarding the amending and supplementing of the G.O. no. 137/ 2000 on preventing and sanctioning all forms of discrimination, published in the Official Journal of Romania, Part I, no. 626 of 20 July 2006:

Art. II. – The Steering Board shall be completed according to the procedure stipulated in the present law. The President of the Council shall stay in position until his/her mandate is over.

Art. III – (1) Within 60 days from the date the present law comes into force, the Council shall draw up *The internal procedure for solving petitions and complaints.*

(2) Within 3 months from the date the present law comes into force, the Council will draw up *The National Strategy for implementation of the measures for preventing and combating discrimination.*

(3) The documents provided by the paragraph (1) and (2) shall be adopted by the Steering Board, approved by the order of the President and published in the Official Journal of Romania, Part I.

“The present law transposes the provisions of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, published in the Official Journal of European Communities (JOCE) no. L180 of 19 July 2000, as well as the provisions of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, published in the Official Journal of European Communities (JOCE) no. L303 of 2 December 2000.”