

HUMAN DIGNITY IN THE CONTEXT OF DISCRIMINATION

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ABSTRACT: *The concept of human dignity allows giving up a formal approach of equality in favour of substantive equality. Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination transposes the provisions of Directive no. 2000/43/EC of the Council regarding the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin and the provisions of Council Directive 2000/78/EC on establishing a general framework for equal treatment in terms of employment and occupation. The Ordinance no. 137/2000 regulates both the formal and substantive discrimination. In analyzing the infringement of article 15 with the marginal title "The Right to Personal Dignity", the National Council for Combating Discrimination envisages bringing together two elements that form the content of the offense: the conduct (statements, gestures, attitudes) publicly manifested aiming at or intended to prejudice dignity and/ or to create an intimidating, hostile, degrading, humiliating or offensive atmosphere of a person, group of persons or of a community and the cause or the motivation with reference to the affiliation to a particular race, nationality, ethnicity, religion, social class, disadvantaged category, or the beliefs, sex or sexual orientation thereof. The Council refers to the analysis grid of the European Court of Human Rights in the matter of discrimination.*

KEYWORDS: *human dignity; discrimination; the National Council for Combating Discrimination; the European Court of Human Rights.*

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