

COUNTRY OPERATIONS PLAN

Country: ROMANIA

Planning Year: 2003

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Part I: Executive Summary

(a) Context and Beneficiary Population

- **Political context**

The current Government came into power in December 2000 and is a minority administration of the Social Democrat Party (PSD). There is widespread agreement among analysts that the political situation is stable and that the Government will stay in power until the next, scheduled parliamentary election in 2004. The main priority throughout 2002-2003 remains EU accession. While Romania had initially hoped to close all chapters for accession to the EU by mid-2003, the EU Regular Report notes that by the end of 2001, Romania had opened only 17 chapters and nine chapters were provisionally closed. The Regular Report acknowledges progress in several areas, but voices concern about the lack of reform of the administrative system and the slow progress towards a market economy. The Government of Romania now aims at 2007 as a target date for membership, but the problems of absorbing new members could considerably postpone a second round of enlargement. On the positive side, the EU Council of Justice and Interior Ministers unanimously decided on 7 December 2001 to lift visa requirements for Romanian citizens travelling to the Schengen area. This decision was enforced as of 1 January 2002 and followed extensive negotiations with regard to effective border controls and illegal migration. The second major foreign policy initiative continues to be towards joining NATO. However, recent developments in the aftermath of the 11 September events cast doubt on the likelihood of success in this respect, as Russia, a key ally of the U.S.-led campaign against terror, remains opposed to an expansion of the military alliance in Southeast Europe.

The overall socio-economic situation remains troubled. Romania has a population of 22.4 million, with 44 percent living below the poverty line. Concern about Romania's poor economic performance compared with all other countries in the region has been voiced by the EU Commission as well as the World Bank and the IMF. The European Commission in its latest Regular Report paints a grim picture: "The declining level of income has imposed serious hardship in the population, and the social, education and healthcare infrastructures have deteriorated."

- **Security situation**

No particular problems have been reported in this regard and the UNHCR operations in the country do not include security measures. Security of refugees and asylum-seekers is ensured in Government accommodation centres managed by the National Refugee Office (NRO) of the Ministry of Interior, all security costs being covered by the Government. Similarly, security of the UNHCR Office through 24-hour guard is provided by Government free of charge.

- **Protection issues**

Romania acceded to the 1951 Convention and the 1967 Protocol without reservation on 7 August 1991. In 2001 and early 2002, a significant number of relevant legal instruments were adopted¹. While those instruments bring considerable improvements to the legal framework relating to asylum and refugee welfare in Romania², UNHCR is concerned about the remaining protection shortcomings of the legal text and the actual implementation of the legal provisions.

The following are the main protection concerns :

¹ Refugee Law 323 (former Ordinance 102/2000) and methodology for its implementation (Government Decision 622); a new Aliens Law and related implementation methodology, establishing the conditions for entry and stay in Romania as well as the regime of expulsions; Government Decision 1191 on refugee integration measures, Law 416 on guaranteed minimum income and its implementation methodology (Government Decision 1099), stipulating access of refugees to state welfare under the same conditions as nationals; Law 76/2002 on unemployment insurance and active employment measures providing further assistance to refugees and persons granted other forms of international protection.

² Further details are provided in the 2001 Annual Protection Report.

Refugee Law

- in practice guarantees of access to the RSD procedure and protection measures against *refoulement* are not always respected, especially during the accelerated and border-point procedures;
- timeframes of these special accelerated procedures appear unreasonably short and do not seem to allow for a fair and efficient evaluation of asylum claims;
- the exclusion, cessation and withdrawal clauses go far beyond the provisions of the 1951 Convention.

Aliens Law

- the distinction between "expulsion" and "return" and the safeguards (or lack thereof) accorded to each of them;
- the broad interpretation of national security and public order;
- the prolonged detention of refugees and asylum-seekers without judicial review of such measures;
- the possibility for separated children to be kept in detention-like facilities;
- the lack of co-operation between the National Refugee Office (NRO) and other Directorates within the Ministry of Interior, i.e. Aliens Directorate and Border Police.

Government decision on integration

- the lack of expertise in the National Refugee Office (NRO) with regard to each of the specific measures stipulated in the Government decision: cultural orientation; language learning; access to vocational training, labour market, state social welfare and health insurance;
- the limited human resources allocated (i.e. two posts in National Refugee Office);
- the exclusion of persons granted subsidiary forms of protection (i.e. conditioned humanitarian protection and temporary protection).

Protection priorities for the years 2002-2003 aim at reducing the shortcomings in the Romanian asylum system and ensuring that the protection given by Romania is in conformity with the spirit of the 1951 Convention and other regional and international standards in refugee protection, by following the good practice at European and international level. Particular emphasis will be placed on access to the territory and the refugee status determination (RSD) procedures and protection against *refoulement*. As part of protection priorities, continuing efforts will be made to highlight and integrate issues relating to refugee (separated) children, gender equality and refugee women's issues, in protection activities.

According to the National Refugee Office, 607 of the 1,436 refugees who were recognised during 1991-2001, were still in the country, in February 2002. A total of 2,432 asylum applications (including renewed applications) were registered in Romania during 2001, which reflects a marked increase in the number of asylum-seekers in Romania compared to some 1,500 applicants in 2000. In 2001 the eight major countries of origin were: Afghanistan (787 applications); Iraq (680 applications); Somalia (172); India (158); Iran (122); Pakistan (88); Palestine (54); Sudan (47). Included in the statistics are 121 asylum-seekers who declared themselves separated minors between 16-17 years of age, which again reflects a marked increase compared to 55 in 2000 and one in 1999. One of the major problems is that close to half of those who declare themselves minors "disappear" before their first status determination interview, and a further half of the remaining ones "disappear" soon after this interview.

It is expected that the number of asylum-seekers and consequently the number of recognised refugees in Romania will increase during the years 2002-2003, due to the general increase in the migration flow. Some changes with respect to the composition of the asylum-seeking population are also expected (e.g. decrease in the number of Afghan asylum-seekers and increase in the number of separated children).

- **UNHCR's role**

In Romania, UNHCR is called upon to fill in gaps in the national asylum system. Its main roles during 2002-2003 relate to protection, advocacy, solutions, and prevention.

UNHCR **protection** and assistance to refugees and asylum-seekers in Romania are essential until the Government is prepared to assume all responsibilities in this regard. UNHCR Romania co-operates with the Government, NGOs and beneficiaries to plan together, monitor borders, visit detention centres, organise and provide legal and social advice and medical assistance, with due consideration to the special needs of women, (separated) children and elderly. **Advocacy** will continue to be a permanent role of UNHCR Romania *vis-a-vis* the Romanian Government. Improvements in the asylum practice, with particular focus on access to the territory and fair RSD procedures; compliance with the principle of *non-refoulement*; real integration opportunities and a clear distinction between refugees and other categories of migrants. UNHCR Romania will continue to be instrumental in helping refugees identify the most appropriate durable **solutions**. In order to allow the refugees to live a decent life and to become self-sufficient, the Government has already legislated several facilities such as access to cultural orientation, education, language learning, vocational training, labour market, state social welfare and health insurance, as well as affordable accommodation for a period of maximum one year, in Government centres. However, given the extremely limited resources available to implement those measures, it is unlikely that the system will be fully effective by the end of 2003. UNHCR is compelled therefore to continue to fill the gaps through its NGO partners. Within the scope of its mandate, UNHCR will continue to join the efforts of the other UN agencies to provide concerted assistance to the Government to improve the situation of Roma in Romania. Through advocacy and participation in relevant events, UNHCR may have a role in **prevention** of escalating discrimination against Roma and therefore decreasing numbers of Roma of Romanian nationality who seek asylum in European countries. In addition, UNHCR in Romania plays an essential role in the **co-ordination** of initiatives and developments in the area of asylum, by acting in co-operation with the other UN Agencies present in the country, the European Commission Delegation, Council of Europe and international organisations such as the International Organisation for Migration (IOM)³. **Partnership** with Government, national NGOs, international organisations present in the country and the media will also be a priority for UNHCR in Romania, during the year 2003.

- **Overview of each theme being addressed**

As part of its operations in Romania during 2003, UNHCR will address two major themes: (1) strengthening asylum; and (2) preparedness and solutions (statelessness).

In relation to the strengthening of the asylum system in Romania, UNHCR will conduct a series of activities meant to, on the one hand, ensure sustainable protection through support to the national capacity building; and on the other hand provide legal, social and medical assistance to needy asylum-seekers and refugees, through NGO implementing partners and on a complementary basis to Government assistance. UNHCR will: (1) train the authorities, lawyers, judiciary and NGOs, through seminars and workshops, by ensuring that UNHCR guidelines on the special needs of refugee women, (separated) children, elderly are covered under protection and assistance-related subjects; (2) disseminate relevant materials and documentation for increased awareness of international standards and Romania's obligation to implement them; (3) closely monitor the implementation of the new Refugee Law, with special emphasis on each stage of the RSD procedure and notify the authorities of any shortcomings; (4) continue to support operations of the Resource Centre for Magistrates, established with UNHCR funding and functioning in co-operation with Bucharest Tribunal; (5) facilitate access to country of origin information to all relevant actors in the Romanian asylum system, through ROCCORD (Romanian Centre for Country of Origin Resource and Documentation); (6) fill in the gaps in Government assistance, in particular through provision of health care services and income generation support to refugees; (7) support translation into Romanian and printing of relevant documents and jurisprudence; (8) disseminate human rights and refugee law at pre-university and university levels; (9) provide pro-active advice and guidance to the media on asylum and refugee issues.

³ Further details on co-operation with IOM are given in section *Presence and role of other UN Agencies and international organisations*, on page 7.

In relation to statelessness, UNHCR will: (1) disseminate the information package concerning accession to international instruments on statelessness; (2) organise workshops on statelessness issues, with the participation of Government staff, NGOs and experts; (3) provide technical assistance for further amendment of relevant national legislation in the spirit of preventing and reducing statelessness. UNHCR will promote gender sensitivity and pursue strategies that would integrate gender equality and refugee women's issues in the above theme.

- **Policy issues**

The UNHCR has always pursued that the special needs of refugee women, (separated) children, adolescents, and elderly refugees are met by Government and, wherever there was a gap, UNHCR ensured that the special needs are met by NGO partners. Efforts have been made towards mainstreaming of their assistance into the general programmes implemented by the Government and NGO partners. Included are self-help groups; sheltered employment for women; joint participation of refugee and national children/adolescents in extra-curricular activities; material, emotional, legal, social and medical assistance to separated children; equal opportunities for male/female refugees concerning access to education etc.

In the year 2000, The Refugee Women's Organisation (RWO) was established with UNHCR support. By the end of the year 2001, RWO has become known to women's associations in Romania, had established links and co-operation arrangements with members of the Romanian civil society, had initiated recreational and educational activities for refugee women and their children.

Similarly, a Task Force on Separated Children, established in the year 2000 continues to be operational and has determined considerable improvements in the protection of separated children seeking asylum in Romania. The Task Force has advocated for protection provisions in the new Refugee Law, which now includes a number of rights for separated children (e.g. access to territory, exemption from accelerated procedures, appointment of guardian, legal assistance, free accommodation, the equal treatment of those with humanitarian status with those with refugee status). It has co-ordinated the production of a Country Assessment on the legislation and practice concerning separated children; promoted the establishment of the guardianship system; undertaken training courses; developed and disseminated materials; involved asylum judges. The Task Force meets on average once a month and consists of eight members representing UNHCR, the National Refugee Office, three NGOs, a judge, the National Authority for Child Protection and Adoption, and UNICEF. IOM has also expressed an interest to join the Task Force, which may become particularly relevant in the context of IOM's programmes to combat trafficking in women and children and programmes to return separated children of Romanian origin from European countries.

- **Capacity and presence of implementing partners**

Romanian NGOs with demonstrated interest and adequate expertise to work in the field of refugee protection and care are limited in number. At present, UNHCR in Romania is working in partnership with the Romanian National Council for Refugees (CNRR), the main implementing partner for protection/assistance to asylum-seekers, Arca - Romanian Forum for Refugees and Migrants (Arca) providing assistance for refugee integration, and Save the Children Romania (SCR), assisting refugee children. UNHCR's financial support and guidance to those implementing partners is essential to ensure the necessary protection and assistance of persons of concern. There is no funding from the Government to refugee-assisting NGOs in Romania, and access of UNHCR's NGO partners to funding from other sources remains extremely limited. This is a particularly problematic area and UNHCR Romania will seek to promote NGO access to alternative funding sources. In addition, UNHCR will continue to foster the Government - NGO co-operation; to support networking of NGO partners with refugee-assisting NGOs in other European countries and international organisations to provide technical support in order to strengthen the capacity of implementing partners in dealing with gender equality and refugee women's issues, in addressing specific aspects related to (separated) children as well as in promoting refugee participation in the process of planning, implementation and evaluation of measures meant to address their needs.

- **Presence and roles of other UN agencies and international organisations**

UNHCR's specific mandate is not shared by any other international organisation in Romania. As part of its efforts to act in a co-ordinated manner however, UNHCR Romania participates in inter-agency activities under the United Nations Development Assistance Framework (UNDAF), particularly in selected theme groups on governance, gender, human rights, education, and public information issues to the extent that such participation is relevant to UNHCR's mandate. Co-operation with the Office for Romania of the International Organisation for Migration (IOM) will be pursued in two distinct areas: (1) Concerted assistance to the Government for the establishment of a programme for voluntary return of finally-rejected asylum-seekers, in safety and dignity ; and (2) Participation of IOM in the UNHCR-led Task Force on Separated Children⁴. Although IOM's interest relates mainly to separated children (unaccompanied minors) of Romanian origin to be repatriated to Romania from Western European countries, while the working task force focuses on separated children seeking asylum in Romania, it is expected that IOM's participation in the task force will enhance the exchange of experience and will contribute to promotion of good practices in relation to separated children in general.

⁴ Described on page 19.

(b) Selected Programme Goals and Objectives

Name of the Theme: Strengthening Asylum	
Main Goals:	
<ol style="list-style-type: none"> 1) Persons in need of international protection have access to the Romanian territory 2) Asylum-seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international protection standards 3) The rights of refugees are respected and effective durable solutions are found for them 4) Public opinion is receptive to the protection and solutions needs of refugees 5) Effective partnerships are in place 	
Principal Objectives	Related Outputs
<p>1.1 Measures to combat irregular migration and smuggling include adequate safeguards against direct or indirect <i>refoulement</i></p> <p>1.2 Comprehensive migration policies are developed and implemented</p> <p>2.1 Asylum-seekers have access to procedures in which their claims are heard fairly and promptly</p> <p>2.2 Legal frameworks for asylum are established in line with international standards</p> <p>2.3 Asylum-relevant institutions develop to become effective and eventually independent of external support</p> <p>2.4 Asylum-seekers are treated in accordance with international standards</p> <p>3.1 Refugee rights are respected</p> <p>3.2 Refugees have real possibilities to integrate</p> <p>4.1 Xenophobic trends diminish in favour of increased tolerance, and the public at large understands the relevance of refugee protection, and the difference between economic migrants and refugees</p> <p>4.2 UNHCR's standing as the international authority on refugee protection is understood and acknowledged</p> <p>5.1 Refugee assistance in Romania is jointly planned and delivered by Government, NGOs and refugees</p> <p>5.2 Effective links with international organisations are established</p>	<ul style="list-style-type: none"> • border police officers are aware of international refugee law standards • border monitoring system between UNHCR/NGO(s)/Border Police functioning • current refugee legislation is amended to include right to family re-unification • mechanism is in place to efficiently deal with finally rejected cases • non-discriminating and accessible refugee status determination (RSD) to all asylum-seekers through NGO legal counselling • RSD procedures are leading to appropriate decisions, by taking into consideration gender-based and child-specific forms of persecution • persons not formally recognised as refugees but acknowledged to be in need of international protection enjoy basic rights • effective and experienced judges and lawyers networks are in place, co-operating with NGOs • Aliens Police is aware of obligations under international refugee law with regard to the detention of asylum-seekers • basic social welfare rights for asylum-seekers are respected, and adequate medical assistance is available to them, in line with national legislation • Refugee rights to family unity are adequately legislated • Social and economic rights of persons granted subsidiary forms of protection are adequately legislated • Refugee integration measures are implemented by Government in co-operation with NGOs • Recognised refugees can sustain their living through income generating activities • Increased public awareness with regard to refugee, asylum issues, and the special needs of refugee women, (separated) children and adolescents • Introduction of a didactic material based on the teachers' guide entitled "Human rights, Refugees and UNHCR" into the regular school curriculum as of 2003-2004 academic year • Government involved in public awareness/public information activities • Increased visibility of UNHCR in Romania • Closer relations with NGO partners and contribution to the promotion of their image and interests in the field of asylum • Opinion leaders, local authorities, NGOs attract support to structures already involved in refugee issues • Government has taken over from UNHCR the planning of refugee protection and assistance activities, by maintaining a co-operative and multi-participatory approach • International organisations are familiar with the main NGOs involved in overall refugee protection

Name of the Theme: Preparedness and Solutions regarding Statelessness	
Main Goal : Reducing Statelessness	
Principal Objectives	Related Outputs
<p>1.1 Legal frameworks to address statelessness are established in line with international standards</p> <p>1.2 Public opinion is supportive of citizenship laws and durable solutions for stateless persons</p>	<ul style="list-style-type: none"> • National legislation stipulating accession to international instruments relating to statelessness passed • Romanian Nationality Law amended to include provisions facilitating naturalisation of (stateless) refugees • Increased awareness of statelessness related issues