



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Romania

Planning Year: 2006

ROMANIA - 2006 COUNTRY OPERATIONS PLAN

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The political situation has been stable in Romania since the elections of 2000. The latest general elections took place in November 2004, when the new Parliament and President Traian Basescu of Democratic Party (PD) were elected. The new Government of Romania, headed by Prime Minister Calin Popescu Tariceanu of National Liberal Party (PNL) was officially formed on 28 December 2004 and the ruling coalition consists of PD, PNL, Humanist Party (PUR), and Democratic Union of Hungarians (UDMR). Analysts agree that there is a sound platform on which to build prosperity for the country, and with entry into the European Union assured, the general socio-economic environment in the next two years looks promising.

Romania became a NATO member in 2004 and its main current foreign policy priority is to join EU in 2007. In December 2004, Romania provisionally closed all the negotiation chapters for its accession to the European Union. The signing of the EU Accession Treaty took place on 25 April 2005 and it will entry into force on 1 January 2007. Accession in 2007 is, however, subject to further progress under all chapters. In particular, under chapter 24 – Justice and Home Affairs, Romania should pay urgent attention to completing the legal approximation, implementing the revised legal framework and further strengthening of its administrative capacity.

Romania has a population of 21.7 million, with over 22 % living below poverty line. Most affected categories are the unemployed, farmers and large families. The registered unemployment at the national level has reportedly dropped by one per cent over the year to 6.2 % as of end-2004. The official statistics may however under-report the actual number, as Romania has a sizeable informal sector and a considerable number of long-term unemployed remain unregistered. According to the 2002 census the breakdown of ethnic groups includes: Romanian – 91%; Hungarian – 6.6%; Ukrainian – 0.3%; Russian-Lipovan – 0.1%; Turkish – 0.1%; Serb – 0.1%; Tatar – 0.1%; Slovak – 0.1%; the share of other minorities is below 0.1%. The ethnic Roma officially account for 535,250 (2.5%), but unofficial estimates exceed 2 million people (9%). Since 1990 the population growth rate is negative. The macroeconomic trends have been encouraging with an estimated 8 % real GDP growth resulting from sustained industrial and construction activities and, particularly, the recovery of the services sector. The inward foreign direct investment (FDI) registered during 2003-2004 showed a significant increase, and the momentum is anticipated to continue into 2005. The planned monetary reform with the denomination of the national currency (entails dropping of four zeros) and by changing the name of the national currency from “Romanian Lei” to “Leu” in July 2005, is likely to have a significant impact on the general economic environment. Out of the major social achievements made to date, the average monthly salary has increased from USD 100 in 2003 to close to EURO 200 in early 2005. This, however, does not appear to have had a positive impact on the quality of life of refugees in Romania, the majority of whom continue to have difficulties in finding employment. The overall financial assistance from the EU is expected to considerably increase in 2006 in connection with the implementation of Romania’s “roadmap” towards the EU accession. This is expected to reflect on general development and may not have a direct impact on the national asylum system.

As a consequence of the enlarged EU zone, Romania is increasingly perceived as the one of the main gate for migrants and asylum-seekers to the EU territory. The number of asylum-seekers is anticipated to drastically increase in the coming years. Despite the fact that Romania has made considerable progress in the asylum field to date, there remain gaps in the refugee protection practice and their local integration for

which the roles of UNHCR in providing technical support and filling the gaps continues to be crucial, especially during the next 2 years of its pre-EU accession.

UNHCR's role in Romania will focus on assisting the Government in its effort to further develop and harmonize the national legislation and refugee protection practice with the international standards. This involves monitoring the access to the territory and reception conditions in Romania and provision of assistance to the Romanian authorities in designing and implementing concrete measures for the improvement of reception procedures and accommodation facilities. Also, UNHCR will closely monitor the refugee integration into the Romanian society and support central and local authorities in designing and implementing effective measures for refugee integration.

Further decentralization of asylum system in Romania will lead to an increased demand for capacity building activities, taking into account training needs of newly involved actors (decision makers, judiciary, staff of reception centres, and local authorities responsible for refugee integration in various sectors etc). For addressing training needs of various stakeholders, UNHCR initiated establishment of a Joint Training Board, comprising representatives of main actors in the asylum system in Romania. UNHCR will continue to promote and support the established good practice of co-ordination of training on asylum issues through the Training Board, and training sessions being delivered by the joint training team.

UNHCR will continue to play a catalytic role in the development of regional co-operation and networking between Romania and its neighbouring countries. The joint capacity-building activities and the close dialogue established with countries like Moldova and BiH could be extended to other countries in the region.

As Romania is both a source of victims of trafficking and a transit country for trafficked persons, UNHCR will increase its monitoring activities in this regard, in order to ensure that all non-national victims of trafficking, who may have legitimate claims for asylum, have access to the established RSD procedures. The UNHCR programme will ensure that legal assistance is available to victims of trafficking.

Although important progress has been made by the Romanian authorities on Roma issues, a number of gaps, particularly on the rights of the Roma and their lack of identity documents remain to be addressed. According to a statement of the World Bank, 80% of Romanian Roma population live below the poverty line (i.e. 1.5 USD/person/day). The Government's strategy for the improvement of the conditions of Roma (adopted in April 2001), although well conceived, is not showing the expected results, due to gaps in implementation. Social education is unavailable at a national scale for Roma population; apparently, many of them fail to see the advantages in having identity papers. A survey conducted by a Roma NGO (namely the Agency for Development "Together") in 2004 has yielded unexpected and worrying results, showing that about 45% of the interviewees did not have Birth Certificates and 25% did not have identity cards. The judicial procedure for late registration of a birth appears to be cumbersome.

During the past years many Romanians have gone abroad, in search for a better life. A sizeable number has given up their Romanian citizenship hoping to acquire the citizenship of the States where they resided, mainly in the EU. Many of them, failing to acquire another citizenship and forcibly returned to Romania, have chosen to remain stateless in Romania.

UNHCR will seek to co-ordinate with various local authorities in charge of undocumented nationals/de facto stateless to ensure that legal assistance is made available to persons of concern for acquisition of identity documents and access to citizenship rights.

2. Operational goals and potential for durable solutions

Operational Goals

UNHCR Romania's operational goals have been developed in line with the Agenda for Protection, Global Strategic Objectives and the Bureau's Regional Strategy. Adapted to the Romanian context, key goals and objectives have been grouped according to the following two main themes:

i) Strengthening Asylum in Romania:

Goal One: Persons in need of international protection have access to the Romanian territory

Objectives:

1. The principle of non-refoulement is respected
2. Development of comprehensive migrations strategies, whereby measures to combat irregular migrations and smuggling include appropriate safeguards against refoulement
3. Border guards are trained and effective arrangements are in place for the management of asylum claims made at the border
4. Adequate reception facilities are available

Goal Two: Asylum-seekers (including non-national victims of trafficking who may qualify for refugee status) have access to fair, efficient and effective asylum procedures and are treated in accordance with international protection standards

Objectives:

1. Access to asylum procedures is ensured
2. Asylum procedures are efficient, fair and properly resourced
3. Conformity with international standards and best practice is ensured
4. Institutions and services develop to become independent of external support
5. Effective policies and mechanisms are in place for the return of unsuccessful asylum-seekers to countries of origin

Goal Three: Asylum systems and practices are responsive to issues of gender and age

Objectives:

1. Due recognition is given in law and practice to gender based and child-specific forms of persecution
2. Asylum systems and practices are properly equipped to deal with claims from asylum seeking women and children
3. Appropriate provisions are in place to deal with the particular rights and needs of vulnerable women, men and children
4. Reception facilities have necessary safeguards against SGBV

Goal Four: Standards adopted in the process of Romania's accession to the EU reflect the international norms and best practices

Objectives:

1. Standards adopted in the EU Directives transposition process reflect international norms and best practice
2. Consistency is achieved at the level of State practice and protection gaps are avoided
3. Responsibility and burden-sharing measures are developed and implemented

Goal Five: Durable solutions are implemented for refugees and further displacement is avoided

Objectives:

1. Persons granted a form of protection have real opportunities for solutions, as appropriate through voluntary return, local integration and, in the case of refugees, third country resettlement
2. Promoting Romania as resettlement country by incorporating specific provision in the national

asylum legislation.

3. The sustainability of solutions is ensured and secondary displacement is avoided
4. Public information and education programmes generate greater understanding of the protection needs of refugees and asylum-seekers

UNHCR Romania			Europe Bureau Strategy	Agenda for Protection	UNHCR's Global Strategic Objectives
Theme	Goal	Objective			
Strengthening Asylum in Romania	Goal One	1	Goal One: Objectives 1,2,3,5	Goal 1: Objectives 2, 3 and 9	Overall Mandate Objective Global Strategic Objective 1
		2		Goal 2: Objectives 1, 2 and 3	
		3		Goal 1, Goal 3: Objective 2	
		4		Goal 1: Objective 9 Goal 4: Objective 4 Goal 6: Objectives 1 and 2	
	Goal Two	1	Goal Two: Objectives 1,2,3,5,6	Goal 1: Objectives 2 and 3	Global Strategic Objective 1:
		2		Goal 1: Objectives 2, 5 and 6	
		3		Goal 1: Objectives 4 to 7	
		4		Goal 3: Objectives 2 and 4	
		5		Goal 2: Objectives 4 and 7	
	Goal Three	1	Goal Three: Objectives 1,2,3,4	Goal 1: Objective 2 Goal 6: Objectives 1 and 2	Global Strategic Objective 1
		2		Goal 1: Objective 2	
		3		Goal 1: Objectives 2 and 9 Goal 6: Objectives 1 and 2	
		4		Goal 4: Objective 4	
	Goal Four	1	Goal Six: Objectives: 1,2 and 3	Goal 1: Objectives 5 and 6	Global Strategic Objective 1
		2		Goal 1: Objectives 5 and 6	
		3		Goal 3: Objective 1	
	Goal Five	1	Goal Eight: Objectives: 1 and 3 Goal Five: Objective 2	Goal 5: Objectives 1 to 7	Global Strategic Objective 2: Global Strategic Objective 3: Global Strategic Objective 6 Global Strategic Objective 7
		2		Goal 3: Objectives 1,2 , 5 Goal 5: Objectives 3 and 4	
		3	Goal 5: Objectives 2 to 4		
		4	Goal Four: Objectives 1, 2	Goal 1: Objective 8	

ii) **Addressing statelessness issues:**

Goal Six: Statelessness is reduced and effective solutions for stateless persons are identified
Objectives:

1. Situations of statelessness are actively identified
2. Legal frameworks to address statelessness are established in line with international standards
3. Stateless people acquire citizenship and appropriate solutions
4. Partnerships to address the problem of statelessness are strengthened

UNHCR Romania			Europe Bureau Strategy	Agenda for Protection	UNHCR's Global Strategic Objectives
Theme	Goal	Objective			
Addressing statelessness issues	Goal Six	1	Goal nine: Objectives: 1, 2, 3, 4	Goal 1: Objective 12	
		2		Goal 1: Objective 12	
		3		Goal 1: Objective 12	
		4		Goal 1: Objective 12	

Strategic objectives of UNHCR in Romania and its operational priorities for 2006 have been developed on the basis of the achievements made, various gap analyses, consultations with partners and other stakeholders in the country. UNHCR Romania has progressively implemented a phase-down strategy, in conjunction with the Government take-over, for instance, phased out from accommodation of asylum-seekers in 2000 and accommodation of refugees in 2002; Romanian language courses and vocational training in 2002; health care services in 2003; case management for local integration of refugees in 2004.

It is expected that, the major review of UNHCR's presence in Romania would be made in conjunction with Romania's accession to the EU in 2007.

Most recent achievements include:

- Further harmonisation of the national legislation and practice regarding asylum and migration issues in line with the EU *acquis* and international standards.
- Establishment of two new, additional reception/accommodation centres in Timisoara (Western border) and Galati (Eastern border) in 2004, and the subsequent decentralisation of the Refugee Status Determination (RSD) procedures.
- Adoption of a law on integration of refugees in 2004 and Government assuming full responsibility for the local integration process through its specialised Unit in the National Refugee Office (NRO) of the Ministry of Administration and Interior.
- The health sector for refugees and asylum-seekers has been taken over by Government, and NGO partner assumed the role of filling possible gaps.
- Empowerment of refugees (with an age and gender perspective) and mainstreaming of refugee participation in all programme management phases have been successfully implemented. As a result, the newly created refugee-led NGO Refugee Women's Organisation (OFRR) has become fully functioning and a reliable NGO in Romania. A sizable number of refugee community workers have been recruited and trained by NGO partners to support refugee initiatives.
- Government-NGO dialogue and co-operation: it has become normal practice that National Refugee Office concludes annual bilateral co-operation agreements with NGOs, consults them on legislative initiatives and practical issues. Other Government structures such as the Border Police and Aliens Authority are following the same model. The latest progress made in their co-operation was the secondment of two NGO staff members to work with NRO in *training and counselling of asylum-seekers in RSD process*.

Durable Solutions

Romanian legislation does not foresee any facilitation of naturalization of refugees, but they simply fall under the general standards established for foreigners by the Romanian Citizenship Law. Furthermore, legislative provisions regarding family reunification in Romania are either inadequate or, in case of persons with the humanitarian protection status, absent. UNHCR will continue to work with the Government for on-going review of the refugee law in view of addressing the issue of family reunification, as well as on amendments in the citizenship law towards favourable provisions for refugees.

While these gaps remain to be addressed, considering the legal basis for local integration and considerable efforts and commitment expressed by the Government to increasingly support refugee integration, UNHCR considers local integration as the most appropriate durable solution to be pursued. A very strong impetus in this regard came with the adoption of the law on integration of refugees and persons with humanitarian protection status in January 2004, and Government assuming full responsibility for the local integration process through its specialized Unit in NRO. Under this new Law, all persons granted a form of protection in Romania have access to the national health insurance system, employment services and social welfare under the same conditions as the nationals. While material assistance towards integration in Romanian society has already been gradually taken over by the Government, the full implementation of the current legislation is yet to be achieved. UNHCR plans to closely monitor development of the integration programs, along with facilitation of networking between relevant Romanian practitioners and their counterparts in the region; exchange of good practices and public information/public awareness activities.

Given the above, the Office considers that integration difficulties do not by themselves constitute grounds for resettlement. While, in 2004 the Office did not submit any case for resettlement, this durable solution

might be pursued in cases identified as having special needs that could only be met through resettlement. In view of the forthcoming Romania's EU accession, on the other hand, the process of Romania's transformation from a transit country into a reception country is expected to further develop into Romania having a capacity to take up the role also as a resettlement country. While political will in this regard has already been expressed by the Romanian Government, UNHCR's assistance in further development of the integration programs in view of designing a proper resettlement admission policy will be essential in achieving this goal.

Given the profile of the refugee population in Romania, no significant operation of voluntary repatriation is envisaged in the coming years. UNHCR will continue dealing with requests for assistance with voluntary repatriation on a case by case basis. NGO implementing partner ARCA – Romanian Forum for Refugees and Migrants will provide appropriate legal/social counselling and advice in this regard.

On the statelessness issues, Romania signed the European Convention on Nationality in 1997, ratified it by Law 396/2002 and in September 2005 Romania's accession to the 1954 Convention relating to the Status of Stateless persons and the 1961 Convention on the reduction of Statelessness was pending approval by the Parliament. The *de facto* statelessness among the Romanians (mostly Roma) is manifested by the lack of identity documents. UNHCR will seek to address the issue of *de facto* statelessness among Romanians (mainly Roma) by providing legal assistance to undocumented nationals to access their citizenship rights (through access to identity documents). UNHCR will phase out from statelessness related activities once Romanian authorities will have mechanisms in place to identify stateless persons and the legislation addressing statelessness is in line with international standards.