

ROMANIA

2002 COUNTRY

OPERATIONS PLAN

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

- **Political context**

As a result of the general elections that took place in November 2000, a shift occurred from a centre-right to a leftist Government, which was formed by the Party of Social Democracy in Romania (PDSR). The new Government established Romania's accession to the European Union as the first priority of its foreign affairs policy.

Negotiations for EU accession had been formally launched at the beginning of the year 2000 and the European Commission requested Romania to strengthen border controls, to combat illegal migration and international crime in order to be taken out of the "black list" of countries whose citizens need visas to travel through the "Schengen area". The EU Commission Regular Report for 2000 lists Romania last among the 12 Central European and Baltic States seeking EU membership. Substantial economic and administrative reforms necessary for the adoption, implementation and enforcement of the "acquis communautaire", must be carried out as a matter of priority. The EU Commission appears to consider that Romania still does not have a functioning market economy and that its democratic institutions are not functioning well.

Despite the situation of economic hardship, the country is making steps forward, and long-term aspirations for the development and stability have started to materialise. In the year 2001, Romania has the presidency of OSCE and this is expected to increase its international visibility.

- **Protection issues**

As with other countries in Central Europe, the EU PHARE Horizontal Programme (PHP) on Asylum, during 1998-2000 played a crucial role in the process of developing the national asylum system. Numerous activities were carried out, which intensified the promotion of regional and international protection principles and contributed to the elaboration of an ambitious National Action Plan on asylum. In Romania, this proved to be a very useful tool for urgently needed legislative and institutional reforms in the field of asylum.

In June 2000, the structure of the Refugee Office gained greater independence, as it was converted into the "National Refugee Office" (NRO), directly subordinated to a State Secretary of the Ministry of Interior. As the central unit of the Ministry of Interior responsible for Romania's asylum policy it will have its own financial and human resources. In August 2000, the NRO was allocated new and more adequate premises, in line with minimum standards for processing asylum applications.

On 31 August 2000, the Romanian Government adopted new a refugee legislation through a Government Ordinance to be subsequently passed by Parliament and formally adopted as a Law. This new Refugee Law brings significant improvements to Romania's refugee status determination procedure (RSD) and

eliminates some of the inconsistencies between previous Romanian legislation (Law 15/1996) and international refugee law instruments. However, although the Ordinance clearly provides better safeguards against *refoulement*, it appears that in practice guarantees of access to the RSD and protection measures against *refoulement* are not always respected. This is most problematic during the accelerated and border-point procedures. UNHCR considers the timeframes of these special procedures to be unreasonably short, as they do not seem to allow for a fair and efficient evaluation of asylum claims.

In its 2000 Regular Report, the EU Commission also reflects the progress made in the field of legislation on refugees. It also points out that detention of asylum-seekers is still an area that needs to be addressed by the Romanian Government.

Protection priorities for the years 2001-2002 aim at reducing the gaps in the Romanian asylum system and ensuring that the protection given by Romania, including assistance for refugee integration in Romanian society is in conformity with the spirit of the 1951 Convention and other regional and international standards in refugee protection, as well as with the good practice at European and international level.

According to estimations of the authorities, at the end of the year 2000 there were approximately 1,300 refugees and over 800 asylum-seekers in Romania. A total of 1,503 applications for asylum were registered in Romania during the year 2000, which reflects the average number of asylum-seekers that applied for asylum in Romania in the past three years. In the year 2000, the eight major countries of origin were Afghanistan (282 applications); Iraq (250 applications); Bangladesh (226 applications); Pakistan (225 applications); Sudan (71 applications); India (40 applications); Somalia (39 applications) and Iran (34 applications).

It is expected that the number of asylum-seekers and consequently the number of recognised refugees in Romania will increase during the years 2001 and 2002, especially that tighter border control will prevent many of those who would have otherwise just transited Romania to apply for asylum here. No major changes with respect to the structure of the countries of origin is expected.

- **UNHCR's role**

In Romania, UNHCR is called upon to fill in gaps in the existing system because : the basic assistance provided by the Government (in cash and in kind) is below subsistence level due to prevailing economic difficulties; free legal advice in courts and free interpretation services are limited; access of refugees to health care, education, training and cultural activities is also limited; language training and integration packages are not available. To help overcome these gaps, UNHCR cooperates with the Government, NGOs and beneficiaries to plan together, monitor borders, visit detention centres, lobby the authorities, organise and provide legal and social advice, medical assistance, education, language, vocational training and income-generation.

In addition, UNHCR is actively involved in supporting the Government and NGOs to develop their capacity to handle refugee issues at international standards.

Such assistance is provided to administrative authorities, judiciary, lawyers, education establishments promoting human rights and refugee law, as well as to refugee-assisting NGOs, in a manner that would allow UNHCR to phase out in the predictable future.

UNHCR in Romania plays an essential role in co-ordinating initiatives and developments in the area of asylum, by acting in co-operation with the European Commission Delegation, Council of Europe and international organisations such as the International Organisation for Migration (IOM).

- **Overview of each theme being addressed**

As part of its operations in Romania, during 2001-2002, UNHCR will address two major themes : (1) quality asylum in a uniting Europe; and (2) statelessness.

In relation to the theme concerning quality asylum in Europe, UNHCR will conduct a series of activities meant to on one hand, ensure sustainable protection through support to the national capacity building in the area of asylum; and on the other hand provide legal, social and medical assistance to asylum-seekers and refugees in need, through the NGO implementing partners and on a complementary basis to Government assistance. As such, UNHCR will: (1) train the authorities, lawyers, judiciary and NGOs, through seminars, workshops and roundtables; (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 Legislation with special emphasis on each stage of the RSD procedure and notify the authorities of any shortcomings identified; (4) continue to support operations of the Resource Centre for Magistrates, established with UNHCR funding and functioning in co-operation with Bucharest Tribunal; (5) facilitates access to country of origin information to all relevant actors in the Romanian asylum system; (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 members of the media on asylum and refugee-related issues.

In relation to the theme concerning statelessness, UNHCR will; (1) disseminate the information package concerning accession to international instruments on statelessness; (2) organise a seminar on statelessness issues, with the participation of high-ranking Government officials, Members of the Parliament and experts; (3) provide the necessary technical assistance for amendment of relevant national legislation in the spirit of preventing and reducing statelessness.

- **Capacity and presence of implementing partners**

Romanian NGOs with demonstrated interest 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, the Romanian

Forum for Refugees and Migrants – ARCA (ARCA) providing assistance for refugee integration, and Save the Children Romania (SCR), assisting refugee children. UNHCR financial support and guidance to those implementing partners is essential to ensure the necessary protection and assistance of persons of concern, for durable solutions. There is no funding of refugee assistance from Government to NGOs and access of NGOs to funding from other sources is extremely limited.

- **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, the UNHCR Branch Office for Romania participates in inter-agency activities under the United Nations Development Assistance Framework (UNDAF) exercise, 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.

In addition, co-operation with the Office for Romania of the International organisation for Migration (IOM) was initiated in order to provide co-ordinated assistance to the Romanian Government for voluntary return of finally rejected asylum-seekers. At country level, UNHCR will also participate in the “Consultative Committee” initiated by IOM for the implementation of its programme on measures to combat human trafficking.

(b) Selected Programme Goals and Objectives

<u>Name of the Theme:</u> Quality Asylum in a Uniting Europe
<u>Main Goals:</u> 1) Persons in need of international protection have access to the Romanian territory 2) Romania develops and gradually harmonises its asylum system in conformity with international standards 3) Public opinion is receptive to the protection needs of refugees and supportive of their integration efforts

Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Adequate protection safeguards exist for refugees and asylum-seekers • Asylum-seekers have their claims heard fairly and promptly • The gradual harmonisation of legal and procedural standards preserve current better practices • Asylum-relevant institutions develop in the run-up to EU accession • All refugees have real opportunities to integrate • The public at large understand the difference between economic migrants and refugees 	<ul style="list-style-type: none"> • border authorities are better prepared to act in conformity with the principle of <i>non-refoulement</i> and provisions of national law • existing and potential asylum-seekers kept at border points have access to legal advice and counselling by NGOs and lawyers • conformity of Romanian decision practice with international protection standards • better reasoning of decisions in the first and second instance through <i>inter alia</i> increased reference by RSD authorities, to country of origin information/documents/sources and international instruments in the process of taking decisions upon asylum claims • stronger network of asylum lawyers providing legal representation in Court • improved capacity of NGO partners to provide legal counselling • the refugee legislation is further improved • co-ordination and co-operation relationships between assisting NGOs and relevant authorities are further developed • measures to facilitate refugee integration are adequately legislated and implemented • an integration package is available to refugees including as a minimum access to Romanian language learning, vocational training, income generation, basic health care and affordable housing • special assistance is provided by Government to refugee children, women, elderly and refugees with special needs • UNHCR policies and priorities are made available to the public through a quarterly Newsletter • increased public awareness of refugee-related issues within the wider context of human rights issues.
<p>Name of the Theme: Statelessness</p>	
<p>Main Goals :</p> <ol style="list-style-type: none"> 1) Statelessness will decrease 2) Stateless people enjoy, at a minimum, a status consonant with the 1954 Convention standards. 	

Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Romania accedes to universal and regional instruments for prevention and reduction of statelessness • Stateless persons granted refugee status in Romania gradually acquire Romanian citizenship 	<ul style="list-style-type: none"> • national legislation stipulating accession to international instruments relating to statelessness is passed • Romanian Nationality Law is amended to include provisions facilitating naturalisation of stateless refugees • increased awareness of statelessness-related issues