

**Questionnaire of the Special Rapporteur on the Human Rights of Migrants on
Good practices and initiatives of gender-responsive migration legislation, policies, and
practices**

Questions:

1 How does the country/ies on which your organization is working define “gender responsiveness”?

In the National Strategy of May 2018 on the Promotion of Equal Opportunities and Treatment for Women and Men and on the Prevention and Combating of Domestic Violence for the Period 2018-2021¹ it is highlighted that policy making in this area must bring improvements to social life, correct attitudes and behaviors that could lead to exclusion or marginalization of person of one sex or another, promote the benefits of building an inclusive and non-discriminatory society, mainstreaming and integrating gender, so that all women and men should exercise their rights and in which all forms of discrimination and gender violence should be eliminated.

Addressing this issue it is to be taken into account not only the economic dimension, but also the socio-cultural dimension in which gender stereotypes are perpetuated. These stereotypes often lead to an unequal distribution of economic and political power in society and a limitation of women's access to different spheres of social life, for example, in some professional areas considered as "naturally masculine".

The importance of gender mainstreaming is highlighted in the strategy, as well as the importance of implementing measures for the principle of transversality, as defined in Law no. 202/2002, by gender mainstreaming and gender budgeting in all governmental strategies and institutions, assessing the impact of gender equality on existing legislation to identify the need for legislative action and continuing plans to establish focal points on the size of gender in all relevant ministries and authorities at national and local level;

2 Please provide information on any existing or forthcoming good practices or initiatives of gender-responsive migration legislation, policies or practices in the country/ies your organization is working on. (Should you provide information on legislation or policy, kindly submit the original text, accompanied by an English translation if it is in a language other than the six official UN languages

One good example may be the project “Supporting active inclusion of disadvantaged migrants in Europe” (ADMIN4ALL), implemented by the International Organization for Migration (IOM).²

¹ Approved by Decision no. 365/2018 published in the Official Gazette of Romania, Part I, no. 465 of 6 June 2018.

² <https://iom.ro/en/what-we-do/programs/540-admin4all>

The project targets 12 municipalities in four EU member States: Italy, Austria, Poland and **Romania**, and is managed by the IOM office in Italy in cooperation with the **IOM offices in the other three countries involved**. The 12 targeted municipalities are: Bari, Florence, Milan and Naples (Italy), Bruck an der Leitha, Korneuburg, Tulln (Austria), Poznan, Warsaw, Wroclaw (Poland), **Bucharest and Cluj-Napoca (Romania)**.

In Romania, no fees are charged for family reunification (but other practical and travel costs remain high). In Romania, asylum legislation on family reunification includes only spouse and minor children but takes into account both members of the refugee family and beneficiaries of subsidiary protection on and outside Romania. Legal provisions on family identification and the family reunification in Romania are applied with the least possible delays. Romania does not apply deadlines for granting treatment to beneficiaries of international protection.³

As regards the transition to an independent living and access to housing, Romania offers beneficiaries of international protection the possibility of staying in accommodation centers during their participation in the integration program. Members of the family with a protection status can participate in the integration programs offered by the state for periods of 9 and 12 months, respectively.

Beneficiaries of a form of protection may request a 50% rent subsidy for one year if they complete an integration program and do not have access to social housing.

The General Inspectorate for Immigration cooperates with civil society and local community members to accept and integrate immigrants and asylum seekers into society by involving them in raising awareness campaigns. They interact with the community which is informed about their situation and on the reasons why they left their countries. To this end, cultural and diversity activities are regularly organized in the six Regional Centers for Procedures and Accommodation of Asylum Seekers from Timisoara, Galati, Rădăuți, Șomcuta Mare, Giurgiu and Bucharest.

Since May 2016, the General Inspectorate for Immigration has carried out activities for the implementation of the project "Strengthening the Response capacity of the General Inspectorate for Immigration in the field of combating marriages of convenience as a form of abuse to legal migration channels". The project aimed to strengthen the control of the legality of the stay of third-country nationals on Romanian territory through effective measures to combat fraud and abuse of legal migration methods.

The General Inspectorate for Immigration has carried out the project "Swiss Aspects on Asylum-Institutional Development at the level of the General Inspectorate for Immigration".

The General Inspectorate for Immigration also cooperates with international organizations active in the field, such as the UN High Commissioner for Refugees and the International Organization for Migration, to implement asylum policies that respect the fundamental rights and freedoms of each individual. Experts from the Immigration General Inspectorate contribute to a series of regional dialogues and initiatives on migration and protection, mobility and the prevention of illegal migration.

Romania implements a specific and concentrated migration policy, adapted to the needs of the country and taking into account its impact on other EU Member States, while ensuring equitable

³ https://www.unhcr.org/ro/wp-content/uploads/sites/23/2016/12/Refugee_Integration_RO.pdf

treatment and effective integration of migrants. Romania has received over 700 asylum seekers. In the first six months of 2017, 1437 illegal immigrants from Iraq, Syria, Pakistan, Afghanistan, Iran, Turkey, India, Kosovo, Bangladesh, and Palestine attempted to enter illegally into Romania, according to the Border Police. All of them remain in the country during the legal proceedings and they receive assistance paid by the Romanian state.

In 2018, within an extensive collaboration between the structures of the Ministry of Internal Affairs, namely the General Anticorruption Directorate, the General Inspectorate for Immigration and the General Inspectorate of Border Police, the foundations for the creation and implementation of the "Plan of Joint Measures to Prevent Corruption in the context of illegal migration " were laid, with the launch of specific activities and events. One of the working sessions and debates was the convening of the heads of the territorial structures of the General Immigration Inspectorate, which took place in Bucharest, at the Cultural Center of M.A.I. The Romanian Institute for Human Rights was also invited to this meeting. The main objective of the meeting was to support the promotion and protection of human rights from the point of view of police forces, applicable to the sensitive field of migration. Issues such as the role of law enforcement officers in the protection of human rights, the increased relevance of international and regional documents to police officers, and issues on migrants' rights have been reviewed, emphasizing the need for the adaptability of measures in the special cases or situations involving vulnerable persons / categories: migrant victims of crime, women and young girls, refugees or asylum seekers, children or people with special needs. This "Plan of Joint Measures to Prevent Corruption in the context of Illegal Migration" was elaborated by the three above named institutions under the aegis of the Ministry of Internal Affairs. The Romanian Institute of Human Rights actively contributed to it. A debate was also held at the Police Border on topics such as non-discrimination and creating a profile that does not have a "protected feature" (sex, race, skin color, ethnic or social origin, language, religion, beliefs, political opinions, affiliation to a minority, social status, birth, disability, age, relationship with minorities, etc.)

Legislation

Ordinance no. 44/2004 on the social integration of foreigners who have acquired a form of protection in Romania

Emergency Ordinance no. 102/2005 on the free movement on the territory of Romania of the citizens of the Member States of the European Union, the European Economic Area and the citizens of the Swiss Confederation, republished in 2011, Official Gazette 774/2 November 2011

Law no. 260/2005 for the approval of Government Emergency Ordinance no. 102/2005 on the free movement on the territory of Romania of the citizens of the Member States of the European Union and of the European Economic Area

Law no.122 / 2006 on asylum in Romania

Emergency Ordinance no. 56/2007 regarding the employment and detachment of foreigners on the territory of Romania

Law no. 362/2005 on the accession of Romania to the Convention on the Status of Stateless Persons, adopted in New York on 28 September 1954

Law no. 361/2005 for the accession of Romania to the convention on the reduction of the cases of stateless status adopted in New York on 30 August 1961

Law no. 85 of April 8, 2009 regarding the approval of Government Emergency Ordinance no. 187/2008 for amending and completing the Law no. 122/2006 on asylum in Romania

Law no. 280/2010 for amending and completing the Law no. 122/2006 on asylum in Romania

Law no. 209 of 27 June 2013 on the approval of Government Emergency Ordinance no. 16/2013 for amending and completing the Law no. 122/2006 on asylum in Romania

Law no. 137 of 15 October 2014 approving the Government Ordinance no. 1/2014 for amending and completing the Law no. 122/2006 on asylum in Romania and Government Ordinance no. 44/2004 on the social integration of foreigners who have acquired a form of protection or a right of residence in Romania, as well as citizens of the Member States of the European Union and the European Economic Area

Law no. 331 of 16 December 2015 for the modification and completion of some normative acts in the field of foreigners

Government Decision no.780 / 2015 for the approval of the National Immigration Strategy for the period 2015-2018 and the Action Plan for 2015 for the implementation of the National Strategy 2015-2018.⁴

The strategy has four major general objectives:

I Promoting legal migration for the benefit of all parties: Romanian society, immigrants and their countries of origin

II Strengthening the control of the legality of the stay of third-country nationals on the territory of Romania and the appropriate application of the removal measures and restrictive measures

III Improvement of the national asylum system in order to increase efficiency and ensure compliance with the applicable national, European and international legal standards

IV Active participation of Romania in the efforts of the international community and the Member States of the European Union to identify sustainable solutions for persons in need of international protection and in the social integration of third country nationals

Law no. 165 of 24 June 2015 on the approval of the Government Ordinance no. 22/2014 for amending and completing the Law no. 122/2006 on asylum in Romania

Law no. 116 of May 26, 2017 regarding the approval of Government Ordinance no. 25/2016 regarding the modification and completion of some normative acts in the field of aliens.

Government Decision no. 891 of 14 December 2017 on supplementing the annual quota for the type of newly admitted workers on the labor market.

The Consolidated form of Law no. 122/2006⁵, includes a series of amendments and additions, laws and emergency ordinances and is effective starting September 2016:

This law establishes the legal regime of foreigners requesting international protection in Romania, the legal regime of foreign beneficiaries of international protection in Romania, the

⁴ Published in the Official Gazette no. 789 on October 2015

⁵ published in the Official Gazette no. 428, on September 3, 2016

procedure for granting, terminating and canceling international protection in Romania, the procedure for establishing the Member State responsible for examining the asylum application, as well as the conditions for the granting, exclusion and cessation of temporary protection.⁶

3. Please indicate any challenges and/or obstacles in the implementation of gender-responsive migration legislation and/or policies?

There is a good level of implementation of legislation and policies in this field in Romania, but it would be necessary that the authorities and the civil society identify measures for combating the promotion of the stereotype image of women in general and especially of vulnerable categories such as minorities, migrant women and girls. The stereotype images of women are propagated either by mass media or by certain publications and depend very much on the mentality and level of culture. There is a need to change old-fashioned concepts and mentalities. In this sense the Romanian Institute for Human Rights, provided training for trainers as well as training for youth, pupils and students and joined various national, European and international awareness campaigns, performed training for a human rights culture and initiated debates to promote diversity and tolerance and to combat discrimination, online violent speeches or any other manifestations of hatred.

In general counseling and consultants for obtaining accommodation are ensured by NGOs but in general NGOs do not ensure representation by specialized lawyers. Also, the study mentioned above (at footnote 3) states that Romania has not yet adopted an integrative approach of refugees in labor law.

4 Based on the experience accumulated with these interventions so far; as well as the lessons learned, what would have to be done differently to maximize the gender responsive impact of these interventions?

There is a need for more cohesion and cooperation between all the stakeholders. Sometimes migrants and migrant women lack the necessary information from the government and even from the NGOs.

5. What support could other stakeholders (other than governments) provide to make migration policies, legislation, and practices more gender responsive?

Other stakeholders should make their work more visible, inform on their activities, liaise between themselves to avoid overlapping and share best practices with the final aim to formulate recommendations for concrete measures. Civil society and NGOs should strengthen their cooperation with international organizations in the field. The Romanian Institute for Human Rights acts as a builder of bridges between national authorities, civil society and the public at large.

⁶ Published in the Official Gazette no. 789 on October 2015