



Monitoring the observance of rights of the refugees from Ukraine

In the context of an increased flow, on the territory of Romania, of people fleeing from Ukraine, a country at war, and considering that:

► the People's Advocate institution aims to **protect the rights and freedoms of individuals** in their relations with public authorities (Art. 1 of Law no. 35/1997, republished);

► *The Department on the prevention of torture in places of detention (NPM)* within the People's Advocate institution **monitors the special reception and accommodation centres for asylum seekers** operating within the General Inspectorate for Immigration, having the legal regime of the transit area (considered to be places of detention¹), in order to strengthen their protection against torture and inhuman or degrading treatment and punishment and to enable them to exercise their fundamental rights and freedoms without discrimination;

► *The Department on the defence, protection and promotion of children's rights - Ombudsman for Children* within the People's Advocate institution **acts in order to promote and protect the rights of children up to 18 years old**, supports and encourages the observance and promotion of children's rights, under Law no. 35/1997, republished, respectively of Law no. 272/2004 on the protection and promotion of the rights of the child, republished, as subsequently amended and supplemented (in particular Chapter IV: Protection of refugee children and protection of children in the event of armed conflict),

as well as the fact that:

► During the meeting of the leadership of the People's Advocate Institution, on March 7, 2022, **it was decided to set up a working group to monitor the observance of rights of the refugees from Ukraine**, a group composed of representatives of the 6 departments operating within the institution:

D1 - Human rights, equal opportunities for men and women, religious cults and national minorities;

D2 - The rights of the family, young people, pensioners, people with disabilities;

D3 - Defence, protection and promotion the rights of the child;

D4 - Army, justice, police, penitentiaries;

D5 - Property, labour, social protection, taxes and fees;

D6 - National Preventive Mechanism.

¹ within the meaning of Art. 4 of the Optional Protocol to the Convention against Torture - OPCAT and Art. 34 para. (1) of Law no. 35/1997, republished: *any place where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence*

the following activities will be carried out, which fall within the competence of the People's Advocate institution:

I. Formulation of letters / proposals for ex officio referrals to the following authorities:

A. Ministry of National Defence (MAPN)

Information requested:

- ways of approaching the refugee situation (attitude of MAPN representatives towards refugees);
- providing translators in border areas;
- imbalances in the activity of border crossing points due to the large flow of refugees or poor management;
- possible shortcomings in terms of the logistical equipment of border guards;
- prevention of abuses of any kind or unwanted incidents that may occur between refugees and the personnel that maintains law and order;
- how refugees are directed to refugee centres;
- the problems that may arise regarding the collaboration between the MAPN and MAI (Minister of Interior) structures, on the occasion of the establishment on the Romanian territory of possible states of emergency, crisis, etc. and the prevention of possible violations of civil rights and freedoms as a result of such exceptional situations;
- dissatisfaction of the Romanian military with regard to logistical equipment or human resources issues;
- how MAPN representatives ensure public order in crisis situations.

Responsible department: D4

B. General Inspectorate for Immigration (IGI)

Information requested:

1.
 - statistics on **minor children refugees** (number, age groups), specification of their situation (accompanied / unaccompanied);
 - the way of collaboration with the Territorial Inspectorate of the Border Police, in order to take over and protect the minors who enter Romania accompanied or unaccompanied;
 - measures taken for the accommodation of accompanied / unaccompanied minors;
 - the way of collaboration with the social assistance services within the town halls for the monitoring of minor children refugees;
 - difficulties in ensuring the rights of children refugees.
2. mediation / legal advice granted to persons entering Romania; who gives legal advice, how are they organized, if there are visible and accessible spaces set up for this purpose.
3.
 - statistics on **asylum applications** in Romania by refugees from Ukraine (Ukrainian citizens / persons of other nationality staying in Ukraine for study / work / other situations): total number; by categories: sex, age, vulnerable persons (women - pregnant women, women with small children, minors - accompanied / unaccompanied, elderly people, persons with disabilities), country of origin;
 - information on the accommodation of asylum seekers (centres where they were accommodated); in the case of unaccompanied minors, residential centres within the DGASPC in which they were housed;

- steps taken to ensure human resources (staff for the centres: medical, psychological, social work, translator of Ukrainian language), material resources (living conditions, food, clothing and footwear);

- steps taken to ensure the contact of asylum seekers with their families, the embassy, non-governmental organizations;

- amendments to legislation / internal rules in the context of the flow of refugees from Ukraine.

Designate an IGI liaison person to provide the working group with updated information on a weekly basis and when special situations arise.

Responsible departments, in collaboration: Ombudsman for Children (point 1), D1 (point 2) and NPM (point 3)

C. General Inspectorate for Emergency Situations (IGSU)

Information requested:

1.

- how the situation of refugee children is managed / measures taken;
- difficulties in ensuring the rights of refugee children.

2.

- ways of approaching the refugee situation (attitude towards refugees);
- providing translators in border areas;
- imbalances in the activity of border crossing points due to the large flow of refugees or poor management;
- possible shortcomings in terms of the logistical equipment of border police officers;
- preventing abuses of any kind and unwanted incidents that may occur between refugees and law enforcement agencies;
- how refugees are directed to refugee centres;
- the problems that may arise regarding the collaboration between the MAPN and MAI structures, on the occasion of the establishment on the Romanian territory of possible states of emergency, crisis, etc. and the prevention of possible violations of civil rights and freedoms as a result of such occurrences of exceptional situations;
- the way in which the MAI representatives ensure public order in crisis situations.

Designation of a liaison person to provide the working group with updated information on a weekly basis and when special situations arise.

Responsible areas, in collaboration: D3 (point 1), D4 (point 2)

D. General Inspectorate of Border Police

Information requested:

1.

- statistics on the number of minor children refugees, age groups and on the situation of minors (accompanied / unaccompanied);
- the way of collaboration with the other competent public authorities, in order to take over and protect the minors who enter Romania accompanied or unaccompanied;
- the difficulties encountered in ensuring the rights of refugee children.

2.

- ways of approaching the refugee situation (attitude towards refugees);
- providing translators in border areas;

- imbalances in the activity of border crossing points due to the large flow of refugees or poor management;
- possible shortcomings in terms of the logistical equipment of border guards;
- preventing abuses of any kind and unwanted incidents that may occur between refugees and law enforcement agencies;
- how refugees are directed to refugee centres;
- the problems that may arise regarding the collaboration between the MAI and MAPN structures, on the occasion of the establishment on the Romanian territory of possible states of emergency, crisis, etc. and the prevention of possible violations of civil rights and freedoms which might occur as a result of such exceptional situations;
- the way in which the MAI representatives ensure public order in crisis situations.

Designation of a liaison officer within the authority to provide the working group with updated information on a weekly basis and when special situations arise.

Responsible departments, in collaboration: D3 (point 1), D4 (point 2).

E. General Inspectorate of the Romanian Gendarmerie

Information requested:

- ways of approaching the refugee situation (attitude towards refugees);
- providing translators in border areas;
- imbalances in the activity of border crossing points due to the large flow of refugees or poor management;
- preventing abuses of any kind and unwanted incidents that may occur between refugees and law enforcement agencies;
- how refugees are directed to refugee centres;
- the problems that may arise regarding the collaboration between the MAI and MAPN structures, on the occasion of the establishment on the Romanian territory of possible states of emergency, crisis, etc. and the prevention of possible violations of civil rights and freedoms as which may occur a result of such exceptional situations;
- the way in which the MAI representatives ensure public order in crisis situations.

Designation of a liaison officer within the authority to provide the working group with updated information on a weekly basis and when special situations arise.

Responsible department: D4

F. Regional accommodation and procedures centres for asylum seekers (*Bucharest, Galați, Rădăuți, Șomcuta Mare, Giurgiu and Timișoara*)

Information requested:

- statistics on asylum seekers (Ukrainian citizens / other nationals staying in Ukraine for study / work / other situations) housed in centres:
 - ▶ number (total number of applicants; number at the time of reply)
 - ▶ by categories: sex, age, vulnerable persons (women - pregnant women, women with small children, minors - accompanied / unaccompanied, elderly people, persons with disabilities), country of origin;
- steps taken to ensure human resources (medical, psychological, social work personnel, Ukrainian language translator), material resources (living conditions - occupancy of the centre upon arrival of refugees from Ukraine, food, clothing and footwear);
- steps taken to ensure the contact of asylum seekers with their families, the embassy, non-governmental organizations;

- difficulties in ensuring appropriate accommodation and assistance conditions according to the needs of asylum seekers.

Designate a liaison person within the centre to provide the NPM with updated information on a weekly basis and when special situations arise.

Responsible department: NPM

G. National Authority for the Rights of Persons with Disabilities, Children and Adoption (ANDPDCA)

Information requested:

- statistics on refugee children from Ukraine, housed in residential centres (the residential centres where they are housed, age, disabilities, country of origin - if they are not Ukrainian citizens, etc.).

Designation of an ANDPDCA liaison officer to provide the NPM with updated information on a weekly basis and when special situations arise

Responsible department: NPM

H. General Directorates for Social Assistance and Child Protection / Directorates of Social Assistance / Public Social Assistance Services

Information requested:

- information on the number of refugee children and their situation (accompanied / unaccompanied / institutionalized / with disabilities);

- measures taken to ensure that the rights of refugee children are respected (security, counselling, accommodation, assistance in legal proceedings);

- information on how the children's situation is being managed (situation of spaces, number of places available in centres, situation of specialized staff, translators);

- the way of collaboration with the other competent public authorities, in order to ensure the rights of refugee children on the Romanian territory;

- informing about the difficulties encountered in ensuring the rights of refugee children.

Designate a liaison officer to provide the working group with updated information on a weekly basis and when special situations arise.

Responsible department: Ombudsman for Children

I. County School Inspectorates

Information requested

- information on the number of places available in the educational units for refugee children, respectively the measures taken in order to ensure the right to education and equal opportunities (enrolment of Ukrainian students in Romanian schools);

- information on the number of Ukrainian-speaking teachers, respectively the possibilities and measures identified in order to ensure the educational process and the integration of refugee children;

- the way of collaboration with the other competent public authorities, in order to ensure the observance of the rights of refugee children in Romania.

Designation of a liaison officer to provide the working group with updated information on a weekly basis and when special situations arise.

Responsible department: Ombudsman for Children

J. The Public Health Directorates of the counties on the border with Ukraine

Information requested

- the first points where medical assistance is provided to refugees immediately after crossing the border into Romania

Designation of a liaison person to provide the working group with up-to-date information when special situations arise.

Responsible department: D1

II. Visits

A. in the regional accommodation and procedures centres for asylum seekers (Bucharest, Galați, Rădăuți, Șomcuta Mare, Giurgiu and Timișoara) where, according to the information received, there were asylum seekers from Ukraine.

B. in the residential centres where minor refugees were accommodated (according to the information received from ANDPDCA, DGASPC, town halls).

Responsible department: NPM

III. Ongoing monitoring of the legal framework related to refugees

Responsible departments: all

IV. Constant monitoring of the press, in order to identify articles on the situation of refugees, and to assess how public authorities ensure and respect the rights of refugees / identify deficiencies

Responsible departments: all

Other issues:

- the working group will meet weekly (constant contact, by telephone or by e-mail), on Friday at 11:00 AM, to discuss the steps taken and the results obtained, as well as the taking of new measures, if necessary.

- the list of approaches proposed by the working group may be modified / supplemented depending on the evolution of the refugee situation and new issues which can arise.

Bucharest, 8 March 2022