Romania Country Assessment

Safeguarding support for Ukrainian refugees

Resource and Support Hub, Eastern Europe
February 2023

Contents

Introduction

Governments, non-governmental organisations (NGOs) and volunteers across Eastern Europe have mobilised to welcome and offer support to Ukrainian refugees. The crisis and its response have increased the risks of abuse and harm to those fleeing the war in Ukraine. There are safeguarding risks of sexual exploitation abuse and harassment (SEAH) of affected populations at border crossings, in transit centres and while accessing accommodation and services in Romania. Children and vulnerable individuals are particularly at risk. Acts of sexual exploitation and abuse (SEA) occur during the delivery of humanitarian and development assistance around the world (**Feather, Martin, Neville**, 2021) and unfortunately the Ukrainian response in Romania is no exception.

The Safeguarding Resource and Support Hub Eastern Europe in Romania aims to support Romanian civil society organisations (CSOs) to strengthen their safeguarding policy and practice whilst they protect and support people affected by the war on Ukraine.

This report summarises the full Country Assessment prepared for the Safeguarding Resource and Support Hub Eastern Europe in Romania[1]. This summary provides an overview of safeguarding for Ukrainian refugees, including the risks, legal protections, stakeholders and initiatives to address safeguarding from SEAH. Whilst the original country assessment provided recommendations to the Resource and Support Hub Eastern Europe, this summary adapts those recommendations, so that they are relevant for safeguarding in all state and civil society organisations engaged in the humanitarian response to the Ukraine refugee crisis.

> Working Definitions
>
> Safeguarding: Safeguarding means preventing harm to people in the delivery of development and humanitarian assistance. The Resource and Support Hub for Eastern Europe understands safeguarding as taking all reasonable steps to prevent harm from occurring both to the recipients of aid and to people delivering it, and responding appropriately when harm occurs.
>
> Sexual exploitation and abuse (SEA): This is an umbrella term for a number of different types of behaviour. It is a term commonly used by the UN and INGOs.
>
> Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. This includes profiting monetarily, socially, or politically from sexual exploitation of another. Under UN regulations it

---

[1] Authored by Tanita Cotarcea.

includes transactional sex, solicitation of transactional sex and exploitative relationships (UN, 2017).

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It includes rape as well as sexual assault (any sexual activity with another person who does not consent, which may be committed by means other than force or violence). Under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence (UN 2017).

Sexual harassment: A continuum of unacceptable and unwelcome behaviours and practices of a sexual nature that may include, but are not limited to, sexual suggestions or demands, requests for sexual favours and sexual, verbal, or physical conduct or gestures, that are or might reasonably be perceived as offensive or humiliating (UN, 2018).

Protection from sexual exploitation and abuse (PSEA): This term is used by the UN and INGO community to refer to measures taken to protect people from - and respond appropriately to - sexual exploitation and abuse by their own staff and associated personnel targeted at community members (Davey, Taylor, 2017).

For further definitions see the Safeguarding Support and Resource Hub Eastern Europe

Many staff, associates and volunteers of aid agencies are highly committed and principled people, but we must recognise that some may misuse their positions of power to engage in abuse of vulnerable people. People at most risk of safeguarding violations are those that already experience discrimination in society (such as women, children, people with disabilities, ethnic/racial minorities and Lesbian, Gay, Bisexual, Transgender, Queer or Intersex (LGBTQI+) individuals). Staff, associates and volunteers of aid agencies are not immune to harm and may themselves experience abuse in the workplace at the hands of their colleagues.

A whole organisational approach that addresses organisational culture is required to tackle these underlying problems to ensure that robust safeguarding policies and practices are implemented.

Methodology

The country assessment was informed by a review of English and Romanian literature. It was followed by 16 key informant interviews with public authorities, CSOs, international non-government organisations (INGOs) and United Nations (UN) agencies. Limitations are

acknowledged; the data may not represent the national situation and the report generalises the information gained from the interviewees. Similarly, we recognise there is no in-depth analysis of those who may face particular risks, such as children or persons with disabilities. Nonetheless, outputs provide a valid enough context analysis and serve as a basis for future comprehensive and exploratory studies.

Country Context

Romania is an Eastern European country still in transition from the end of the communist era in 1989. Romania falls behind EU standards on gender equality, women's rights, freedom of speech and human rights. The country continues to be overshadowed by corruption concerns including European Court of Human Rights' country convictions. Although Romania has demonstrated consistent efforts to end corruption over recent years, public trust in authorities was at an all-time low in 2021 (**Statista Research Department**, Feb 1, 2022). Lack of trust in authorities is a safeguarding risk, because it reduces the likelihood of reports being made.

After managing the challenges of the Covid-19 global pandemic, Romania was then faced with an international conflict at its borders with significant refugee movement into Romania.

Refugee Response

As the member state of the European Union (EU) and NATO with the longest border with Ukraine, Romania has been at the forefront of the regional response to Ukraine's crisis since the start of the war.

The initial formal response was led by the Romanian government's Department of Emergency Situations. Now, the National Plan of Measures for the Integration of Ukrainian Refugees in Romania, which is supervised by the Strategic Coordination Group of Humanitarian Assistance within the Prime Minister's Office, outlines the integration plan for refugees. In addition, in the first months, NGOs, companies, volunteers and citizens went to border crossings to offer food, transport etc. to refugees. Few NGOs and volunteers remain at border crossing now. Burnout and fatigue are likely factors in the attrition of support, as well as donors redirecting funds towards INGOs and UN agencies.

The Russian invasion of Ukraine in February 2022 resulted in large scale displacement both within Ukraine and to neighbouring countries, including Romania. As of November 2022, over 90,000 refugees from Ukraine were recorded in Romania:

- 77% were women.
- 88% were travelling in a group (with family, friends, relatives, or acquaintances).
- 65% reported at least one child in the group.
- 18% were travelling with at least one older person (**IOM**, Dec 6, 2022).

Ukrainians living in Romania's territory have access to support and assistance both from state entities and private actors under the Temporary Protective Directive.[2]

Legal framework for safeguarding

Humanitarian legislation

Measure 2 of the **National Plan of Measures for the Integration of Ukrainian Refugees in Romania** seeks to prevent the risks of abuse and exploitation of displaced persons from Ukraine, beneficiaries of temporary protection in Romania. Prevention measures include a working group for PSEA and a strategy to combat human trafficking. The Prime Minister's Chancellery has created an online platform **Humanitarian Support DSU–GOV** to support

---

[2] Council Directive 2001/55/EC of 20 July 2001 sets minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, available **here**.

the coordination of the more than 800 staff and volunteers from over 400 entities (UN agencies, INGOs, NGOs and public authorities) active in the joint humanitarian effort.

The **Common Order no. 20.362/31/3.386/812/400/2022** was issued in March 2022 by the Ministry for Family, Ministry of the Interior, Ministry of Education, Ministry for Development, and the Ministry of Health. It applies to all their subordinated structures (including border police) and establishes cooperation procedures between authorities on entry, registration, transit, stay, as well as ensuring the protection of unaccompanied minors coming into Ukraine. It obliges the registration of any unaccompanied child identified at the border, thus ensuring traceability of children and accountability of social workers for vulnerable children.

Criminal and civil laws

The Romania national legislative framework does not have explicit safeguarding protections. Whilst Romania has transposed all relevant European directives, implementation and enforcement remain weak. A sample of legislation which may offer safeguarding protections are shown below:

Name of law	Protections offered
Law no. 202/2002 on Equal Opportunities and Treatment between Women and Men	Prevents and protects from domestic violence and other forms of gender-based violence. Prohibits harassment (including sexual and psychological) in the workplace.
Criminal Code, Articles 223 and 299	Prohibits sexual harassment and makes it punishable by imprisonment.
National strategy for prevention and combatting sexual violence (SINERGIE) 2021-2030. Government Decision no. 592, 2021	Requires adequate state and organisational capacity to prevent, identify and respond to sexual violence.

Labour Code, Article 242	Employers must verify professional skills during the recruitment process. Criminal background checks are possible for some professions e.g. legal advisor, civil servant. Professional membership is required for some professions, e.g. doctors, dentists. Enshrines the principle of non-discrimination and any forms of violation of dignity in the workplace. Requires disciplinary procedures to be in place to settle labour disputes.
Law no. 78/2014	Defines the rights and protections of volunteers.
PL-x nr. 219/2022, following the EU Directive 2019/1937	Protects whistle-blowers.
Law no. 290/2004	Creates a register of persons who have committed sexual crimes.
Law no. 118/2019	Requires ministries and public administration bodies to ensure that persons on the register of sexual crimes are prohibited from carrying out activities that involve contact with children and persons who are older, disabled or otherwise vulnerable.
Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence	Obliges states to establish protection and support mechanisms to respond to violence against women and domestic violence. Ratified May 2016.
Law no. 272/2004	Lays out the legislative framework regarding the rights of the child

Key safeguarding networks and stakeholders[3]

The Ministry for Family, Youth and Equal Opportunities has overall responsibility for child protection. The safeguarding system is supported by a number of actors.
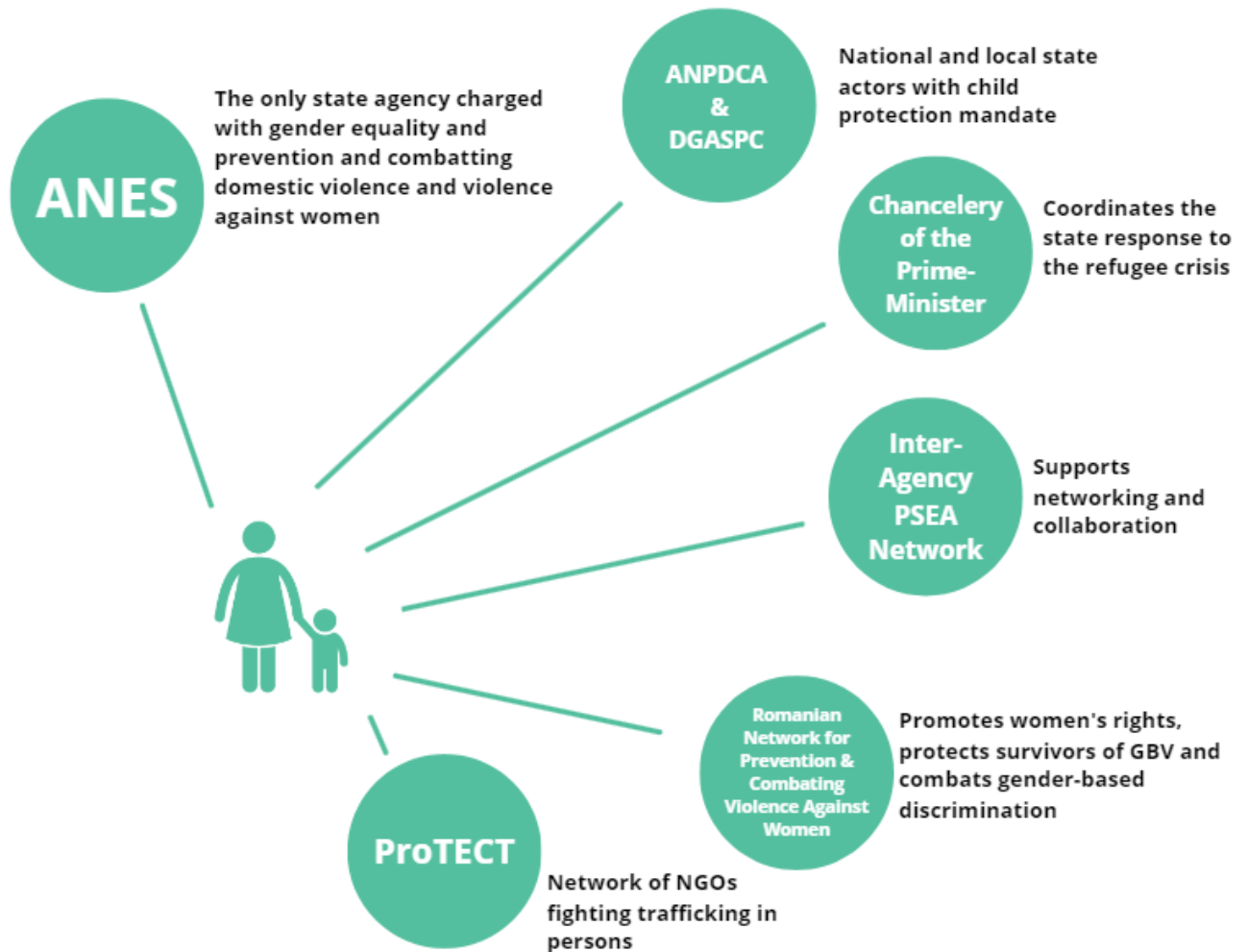
Prevention

Some efforts are in place to raise safeguarding awareness and reduce safeguarding risks. These include:

---

[3] ANES is the National Agency for Equal Opportunities between Women and Gender Equality Agency. ANPDCA is the National Authority for the Protection of Children Rights and Adoptions. DGASPC is the General Directorate of Social Assistance and Child Protection.

- The Chancellery of the Prime Minister created the working group on anti-trafficking and protection from sexual exploitation and abuse (PSEA) to identify prevention and response measures.
- The PSEA Network advocates for PSEA minimum operating standards.
- INGOs and UN Agencies are providing training on PSEA and safeguarding for their partners.
- The **50/20 Programme** is unique in Europe. It reimburses registered hosts 50 or 20 RON for accommodating or feeding refugees, respectively. Whilst the registration offers authorities the ability to trace and hold accountable private entities subject to any complaints, unfortunately this has not been happening.
- Distribution of posters and information leaflets on the rights of programme participants and how to access complaints mechanisms.
- The **Education Without Bullying app** has been promoted by the Ministry for Family and National Authority for the Protection of Children Rights and Adoptions (ANPDCA). The app focuses on prevention and reporting of bullying and harassment in schools.
- UNICEF Romania collects data using **Primero**, a web-based platform developed to enhance the process used by humanitarian and development professionals to monitor incidents and manage cases related to child protection.
- Telegram is being used to spread information within communities of Ukrainians in Romania.

Safeguarding-related risks

During crises and large movements of people, safeguarding risks increase. The most common risks and safeguarding challenges that surfaced during the data collection were:

Interpersonal risks and challenges

Gender-based violence

> 55% of Romanians from community members to the police, prosecutors and judges considered rape to be justified in certain circumstances, such as a woman wearing "provocative clothes" (**European Union**, Eurobarometer on Gender-Based Violence 2016).

The risks of gender-based violence are important given the high numbers of Ukrainian women accompanied by vulnerable family members (children and older relatives) crossing the border. Few men are entering Romania due to the mandatory conscription of Ukrainian men.

Exploitation, abuse, and harassment (including sexual)

30% of Romanians did not think sexual harassment of female colleagues should be illegal and 3% did not consider it wrong or illegal to send unsolicited messages with explicit sexual content " (**European Union**, Eurobarometer on Gender-Based Violence 2016).

Again, given the high numbers of Ukrainian refugee women in Romania, they are vulnerable to exploitation, abuse and harassment when they access support and services.

Loss or theft of documentation

Romania remains a top country of origin of trafficking in people despite efforts to prevent and protect potential victims, for example through the establishment of the National Anti-Trafficking Agency in 2011 (**US State Department**, Trafficking in Persons Report, 2022; **Council of Europe**, Group of Experts on Action against Trafficking in Human Beings, 2021).

Loss or theft of legal identity documentation makes people vulnerable to labour and sex trafficking, because they are unable to access services or move to destinations of their choice without their papers. To date, no confirmed cases of trafficking in people (reported to the law enforcement agencies and investigated by the specialized police) were known to the authors.

Disinformation

Without access to accurate information in Ukrainian and Russian, refugees are unable to access support and services and are vulnerable to those who seek to exploit them.

The Romanian government has launched two websites[4] to support Ukrainian people on the move. These sites offer essential information on potential risks and how to access services. Humanitarian agencies have also begun to tailor and disseminate information to those coming from Ukraine.

---

[4] https://protectieucraina.gov.ro/1/ and https://dopomoha.ro/en

Inter-related risks

Risks are inter-related, for example, a lack of information can make a person accept assistance from a person or organisation with malintent who commits an act of GBV, or SEA. Should the person in need also have lost their documentation, then reporting and accessing justice or other safe services is even more arduous.

It is important to recognise the inter-related nature of risks and to develop risk assessment systems that identify multiple and complex risks. Organisational systems and programme management processes must mitigate identified risks throughout emergency programmes.

Organisational/ systemic risks and challenges

Lack of understanding of the concept of safeguarding

Safeguarding was not a commonly known concept prior to the war on Ukraine.

International agencies bring with them varied safeguarding terminology. The plethora of safeguarding approaches and training is failing to create a common terminology or a common understanding of what is needed for a safe humanitarian response. Instead, a confused and incoherent picture is emerging.

Insufficient coordination

There is insufficient coordination, and a lack of unified reporting and referral mechanisms between the many actors providing support and services to Ukrainian refugees.

International reports and interviewees identified the biggest challenge for safeguarding as the lack of coordination between public and private sectors and civil society organisations. The absence of commonly agreed terminology by all NGOs, INGOs and the UN is merely one example of how a lack of coordination can create confusion.

There are no coordinated reporting, referral, and response mechanisms across agencies, with an associated lack of accountability. Additionally, there is no central database of humanitarian (or other workers) who have had reports of misconduct substantiated.

Despite the challenges, the Inter-Agency PSEA Network (co-chaired by UNHCR and Terre des Hommes) coordinates agencies to prevent and respond to sexual exploitation and abuse.

Weak safeguarding organisational standards

Few NGOs have written codes of conduct or safeguarding regulations.

The lack of understanding of the importance of safeguarding has led to weak internal regulations and codes of conduct in national NGOs. This creates risks of harm to programme participants by staff, associates, volunteers, and partners through:

- A lack of thorough background checks for new staff and volunteers resulting from a mistaken belief that the European-wide General Data Protection Regulation (GDPR) does not allow employers to request personal data, including criminal records. However, it is important to note that some organisations do require newly recruited staff and volunteers to sign adherence to safeguarding provisions.
- Inadequate data protection measures.
- Large numbers of workers on volunteering contracts, which grant fewer rights than employment contracts.

Inadequate and unsafe programmes

The rapid establishment of emergency programmes without adequate safeguarding risk assessment and mitigations can result in programmes which are harmful or may fail to consider the multiple and complex vulnerabilities of affected populations.

Humanitarian actors must respect the ultimate humanitarian principle: Do No Harm. They must ensure that adequate safeguarding measures are in place throughout the programme management cycle.

The assessment identified a lack of specialist services for LGBTQI+ refugees and survivors of violence. Furthermore, it found that general programmes may not address specific needs and services of the most vulnerable.

Lack of internal reporting mechanisms

Few organisations have robust reporting mechanisms.

Many organisations lack safe and trusted reporting mechanisms. However, some reporting channels are in place. These include feedback and complaints boxes, reporting via the organisational hierarchy and implementing whistle-blowing policies.

Lack of investigative capacity

There is a lack of investigators who can investigate safeguarding violations.

When complaints are lodged there is a lack of capacity to investigate, bring justice to survivors and accountability to perpetrators. Even with effective investigative capacity, sanctions for workplace misconduct are generally inadequate due to the lack of safeguarding regulations in many organisations.

Lack of human and financial resources

> Interviewees identified the drop in capacity (financial and human resources) of all grassroots and front-line NGOs, because many donors are redirecting their funds towards INGOs and UN agencies.

The risks above are all exacerbated by the lack of human and financial resources to effectively implement safeguarding and PSEA measures within grassroots and frontline organisations. Those organisations that have not received training lack knowledge. Those that have received training from INGOs have knowledge, but lack the financial resources to implement effective safeguarding measures, including reporting and response mechanisms.

Recommendations

Systemic

- Further in-depth analysis of the safeguarding systems in Romania to build upon this assessment.
- Increase advocacy efforts directed towards the government calling for strengthened understanding and mainstreaming of safeguarding through public services.
- Advocate for the government to provide more direct support to enable smaller and less-resourced CSOs to strengthen their safeguarding capacity.
- Create a shared multi-agency approach to safeguarding prevention, response and investigation.
- Create and implement a dissemination plan to inform all government and civil society actors of this approach.
- Resources should be allocated to support common efforts. These could include:

  - Development of high quality and accessible information resources and learning opportunities that provide an understanding of the shared safeguarding approach.
  - Increased safeguarding and PSEA coordination between public and private actors, and civil society organisations.
  - Exploring options to create certificated safeguarding experts, with at least one expert assigned per region to act as a support for safeguarding prevention, response and investigation at regional level. This post could be attached to the DGASPC if supported by the Chancellery, or the Inter-Agency PSEA Network if supported by civil society.

- Amend the Labour Code to require all employers to integrate safeguarding measures throughout the employee life cycle and in disciplinary processes.

Organisational

- Take a whole organisational approach to safeguarding to ensure that programme participants, staff and volunteers are protected in every engagement with the organisation. This includes risk assessments to understand inter-related risks and apply mitigation throughout the organisation's functions and programmes.
- Continue to strengthen internal safeguarding capacity through accessing learning opportunities and information.
- Provide access to a grant scheme for CSOs to enable them to develop a safeguarding policy and put in place relevant procedures.
- Ensure the organisation has at least one safeguarding lead/ focal point.

About the Safeguarding Resource and Support Hub Eastern Europe reports:
Safeguarding Resource and Support Hub Eastern Europe Hub is funded by the Disaster Emergency Committee (DEC). The services of the Hub are provided by the consortium of partners led by Social Development Direct. For any further request or enquiry, contact **info@safeguardingsupporthub.org**.