



Romania's Involvement in the Protection of Refugee Children during 2022

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Abstract

Romania had to adapt and take urgent measures to ensure the protection of all those who entered the country immediately after the outbreak of the war in Ukraine in February 2022. Through the numerous normative acts adopted during that period, the preparation and implementation of a national plan regarding the protection and inclusion of people displaced from Ukraine was considered. Public authorities in various fields (border police, social assistance, health, education, transport, etc.) have worked together to ensure the protection of vulnerable categories, especially people with disabilities, mothers with children and children unaccompanied by adults. All of Romania's actions were based on the norms previously adopted at the level of the European Union, but also those adopted after the outbreak of the war in Ukraine.

Keywords: Temporary Protection, Migration, Refugee Children, Unaccompanied Children.

Introducing

The territory of the European Union has long been a refuge for people fleeing war and trying to find a suitable place to raise their children. The

European Union has proposed to ensure the protection of vulnerable people. Children represent the most vulnerable category and that is why a legislative framework was created to ensure their effective protection. The member states of the European Union have the obligation

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to find the best legislative solutions so that the objectives established at the European level can be achieved at the national level.

The purpose of this paper is to analyze how Romania managed to ensure the protection of children who come from third countries and who arrive on the national territory fleeing war and persecution, often being separated from their parents. The outbreak of the war in Ukraine determined the immediate reaction of the Romanian state authorities to identify the best solutions for receiving, hosting and guiding the people who crossed the country's borders, fleeing war, most of them being mothers and children.

The European Legal Framework for Protecting the Refugee Children

Child protection concerns the enforcement of European Union legislation and the observance of the Charter of Fundamental Rights of the European Union and the international laws on human rights regarding the rights of children. In all actions with respect to children, the principle of the best interests of the child must be an essential concern for all states and for all public and private authorities.

The Charter of Fundamental Rights of the European Union (CFREU), Article 24 provides the following: "(1) Children have the right to the protection and caring needed for ensuring their well-being. They can openly express their opinion. This is considered in matters concerning them, depending on their age and degree of maturity. (2) In all actions concerning children, regardless of whether they are carried out by public authorities or private institutions, the best interest of the child shall be considered primordial. (3) Each child is entitled to regularly maintain personal relationships and direct contacts with both parents, unless they are contrary to his/her interest".

And the right to asylum is guaranteed by the CFREU, according to Article 18, in keeping with the rules provided by the Geneva Convention of July 28, 1951 and the Protocol of 31 January 1967 concerning the status of refugees and pursuant to the Treaty on European Union and the Treaty on the Functioning of the European Union.

Therefore, the European Union, together with the member states, acts through various legal instruments in order to protect the rights of all children. The approved legislation and policies

ensure a solid framework for the protection of children's rights in all aspects, including in the field of migration, as concerns of reception conditions, treatment of their applications and their integration.

Through Directive 2001/55/CE of the Council of July 20, 2001 with regard to the minimum standards for providing temporary protection, in the case of a massive influx of displaced persons and the measures of fostering a balance among the efforts of the member states to receive these persons and suffering the consequences of this receiving, "temporary protection" is defined as "an exceptional procedure intended to ensure, in the event of a massive influx or imminent massive influx of persons displaced from third countries who cannot return to their country of origin, immediate and temporary protection for such persons, in particular in where there is also a risk that the asylum system will not be able to handle this influx, without adverse effects for its efficient functioning, in the interest of the persons in question and other persons requesting protection". By "displaced persons" is understood "third-country nationals or stateless persons who *have had to leave their countries or regions of origin or have been evacuated*, particularly following an appeal by international organizations, and who cannot return, in conditions of safety and durability, due to the situation existing in that country, and who may fall within the field of application of Article 1A of the Geneva Convention or other international or national instruments of international protection, especially: (i) persons who have left areas of armed conflict or endemic violence; (ii) persons exposed to major risks or who have been victims of systematic or generalized violations of human rights". By "refugees" we mean third-country nationals or stateless persons, within the meaning of Article 1A of the Geneva Convention concerning the status of refugees, concluded on July 28, 1951.¹

Furthermore, "unaccompanied minors" signifies third-country nationals or stateless persons under the age of 18 who arrive in the territory of the Member States unaccompanied by an adult responsible for them by law or custom, and as long as they are not effectively dependent on such a person, or minors who are left unaccompanied following their entry into the territory of the Member States".²

Member States shall provide assistance at all levels to persons enjoying temporary protection

and in particular to those with special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence. In this manner, member states give persons below 18 who benefit from temporary protection, access to the education and medical system, under the same conditions as nationals of the host member state.

Member States must take measures as soon as possible in order to ensure the required representation of unaccompanied minors who benefit from temporary protection through legal guardianship, or, when needed, representation by an organization in charge of the assistance and welfare of minors, or by any other appropriate representation.

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 on setting standards for receiving international protection seekers provides that Member States shall use their best efforts to ensure respect for the best interests of the child and family unity, in accordance with the provisions of the Charter of Fundamental Rights of the European Union, the United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Directive is not applicable when Council Directive 2001/55/EC of 20 July 2001 is applied, according to which temporary protection is granted.

Communication from the Commission to the European Parliament and the Council on the protection of migrant children [COM(2017) 211 final, 12.4.2017] shows that every year there is a dramatic increase in the number of migrant children arriving in the European Union, many of whom being unaccompanied. Migrant children are in a particularly vulnerable situation due to their age, distance from home and sometimes separation from their parents or the persons taking care of them. Therefore, they require specific and adequate protection. Consequently, the European Commission and EU Member States should prioritize actions meant to strengthen child protection systems along migration routes, and support projects that target protecting the unaccompanied minors in third countries on migration routes, especially in order to prevent trafficking and illegal entering of children. In addition, they should actively implement the EU Guidelines for the promotion and protection of the rights of children.

The Resolution of the European Parliament of 3 May 2018 with regard to the protection of migrant children (2018/2666(RSP)) underlines that "all children, regardless of their status as migrants or refugees, must first of all benefit from all the rights established in the UN Convention concerning the rights of the child". Member States are urged to "ensure that all children have access to officers in charge of child protection when they arrive, including in hotspots and child accommodation centers and at border points of entry" ... and ... " to guarantee that all persons, particularly unaccompanied children, have access to decent accommodation and medical care and to ensure full access to formal and inclusive education under the same conditions as children in that country, including preparatory measures, such as language courses, to ensure the integration of children into the host societies throughout the entire time of their residence on the member state territory".

The communication from the Commission dated 24 March 2021 on the EU Strategy on the rights of children (COM(2021)0142) reasserts the fact that "the protection and promotion of the rights of child is one of the main goals of the European Union activity inside it and beyond its borders. The rights of the child are established in the Charter of Fundamental Rights of the EU, which guarantees the protection of these rights in the Union law enforcement. They cover all policy fields and are part of the base priorities of the European Commission". Within the humanitarian crises, "the EU will continue to provide support to children, applying an approach based on needs, in keeping with humanitarian principles, and will continue to ensure that its aid takes account of gender and age."

In keeping with the Action Plan on Human Rights and Democracy, the EU will enhance its efforts in order to prevent and fight against all forms of violence against children. Efforts will also be intensified so as to prevent and end serious infringements as concerns children affected by armed conflict, including through activities of furthering respect for international humanitarian law. The action plan "also supports partner countries in building and strengthening systems for justice and child protection in the interest of the child, including for migrant, refugee and forcibly displaced children and children belonging to minorities, particularly the Roma. The EU will keep on supporting the resettlement on its territory of children and other vulnerable people who are in want of

international protection". The new Asylum, Migration and Integration Fund (AMIF) "will reinforce the protection of unaccompanied migrant children by allocating and providing financial support and incentives for their reception and accommodation, as well as covering their other special needs...".

Council Recommendation (EU) 2021/1004 of 14 June 2021 establishes a European Child Guarantee. This is a European instrument whose objective is to prevent and combat poverty and social exclusion by guaranteeing free and actual access of children being in need of essential services such as early education and care, educational and school activities, healthcare and at least one healthy meal every school day, as well as effective access for all children to healthy food and adequate home. The goals of the Guarantee for children concern all children in the Union, including migrant/refugee minors.

In early March 2022, by Council Implementing Decision (EU) 2022/382 establishing the existence of a massive influx of displaced persons from Ukraine as referred to in Article 5 of Council Directive 2001/55/EC of 20 July 2001 and with the effect of entering temporary protection, *Member States are required to apply the measures they have taken in order to transpose and enforce the Temporary Protection Directive* and, thus, fulfill their obligations towards the persons who enjoy temporary protection.

Considering the extraordinary and exceptional character of Russia's military invasion of Ukraine and the magnitude of the massive influx of people, temporary protection should quickly enable displaced persons to enjoy harmonized rights in the entire Union, which provides an adequate level of protection, including a residence permit, the possibility to carry out salaried or independent activities, access to adequate accommodation, the required social assistance, medical care or other assistance and the means of subsistence. In the case of unaccompanied minors, temporary protection should enable them to benefit from legal guardianship.³

People under the age of 18 should also enjoy access to education. This implementing decision respects the fundamental rights and principles recognized by the Charter of Fundamental Rights of the European Union. It is considered that the entering of temporary protection was also in the interest of Member States, whereas the rights related to temporary protection limit the need for displaced persons to immediately require

international protection and thus diminish the risk of overwhelming their asylum systems, since they decrease formalities to a minimum as a result of the urgency of the situation.

The European Parliament resolution of 7 April 2022 with regard to the protection by the EU of children and young people fleeing the war in Ukraine [2022/2618(RSP)] firmly recommends that "officers in charge of child protection and other critical services be present and available at the border so as to identify the vulnerabilities of these children, in particular by identifying and accurately recording the child's nationality, statelessness or risk of statelessness on arrival and by referring them to appropriate services, including services that provide psychosocial support, maternal health support, protection against gender-based violence, family finding and support for family reunification, as well as to ensure an adequate referral to national systems of child protection, so that children are given full access to all basic services and proper care in accordance with the international standards of child protection". Moreover, it urges all States to work closely with the Ukrainian authorities "to quicken the evacuation of children from institutions and children who are in need of medical care and to ensure that they are transferred to appropriate community or family care centers in Member States, so that they can benefit from appropriate care". Member States are required that unaccompanied and separated minors and children in institutional care centers in Ukraine "be immediately included in the monitoring systems for social and child protection services in the receiving Member States, in order to facilitate family reunification in the future when this is in their best interests and to oversee the provision of care services for ensuring their safety and protection. Member States neighboring Ukraine are urged to give children information suited to them, in a language they can understand, regarding their situation, their rights and the risk they may face in the case of human trafficking and other forms of exploitation; emphasizes that information provided to adults should include special sections on child trafficking".

The National Legal Framework for the Protection of Refugee Children

The national legislation concerning the protection of children is in accordance with the European and international regulations in the field. We find provisions that concern both

children of different nationalities or stateless persons who arrive on the Romanian territory together with their parents or other legal representatives, as well as provisions that regard children unaccompanied by an adult responsible for them. All these children have the right to protect their best interests, regardless of the manner and the reason for which they arrived in Romania. Furthermore, children who are in special situations need provisions to support them in accomplishing their rights. Consequently, the national legislation has always been and will be updated in order to respond to the ever-changing needs of children.

Law 272/2004 concerning the protection and promotion of the rights of children regulates the legal framework regarding the respect, promotion and guarantee of the rights of all children; Romanian citizen children residing on the territory of Romania; Romanian citizen children being abroad; children without citizenship located on the territory of Romania; children seeking asylum or beneficiaries of a form of protection in Romania, given under the conditions of Law no. 122/2006 with regard to the asylum in Romania; foreign citizen children being on the territory of Romania, in emergency situations found by the competent Romanian public authorities.

The law establishes that minors requiring asylum, as well as children benefitting from international protection in Romania, under the conditions of Law no. 122/2006 regarding asylum in Romania, enjoy adequate protection and subsidiary assistance for achieving their rights. In the event that the child requesting asylum is unaccompanied by the parents or by another legal representative, the back up of his best interest during the asylum procedure is ensured by the General Directorate of Social Assistance and Child Protection. The child's application for asylum is analyzed as a matter of priority. The General Directorate of Social Assistance and Child Protection appoints, upon the request of the General Inspectorate for Immigration, a representative to assist the unaccompanied minor, asylum seeker, throughout the entire asylum procedure. The representative also assists the child subsequently in acquiring international protection in Romania, respectively until the setting of a special protection measure.

Children affected by armed conflicts benefit from protection and assistance, and state institutions take the measures required for developing

special mechanisms intended to ensure the monitoring of measures taken to protect the rights of children.

The Chamber of Deputies, part of the Romanian Parliament, during the meeting of June 7, 2017, drafted Decision No. 51/2017 on the adoption of the opinion regarding the Communication from the Commission to the European Parliament and the Council - Protection of migrant children COM (2017) 211. In the content of this Decision, we find the following mentions that build up the actions that the Romanian state has carried out as concerns the protection of migrant children both before and during 2022, following the military aggression in Ukraine. Also:

- the Romanian state universal recognition of the primacy of the criterion concerning the best interest of the child, both in European Union law and in international law, as well as in the Charter of Fundamental Rights of the EU and in all actions or decisions that concern children.
- the Romanian state salutes the renewal of the EU's commitment to promote and protect the indivisibility of the rights of the child in relation to third countries, including countries of origin and transit, through the recently revised EU guidelines for the promotion and protection of children's rights.
- the Romanian state supports the option that the protection of children be integrated in all segments of the European migration policy, as well as the integration, by the host states, of the approach based on the rights of the child within migration, in the national legislation, plans, programs, policies and current practices.
- the Romanian state joins the opinion that the evaluation of immigrant children should always be done by a specialist decision-maker in child protection and not by the immigration authorities, that a person responsible for child protection should be present from an early stage of the identification step and that in each reception center (hotspot) should be a person in charge of child protection.
- the Romanian state supports the foster care placement of unaccompanied children in substitute families not only because it is an effective solution from the viewpoint of costs, but also as it ensures an environment focused on parental responsibility and

affection; regrets that this practice is insufficiently used.

- the Romanian state bolsters up the strengthening of the guardianship authority, so as to ensure that legal guardians are swiftly appointed for all unaccompanied children.

Taking into account the situation generated by the Russian military aggression in Ukraine, started on February 24, 2022, the Government of Romania acted immediately by adopting the Government's Emergency Ordinance No. 15/2022 on the granting of humanitarian support and assistance by the Romanian state to foreign citizens or stateless persons in special circumstances, coming from the area of the armed conflict in Ukraine. This Ordinance underlays subsequent steps with a view to ensuring support and humanitarian aid for foreign citizens or stateless persons in special circumstances, who were forced to leave Ukraine due to the war. Special attention was given to the situation of children who come from the armed conflict zone in Ukraine.

In accordance with Article 1 para. (1) from this normative document, "foreign citizens or stateless persons under special circumstances who come from the area of armed conflict in Ukraine and enter Romania and who do not request a form of protection according to Law No. 122/2006 regarding asylum in Romania,..., benefit, within the temporary accommodation and humanitarian aid camps or in other accommodation locations set by the committees of the counties/ Bucharest municipality for emergency situations, from providing the following indispensable utilities during the temporary stationing: a) food; b) clothing; c) materials for personal hygiene; d) the right to receive free medical care and adequate treatment, through the national system of emergency medical care and qualified first aid..., e) the right to be included in the national public health programs; f) transport, in the conditions established by government decision...".

Subsequently, it has been also entered the para. (1¹), according to which "the provisions of para. (1) apply inclusively to the beneficiaries of the Implementing Decision (EU) 2022/382 of the Council of March 4, 2022 finding the existence of a massive influx of persons relocated from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of entering a temporary protection".

Paragraph 2 of the same article regards minors unaccompanied by their parents or another legal representative, who come from the armed conflict zone in Ukraine and enter Romania, who "benefit from the special protection provided in Law No. 272/2004 concerning the protection and promotion of the rights of the child...".

Pursuant to Article 7 of the mentioned normative act, "by unaccompanied minor ... is understood a foreign citizen or a stateless person below the age of 18, who arrived on Romanian territory unaccompanied by any of his/her parents or another legal representative or who is not under the legal supervision of another person".

At the level of each county and, as appropriate, at the level of each district of the Bucharest municipality, it is set up the Task Force for Unaccompanied Minors, which has the role of quickly identifying the most adequate measure for the protection of unaccompanied minors. The task force is made up of representatives of the General Directorate of Social Assistance and Child Protection, of the County School Inspectorate, respectively of the School Inspectorate of the Municipality of Bucharest, of the Public Health Directorate and of non-governmental organizations or, as applicable, of international bodies. The task force coordination is ensured by a representative responsible for the management from the General Directorate of Social Assistance and Child Protection.

Minors in special situations, who come from the armed conflict zone in Ukraine and who entered the territory of Romania, benefit from the following rights in the field of education:

a) the right to education in educational institutions in Romania under the same conditions and with funding from the same budgets as for ante preschoolers, preschoolers and Romanian pupils;

b) the right to free accommodation in boarding schools, food allowance, the right to bedding, respectively: writing materials, clothing, shoes, textbooks.

The Government Emergency Ordinance No. 15/2022 gives also the definition of the notion of "unattached student", that is "the student enrolled in another education system from another country, who, upon the request of the parent or the legal representative of the minor student, the major student or the competent authority, continues his/her education in an educational establishment in the Romanian

education system and is entered in provisional grade books, until the equivalence of studies and the passing of any differences examinations".

In Romania, minor students entered as unattached students can acquire the capacity of student following the recognition or equivalence by the county school inspectorates, the School Inspectorate of the Municipality of Bucharest, respectively by the ministry of the studies followed abroad and, as appropriate, after passing the difference examinations set within the equivalence procedure.

With a view to entering the collectivity within the pre-university educational establishments, the minors who have the capacity of unattached student will benefit from the examination of their state of health in the educational establishment in accordance with the legislation in force and they will be issued a medical document for entering in the collectivity. In case they are not vaccinated, they can benefit from the vaccination scheme according to the National Vaccination Program carried out by the Ministry of Health.

Subsequently to acquiring the statute of unattached students, they have the following rights:

- a) the right to participate in educational activities within pre-university education establishments and extracurricular activities within circles set up at the level of palaces and clubs for children.
- b) the right to schooling in complex hospital-type medical care units, for students who cannot move due to a disability, respectively for students who suffer from chronic diseases or who have disorders for which they are admitted to hospital for a period of more than 4 weeks;
- c) the right to benefit from the facilities for travelling locally by public surface, naval and underground transport, as well as for internal car, rail, naval and river transport, throughout the calendar year, similar to students enrolled in pre-university education establishments in Romania;
- d) the right to benefit from gratuity for all categories of transport provided in letter c), for orphan students, students with special educational requirements, as well as those for whom it has been instituted a special protection measure, according to the law, or guardianship, in accordance with the provisions of Law No. 1/2011- the National Education law;

e) the right to assigning basic food to all children in primary and secondary education granted through the pending social programs.

By Order 31/2022 of the Ministry of Internal Affairs, dated March 18, 2022, it was approved the Procedure for cooperation among authorities concerning entry, registration, transit, residence, as well as ensuring the protection of the rights of unaccompanied minors coming from the armed conflict zone in Ukraine. This procedure institutes the manner of cooperation among the authorities with regard to the entry, registration, transit, residence, as well as ensuring the protection of the rights of unaccompanied minors coming from the armed conflict zone in Ukraine and is put into force at the entry into the country of foreign national or stateless minors unaccompanied by their parents or, as applicable, by another legal representative, hereinafter referred to as *unaccompanied minors*, coming from the armed conflict zone in Ukraine.

In the counties on the border with Ukraine, the GDSAPC and the Public Health Directorate (PHD) ensure the presence of one of their representatives at the border crossing points, who collaborates with non-governmental organizations present at the border checkpoints.

The GDSAPC representative has the following main responsibilities:

- a) takes over the Report concerning unaccompanied minors from the representatives of the Romanian Border Police;
- b) registers unaccompanied minors and adults traveling with minors, who are mentioned in the Report taken over;
- c) sends the Report to the Task Force for Unaccompanied Minors;
- d) informs adults who travel together with minors about the conditions for granting a form of protection in Romania and the availability of the Emergency Service 112, as well as the Unique National Number 119 for reporting cases of child violence;
- e) identifies the emotional needs specific to crisis situations and facilitates the rendering of specialized services offered by a psychologist or social worker appointed by the GDSAPC or, as applicable, a volunteer from a non-governmental organization;

f) keeps in touch permanently with the coordinator of the Task Force, whom he/she announces immediately following the entry of a group of unaccompanied minors, coming from foster care or, as the case may be, from the special protection system in Ukraine, with a view to identifying the social services intended for children where minors can be taken;

g) requests the presence of the mobile team from the GDSAPC in order to take over the unaccompanied minor who requires a special protection measure according to the provisions of Law No. 272/2004 on the protection and promotion of the rights of children, republished, with subsequent amendments and completions.

The healthcare professionals designated by the PHD, present in specially designated areas or in the triage tents organized at the border checkpoints, carry out the following duties:

- a) ensures, through the designated healthcare professionals, the evaluation of unaccompanied children and, as the case may be, accompanying adults, for identifying the signs and symptoms provided in the Syndromic Surveillance System for the detection of transmissible diseases related to the influx of people from Ukraine, developed by the National Institute of Public Health;
- b) ensures the testing of unaccompanied children who show specific signs and symptoms for the diagnosis of infection with the SARS-CoV-2 virus;
- c) ensures, through the healthcare professionals appointed by the public health directorate for the mobile team at the border checkpoints, the epidemiological triage for acute diseases with the purpose of providing symptomatic treatment in case of need;
- d) it is ensured that the designated healthcare professionals transfer the child/children to the health unit that can treat the disease they present or for which they is/are suspected;
- e) ensures, through the designated healthcare professionals, the enunciation of recommendations regarding the supervision of the health of children.

Upon entering the territory of Romania, for each unaccompanied minor, the representatives of the Romanian Border Police ask the adult traveling together with the minor for information about the transit of the national territory or, as appropriate, about the intention to reside in Romania. When the unaccompanied minor is in transit on the Romanian territory with an adult other than the parent or, as the case may be, the

legal representative, the representatives of the Romanian Border Police ask the adult traveling with the minor to fill in a pre-printed form, available in the Romanian, English, Ukrainian and Russian, which will include information regarding the final destination, the address where they are to live abroad, in case this is known, as well as contact and identity data of the accompanying adult and minor.

In the event that the unaccompanied minor remains on the territory of Romania with an adult relative or a person who took care of the minor, the representatives of the Romanian Border Police require the adult traveling with the minor to fill in the previously provided pre-printed form, which will include information with regard to the address where they will live, the contact and identity data of the accompanying adult and the minor.

In the event that the unaccompanied minor remains on the territory of Romania with an adult relative or a person who cared for the minor and declares that they have nowhere to live, the representatives of the Romanian Border Police notify, through the representative of the General Directorate of Social Assistance and Child Protection (GDSACP), present at the border checkpoint, the Task Force for Unaccompanied Minors.

In the event of a minor unaccompanied by an adult or groups of minors in foster care centers in Ukraine or, as the case may be, in the special protection system in Ukraine, irrespective of whether or not they are accompanied by an adult, or if they declare that they are in transit, the representatives of the Romanian Border Police direct them to the GDSACP representative present at the border checkpoint.

In case the adult traveling with the minor cannot indicate an address to which they are moving, the representatives of the Romanian Border Police direct the person and the unaccompanied minor to the GDSACP representative present at the border crossing point.

The Task Force for Unaccompanied Minors, through its secretariat, makes available the following situations to the institutions that have competences in protecting the rights of children:

- a) **GDSACP** - the list of unaccompanied minors, with a view to appointing the representative to assist the unaccompanied minor;
- b) **General Inspectorate for Immigration** - the list of unaccompanied minors and adults

- with whom they traveled, in order to apply the provisions of the legislation concerning asylum in Romania or that on the regime of foreigners in Romania, as applicable;
- c) **to the public social assistance service** in the locality mentioned in the declaration filled in upon entering the country - the list of unaccompanied minors and adults with whom they traveled, for monitoring the report of minors;
- d) **the county inspectorate for emergency situations** - the list of unaccompanied minors, so as to ensure their transport from the border checkpoint to the social service or, as the case may be, the identified social services.

The public social assistance service at the level of town halls identifies unaccompanied minors who are not in its records and who live in the administrative-territorial unit. In case the public social assistance service identifies an unaccompanied minor, who does not benefit from a form of protection on the basis of the Law No. 122/2006 concerning asylum in Romania, or, as appropriate, by a special protection measure set based on Law No. 272/2004, social workers announces the GDSACP.

For the purpose of ensuring the right to education for unaccompanied minors on the territory of Romania, the county school inspectorates, respectively the School Inspectorate of the Municipality of Bucharest initiates the required endeavors regarding their registration in study groups/classes/configurations within the pre-university education establishment.

In order to ensure the protection of unaccompanied children, the GDSACP is also regarding the placement of children in public or private family-type services, with priority given to people who speak Ukrainian or, as the case may be, Russian.

- Children requesting asylum, as well as children who enjoy international protection in Romania, on the terms of Law no. 122/2006 regarding asylum in Romania, benefit from protection and subsidiary assistance adequate for accomplishing their rights.
- In the event that the child requesting asylum is unaccompanied by his/her parents or another legal representative, the supporting of his/her best interests during the asylum procedure is ensured by the General

Directorate of Social Assistance and Child Protection in whose administrative territorial scope is the territorial body of the Ministry of Internal Affairs where the application is to be lodged. The asylum application of the child is analyzed as a matter of priority. With the purpose of adequately backing up the best interests of the child, as well as of performing the obligations towards him/her, the General Directorate of Social Assistance and Child Protection appoints, upon the request of the General Inspectorate for Immigration, a representative to assist the unaccompanied minor, as asylum applicant, during the entire period of the asylum procedure, including during the procedure of the first country of asylum, the procedure of the safe third country, the procedure of the European safe third country or the procedure of determining the responsible Member State, as appropriate. The representative also assists the child following the acquisition of international protection in Romania, respectively until the settlement of a special protection measure.⁴ Until the final resolution of the asylum request, the protection of children is carried out, as the case may be, in a family-type service or a residential-type service belonging to the General Directorate of Social Assistance and Child Protection or an accredited private provider. Children who have reached the age of 16 can also be accommodated in the reception and accommodation centers subordinated to the General Inspectorate for Immigration, taking into account the opinion of the child.

Remarks

The war in Ukraine caused the migration of a large number of people, but especially vulnerable people: women, children, elderly people and people with disabilities. They left home in a hurry, changing entirely their lives, needing guidance in order to reach safely the countries where they had proposed themselves to go, but also material and moral resources.

The Romanian community organized itself even from the first day, mobilizing through social networks and being present at the border so as to support its peers in need. Moreover, the Romanian state representatives acted in such a way that the crossing of the borders takes place calmly and safely, and that all the people en route

to the EU member states are guided as best as possible in order to get to the place they had in mind.

It was very difficult for the children, as they arrived in Romania tired, scared and disoriented, needing accommodation and medical care, means of transport and people who know their language.

Public institutions, especially from the border counties, contributed as much as they could, making available to migrants places for accommodation in high schools and university hostels, ensuring transport, heat, hot food, clothing and hygiene materials. But I think that the most difficult thing was to achieve communication among all the institutions involved in this process of ensuring the security of migrants on the Romanian state territory. Therefore, it was also necessary to adopt a multitude of normative acts that would ensure the adaptation of the public response to the crisis situation experienced by so many people. Based on the above, it can be seen that, at least in the field of the protection of the rights of children, both the Romanian state and the institutions involved in the management of the crisis situation succeeded in organizing themselves in due time, taking the necessary steps and preventing children from reaching risk situations.

According to estimates, almost 35% of those escaping to Ukraine are children. The efforts of the Romanian authorities in this area are essential to ensure the effectiveness, quality and sustainability of interventions and to build an answer aiming at long-term solutions. Romania's answer was organized with the backup of various local actors, including civil society, national NGOs, Ukrainians, diaspora organizations and countless volunteers from all parts of the country. In order to ensure the optimal framework of protection for displaced persons in Ukraine, it was approved the National Plan of measures on the protection and inclusion of displaced persons in Ukraine, beneficiary of temporary protection in Romania, through the Government Emergency Ordinance no. 100/2022. The support measures included in the Plan of measures target ensuring an integrated package of protection measures in 7 areas: cross, employment, housing, education, health, children and youth and vulnerable people. The plan of measures is implemented during the validity of the temporary protection measure instituted by the Implementing Decision (EU) 2022/382 of the Council of March 4, 2022, for finding the

existence of a massive influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of entering a temporary protection, as well as throughout its extension. The activities within each measure related to the seven areas of intervention are implemented by the central and/or local public administration authorities appointed according to the Plan of measures. The Department for Community Social Responsibility and Vulnerable Groups within the Government's workforce, through the General Secretariat of the Government, in collaboration with relevant ministries, with the support of non-governmental and international organizations, is drafting in Romania a uniform information package, of a protection way type, for people displaced from Ukraine, beneficiaries of temporary protection in Romania. The Department ensures the integrated monitoring and evaluation of the implementation of the Plan of measures, based on the data collected from the ministries in charge according to the Plan of measures.

Therefore, the Romanian state adapted its actions in order to be able to ensure the protection of all those who migrated from Ukraine during 2022, but in particular acted with a view to ensuring the protection of vulnerable categories, especially children. Through the various normative acts adopted in the period following February 24, 2022, it was regarded the preparation and implementation of a national strategy concerning the protection and inclusion of displaced persons from Ukraine, a strategy that assumed the preparation and monitoring of an action plan in the field, which would underlie the actions unfolded further by various institutions so as to protect the rights of migrant children.

Conclusions

However, what is the difference between the words "refugee" and "migrant"? In the opinion of the *United Nations High Commissioner for Refugees*, the difference between the two terms is great. Refugees are people fleeing armed conflict or persecution. Their situation is so dangerous that they leave their national territory to seek safety in other countries and thus become internationally recognized as "refugees" with access to assistance from states. The 1951 Geneva Convention concerning the status of refugees defines the term "refugee" and outlines the rights that states should give refugees. One of the fundamental principles of international law is that of *non-returning* - refugees should not be

expelled or returned in situations where their life and freedom are threatened. Migrants choose to move in order to improve their lives by finding a job abroad or in some cases for education, family reunification, etc. They can return at any time to their countries of origin, without putting in danger their lives.

Therefore, children who have left Ukraine starting with 24 February 2022 are considered refugees and enjoy the rights granted to them in the EU. They will benefit from the temporary protection offered by European and national legislation, valid for 1 year, which can then be extended, as appropriate; they can transit through certain states and arrive in the state where they are going to settle, even though they are not accompanied by their parents or another responsible adult, but they are represented by the responsible persons from the DGASPCs in Romania. They will benefit from all the rights that children have pursuant to national and European regulations, without discrimination. The EU member states have the obligation to take all the necessary legislative measures so as to correlate the European legislative provisions with the national ones, so that minors are protected regardless of the EU member state where they will settle due to the armed conflict in their country.

The EU Guidelines regarding children and armed conflict, approved by the EU Council on 8 December 2003 and updated on 17 June 2008, prove the EU's commitment to combating the short, medium and long-term effects of armed conflict on children, using all instruments available. The EU goal is to influence partner countries and organizations for applying international provisions and rules in the field of human rights and humanitarian legislation and to take efficient measures to protect children against the effects of armed conflicts.

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| <p>unaccompanied minors coming from the armed conflict zone in Ukraine</p> <ul style="list-style-type: none">• Resolution of the European Parliament of 3 May 2018 with regard to the protection of migrant children(2018/2666(RSP))• Resolution of the European Parliament of 7 April 2022 with regard to the protection by | <p>the EU of children and young people fleeing the war in Ukraine [2022/2618(RSP)]</p> <ul style="list-style-type: none">• Treaty on European Union and the Treaty on the Functioning of the European Union• United Nations Convention on the Rights of the Child |
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¹ ECLI:EU:C:2018:248.

² ECLI:EU:C:2018:248.

³ EASO, „Guidance on reception conditions for unaccompanied children: operational standards and indicators”, December 2018, p. 18.

⁴ ECLI:EU:C:2018:248.