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Policy Analysis Report (WP3)

Romania

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INTRODUCTION: THE POLICY CONTEXT IN ROMANIA

All literature on migration patterns in the Romanian context acknowledges the coexistence of three main tendencies. By far the most prominent is out-migration that has been characteristic of the Romanian society both before and after 1989.

Romania as a Migrant-Sending Society

Before 1989, the main motivations for out-migration were related to political persecution, hence the large number of cases of Romanians illegally migrating, crossing the green border or staying in other (non)European countries without residence permit. Romanian communist authorities imposed very restrictive exit policies, limiting the possibilities of travelling abroad for fear that a significant outflow of Romanians would cast 'a bad light' on the regime and would discredit it in the eyes of the other foreign governments. Nonetheless, legal migration ran at relatively high rates, controlled by the state, in the case of ethnic minorities (Germans, Hungarians and Jews) and, to some extent, in that of persons going abroad for study or work. (Reference should be made to the fact that the Romanian government signed, before 1989, a number of agreements with countries from the Middle East on the basis of which Romanian workers could travel abroad.¹)

After 1989, as Constantin and Nicolescu point out, "the main reasons behind migration shifted from the ethnic and political reasons to economic ones."² That does not mean that migration of ethnic minorities towards the countries they were attached to by their cultural roots stopped suddenly. On the contrary, in the early 1990s, the most significant out-migration flows were represented by the Germans, the Hungarians and the Jews leaving Romania with the intention of permanently settling their residence abroad. (e.g. In 1990, the largest proportion of Romanian citizens settling abroad was represented by the Germans – 60,072 citizens and the Hungarians 11,040 citizens.³) This migration flow decreased, however, to almost zero in the late 1990s. A special case of ethnic minority migrating is that of Roma, constituting an important proportion of asylum-seekers over the same period. (In the early 1990s, for example, more than 60% of all Romanian asylum-seekers were Roma.⁴ Still, little information and data concerning the Roma migrants is usually recorded, as their ethnicity is not always considered as such. Furthermore, numerous migration studies have pointed out that the motivations for asylum-seeking of these migrants were highly disbelieved in as actually a potential 'cover-up' for migration for labour.⁵)

¹ Horváth, István, 2007, "Romania", *Focus Migration*, Country Profile no. 9, September (Hamburg: Institute of International Economics), p. 2

² Nicolescu, Luminița and Daniela-Luminița Constantin, 2005, "Romania's External Migration in the Context of Accession to the EU: Mechanisms, Institutions and Socio-Cultural Issues", *The Romanian Journal of European Studies*, no. 4 (Timișoara: Editura Universității de Vest), p. 55

³ Romanian National Institute of Statistics, 2006, "Populație (Population)", chart 2.30, <http://www.insse.ro/cms/files/pdf/ro/cap2.pdf>

⁴ Ethnobarometer, 1999, "Ethnic Conflict and Migration in Europe. 9.3 Romania" (Rome: Ethnobarometer), <http://www.ethnobarometer.org/pdf/rep01.pdf>

⁵ Baldwin – Edwards, Martin, 2005, "Migration Policies for a Romania within the European Union: Navigating between Scylla and Charybdis", *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p. 10; Simina, Ovidiu Laurian, 2005, "Next in Line – Romanians at the Gates of

The same continuous development has been recorded in the case of student migration. Gradually increasing outflows of Romanian students have left abroad – either to European countries or to the USA (mainly) – to continue their studies and to improve their qualifications. The rise in number of such cases has been allowed for by the policy of the Romanian Ministry of Education and Research, in general, and of Romanian universities, in particular, encouraging bilateral agreements within the framework of mobility and exchange programs (e.g. Tempus, Leonardo, Erasmus/Socrates in Europe, or Fulbright in the USA). Besides, the changes in the Romanian legislation regarding the recognition of degrees and qualifications obtained abroad, the introduction of the ECTS system and, more recently, the implementation of the Bologna system, have facilitated educational mobility.⁶ Some of these students preferred to stay abroad after finishing their studies and being offered good jobs there (permanent migration), while others have returned to Romania (legal temporary migration).

Yet, as mentioned above, the most prominent motivation for migrating was given by the economic factor, since throughout the period of transition following the 1989 Revolution, Romanian economy went through economic difficulties entailing high rates of unemployment and determining many Romanians to seek financial gain abroad. Distinction could be made in this respect between parallel trends which seem to have developed after 1994 - 1996.⁷ On the one hand, there is the permanent legal migration of persons holding high qualifications to countries which initiated emigration policies and programmes (e.g. visa lottery), namely the USA, Canada, Australia and New Zealand. On the other hand, there is an increasing number of medium and low-skilled workers leaving illegally abroad (mainly to Germany, France, Israel and Turkey, in the first place, then towards Italy and Spain⁸) in search for better-paid jobs.

Increasingly aware of the consequences of illegal labour migration for both Romania and the destination countries, the Romanian Government initiated a policy meant to encourage legal migration which implied signing bilateral agreements with the destination countries. Thus, bilateral agreements were signed with Germany (1990, 1993, 1999), Switzerland (1999), Hungary (2000), Portugal (2001), Luxembourg (2001), Spain (2002) etc.⁹ Furthermore, to provide the institutional framework for legal labour migration, the

the EU (emigrants, border control, legislation)", *SISEC Discussion Papers*, No. II, Issue 1, February (Timișoara: Universitatea de Vest), p. 9, and Nicolescu, Luminița and Daniela-Luminița Constantin, 2005, "Romania's External Migration in the Context of Accession to the EU: Mechanisms, Institutions and Socio-Cultural Issues", *The Romanian Journal of European Studies*, no. 4 (Timișoara: Editura Universității de Vest), p. 56

⁶ Simina, Ovidiu Laurian, 2002, "Next in Line – Romanians at the Gates of the EU (Emigrants, Border Control, Legislation)", *SISEC Discussion Papers*, no. II, Issue 1, February, (Timișoara: Universitatea de Vest), p. 12

⁷ Baldwin – Edwards, Martin, 2005, "Migration Policies for a Romania within the European Union: Navigating between Scylla and Charybdis", *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p.2

⁸ Simina, Ovidiu Laurian, 2002, "Next in Line – Romanians at the Gates of the EU (Emigrants, Border Control, Legislation)", *SISEC Discussion Papers*, no. II, issue one, February (Timișoara: Universitatea de Vest), p. 8 and Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), pp. 22, 25

⁹ Diminescu, Dana, 2004, "Assessment and Evaluation of Bilateral Labour Recruitment Agreements Signed by Romania", *Migration for Employment – Bilateral Agreements at a Crossroads*, (Paris: OECD), pp. 66-67 and Baldwin – Edwards, Martin, 2005, "Migration Policies for a Romania within the European Union: Navigating

Office for Labour Force Migration was created in 2002 and that favoured the signing of more labour contracts on the basis of which Romanian citizens obtained visas in various fields.

| No. | Country | No. of contracts | Main fields |
|-----|---------|------------------|--|
| 1. | Germany | 19,700 | IT, agriculture, gastronomy, health |
| 2. | Spain | 2,716 | Agriculture, constructions, metal industry |
| 3. | Italy | 11,974 | Health, Show business |
| 4. | France | 456 | |
| 5. | Holland | 79 | Food industry |
| 6. | Finland | 34 | |
| 7. | Cyprus | 7 | Agriculture |

Labour Contracts in the EU through the Office for Labour Force Migration, 2002¹⁰

(In 2007, when Romania became a member of the EU, this institution was dissolved and its functions were transferred upon the National Agency for Employment which is part of the Romanian Ministry of Labour, Social Solidarity and Family.) This new institutional and legal framework aimed at raising, by means of different campaigns, the Romanian workers' awareness of the benefits of officially acknowledged labour contracts and of the dangers of illegal migration and employment on the black market.¹¹ It was joined in its effort to encourage legal temporary migration by a number of NGOs like IOM (International Organisation for Migration with its Romanian branches), equally warning about the risks of illegal migration.

In the case of the countries for which no bilateral treaties of labour recruitment were signed, private agencies could negotiate labour contracts.¹² Nonetheless, such agencies were not always reliable as, some of them turned out to function as cover-ups for illegal migration, to be more specific, for immigrant smuggling and traffic in human beings.

In the context in which trafficking was increasingly seen as both a problem of organised crime and of illegal migration, partly because of the policies of the receiving states which aimed at "protecting the state against (illegal) migrants than at protecting [men and] women against violence and abuse, thus serving the interests of the state"¹³ rather than

between Scylla and Charybdis", *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p. 5

¹⁰ Romanian Office for Labour Force Migration, 2002, "Statistics of Romanian Citizens Obtaining Labour Visas in 2002," in Constantin, Daniela - Luminita et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), p. 24

¹¹ Romanian Ministry of Labour, Family and Equal Opportunities, 2006, "Forța de muncă. Anexe I.3.5. and I.3.6 (Labour Force. Appendices I.3.5 and I.3.6)", pp. 225-233, http://www.mmssf.ro/website/ro/prezentare/anexe_2006.pdf

¹² Baldwin – Edwards, Martin, 2005, "Migration Policies for a Romania within the European Union: Navigating between Scylla and Charybdis", *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p.5

¹³ Wijers, Marjan and Marieke van Doorninck, 2002, "Only Rights Can Stop the Wrongs: A Critical Assessment of Anti-trafficking Strategies", Paper presented at EU/IOM STOP European Conference on Preventing and Combating Trafficking in Human Beings — A Global Challenge for the 21st Century. Organized under the High Patronage on H.R.M. the King of the Belgians. 18-20 September 2002, European Parliament, Brussels, Belgium, <http://www.nswp.org/pdf/WIJERS-ONLYRIGHTS.PDF>, p. 5

those of the migrants, partly because of the insufficient Romanian governmental institutional and legal framework for legal labour migration, there was a growth of trafficking in migrants, especially in women, either for sexual exploitation (approximately 85%) or for domestic slavery and agriculture (10%), begging and petty crime (4%). (The statistics reflects the situation in 2002.¹⁴) The Romanian authorities have taken measures and implemented a number of policies to prevent and combat trafficking in human beings that were particularly effective in the case of child trafficking (see the Draft National Plan of Action for Preventing and Combating Trafficking with Children – 2004). However, efforts must still be made to further reduce traffic in general (here including male victims of trafficking, especially underage) and in girls and women, in particular, from Romania, Ukraine and the Republic of Moldova to other (non)EU countries (e.g. Bosnia, Serbia, Macedonia, Kosovo, Albania, Greece, Italy, Turkey etc.).¹⁵

To refer now back to labour force migration, the year 2002 turned out to be particularly important for changes in migration outflows in a different sense too: it was the year when the Schengen visa requirement was eliminated, which encouraged, more than previously, “incomplete” or circular migration for illegal work. Many Romanians left abroad legally, stayed and worked in an EU country until the three months of legal stay expired, and then returned home for the next three months, before embarking on the same labour circuit again. In such cases, for the three months of their stay in Romania, their place was taken by other Romanian workers (preferably members of their families or friends), the result being well-organised migratory networks. Others stayed abroad after the legal three-month interval expired and avoided coming back home for years for fear that the Romanian border police might seize their passports and prevent them from leaving the country for the next several years. This was actually one of the measures the Romanian state took in order to cut down the number of illegal migrants to European countries.

The boom of circulatory migration made it actually impossible for both the Romanian and the European authorities to correctly assess the number of Romanian migrants in the EU. The immigrant regularization process that several European countries embarked upon eventually gave legal status to some of the illegal Romanian workers abroad, but that did not solve the problem of illegal migration, which was still difficult to grasp in actual figures. For example, in Spain, the immigrant regularization in 2005 legalised some 110,000 Romanians, thus the number of Romanians with residence permits rising to 175,000. In Italy, regularization revealed 143,000 Romanian applicants (the leading foreign nationality in the legalisation programme, 20% of the total amount of applicants) in 2003 and 249,000 Romanians in 2005.¹⁶ More recent data from the Romanian Ministry of Foreign Affairs and the Office for Labour Force Migration indicate between 240,000 and 300,000 Romanian workers in Italy. The real figures seem, though, to surpass by far

¹⁴ Baldwin – Edwards, Martin, 2005, “Migration Policies for a Romania within the European Union: Navigating between Scylla and Charybdis”, *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p. 9 and Baldwin – Edwards, Martin, 2006, “Patterns of Migration in the Balkans”, *Mediterranean Migration Observatory*, Working Paper no. 9, January (Athens: Panteion University), pp. 7-8

¹⁵ Horváth, István, 2007, “Romania”, *Focus Migration*, Country Profile no. 9, September (Hamburg: Institute of International Economics), p. 7

¹⁶ Baldwin – Edwards, Martin, 2005, “Migration Policies for a Romania within the European Union: Navigating between Scylla and Charybdis”, *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p. 4

the limits of approximately 500,000 Romanian migrant workers, most of whom have only recently received legal status. The Romanian authorities report approximately 1.4 million Romanians working in Spain and Italy altogether (more than half of which are undocumented migrants) and almost 1 million Romanians working only in Italy (whether legally or illegally); the Italian authorities estimate even more, i.e. about 1.5-2.5 millions of Romanians.¹⁷

Furthermore, another aspect of Romanian circulatory emigration is related to the statistically confirmed feminisation of migration (especially in countries like Italy where the large demand for domestic jobs as well as family reunification have caused Romanian women to represent almost 50% of the Romanian migrant workers¹⁸). According to certain sources, out of the millions of Romanians working abroad, almost two thirds are women¹⁹ and, out of the Romanians left home, women seem more willing to migrate (whether permanently, as shown by the National Institute of Statistics²⁰ or temporarily).²¹

Immigration to Romania

As far as the migratory in-flows are concerned, throughout the years, the Romanian Border Police, the Authority for Aliens and the National Refugee Office had to constantly adjust their policies both to adopt the main lines suggested by the European Council, with a view to Romania's accession to the European Union (chapter 24 – Justice and Home Affairs concluded in April 2005) and to fit the changes in the immigration flows to Romania. Distinction could actually be made between several categories of immigrants these institutions had to cope with:

1. Given Romania's geographical position at the crossroads between the North-South migration axis (African countries being significant places of origin) and the East-West route (with Far and Middle East, and the former Soviet Union as main sources), many asylum applicants came to Romania especially from Irak, Somalia, India, China, Bangladesh, Guinea and Ecuador.²² Some of them chose to enter integration programmes organised by the Romanian authorities but, unfortunately, others chose to travel further to other European countries that are more attractive, economically speaking, and they tried to cross the Romanian border illegally.

¹⁷ Simina, Ovidiu Laurian, 2002, "Next in Line – Romanians at the Gates of the EU (Emigrants, Border Control, Legislation)", *SISEC Discussion Papers*, No. II, Issue 1, February (Timișoara: Universitatea de Vest), p. 13 and Baldwin – Edwards, Martin, 2005, "Migration Policies for a Romania within the European Union: Navigating between Scylla and Charybdis", *Mediterranean Migration Observatory*, Working Paper no. 7, December (Athens: Panteion University), p. 4

¹⁸ Simina, Ovidiu Laurian, 2002, "Next in Line – Romanians at the Gates of the EU (Emigrants, Border Control, Legislation)", *SISEC Discussion Papers*, No. II, Issue 1, February (Timișoara: Universitatea de Vest), p.14

¹⁹ "Migration in Brief: Europe," 2006, www.unfpa.org/swp/2006/presskit/docs/factsheet_europe.doc

²⁰ Romanian National Institute of Statistics, 2006, "Populație (Population)", chart 2.29, <http://www.insse.ro/cms/files/pdf/ro/cap2.pdf>

²¹ See also Nițulescu, Dana Cornelia and Alina Oancea, 2007, *Cu bine, din Europa! Studiu despre migrația forței de muncă românești în Uniunea Europeană (... Farewell, from Europe! A Study on the Migration of Romanian Labour in the EU)*, (Bucharest: Asociația Națională a Birourilor de Consiliere pentru Cetățeni ANBCC/ The National Association of the Citizens Advice Bureaus - Romania NACAB), p. 15, http://www.robcc.ro/studii_bcc/880282470625000_ro.pdf

²² The Romanian Ministry of Administration and Interior, 2006, "Migrația și azilul în România (Migration and Asylum in Romania)", (Bucharest), pp. 22-23, 33-34, <http://www.mai.gov.ro/Documente/Strategii/MIGRATIA%20SI%20AZILUL%20IN%20ROMANIA%20-%20martie%202006.pdf>

2. Consequently, a second category the Romanian authorities had to deal with was that of the illegal migrants transiting Romania on their way to the EU, crossing the border towards Serbia or Hungary; hence the need to reinforce security measures along the Romanian borders.

3. Permanent legal immigration, though less prominent in Romania than in other European countries, is related either to marital status, in the case of the (non)EU citizens who married Romanians, or to work and education, in the case of the immigrants who, having obtained an extension of their residence permit validity for several years, have eventually applied for Romanian citizenship. A special case in point in this respect is that of the citizens coming from the Republic of Moldova who, as early as 1991, benefited from the Romanian Citizenship Law regarding their migration as a form of repatriation.²³

4. Finally, one of the best represented categories, especially over the last years, is that of (non)EU citizens migrating to work legally on the Romanian territory. Constantin et al. distinguishes between free-lancers, employees of multinational companies and of representative offices of EU companies in Romania,²⁴ to whom one could add, in the light of the labour force shortage caused by emigration in certain economic sectors (like clothing and construction industries), workers from Turkey, China but also Pakistan, India and Kenya²⁵ temporarily employed by Romanian companies. All in all,

“the policy with the purpose of carrying out commercial activities is addressed with priority to investors with a high economic potential and implemented by the competent governmental institutions in cooperation with organisations relevant in the field. The policy on admission for working purposes offers the possibility of access of aliens on the Romanian labour market, taking into consideration both the need to protect the internal labour market as well as Romania’s economic interests, i.e. using a utilitarian approach. Depending on the demands of the market, special programmes are developed periodically, aiming to facilitate the access of certain categories of foreign professionals for specific periods.”²⁶

As already suggested throughout the previous overview of migration trends in relation to the institutional and legislative framework, there has been a constant concern, on behalf of the Romanian government but also of other institutions, with revising and improving migration management competences, to be further enlarged upon in the following section.

²³ Horváth, István, 2007, “Romania”, *Focus Migration*, Country Profile no. 9, September (Hamburg: Institute of International Economics), pp. 4-5

²⁴ Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania’s Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), p. 27

²⁵ Euractiv.com, 2008, “Romania Skilled Labour Shortage ‘Highest Worldwide’”, <http://www.euractiv.com/en/socialeurope/romania-skilled-labour-shortage-highest-worldwide/article-171920>

²⁶ Simina, Ovidiu Laurian, 2002, “Next in Line – Romanians at the Gates of the EU (Emigrants, Border Control, Legislation)”, *SISEC Discussion Papers*, No. II, Issue 1, February (Timișoara: Universitatea de Vest), p. 23

1. GENDER IN MIGRATION POLICIES

Considering the legislation, policies and institutions related to migration phenomena, Constantin et al. suggest distinguishing between three major fields regarding:

- a. Migration;
- b. Labour force market (direct and indirect influence on migration);
- c. Mutual recognition of degrees and qualifications (indirect influence on migration).²⁷

1.1. The Legal and Institutional Framework for Emigration from Romania

1.1.1. Border Control

For a long period of time, "the right to enter and live on the territory of an EU Member State was governed by national laws drawn up by each member state. One could enter and live on the territory of a state based on an entry visa and a residence visa which were granted by each state."²⁸ So, Romanian citizens travelling abroad until 2002 (at least), if they wanted to maintain within legal limits, had to apply for a visa at the consulates and embassies of their destination countries.

As required by the European legislation (Council Regulation EC no. 1683/95 setting a uniform format for visas, Council Regulation EC no. 2317/95 determining the third countries whose nationals must be in possession of visas when crossing the borders of the Member States, amended by Council Regulation EC no. 539/2001), and equally stated by the Romanian laws (e.g. Government Ordinance no. 65/1997 approved by Law no. 216/1998, completed and amended by the Government Decision no. 84/2003), Romanian citizens were granted the right of travelling to (non)EU countries on condition they were in possession of a valid passport issued by the Romanian authorities according to the legislation in force and of a visa granted by the foreign authorities through their embassy/ consulate representatives. Romanian citizens could finally benefit from exemption of short-stay (90 days) visas for the Schengen states only after the year 2002, thus finally enjoying the same freedom of movement as the EU citizens for whom passports were required merely for identification when crossing the external borders of the Schengen states. The fact that Romanian citizens were granted such freedom was actually the result of the Romanian authorities' efforts to implement EU recommendations and requirements in the Romanian legislation (see the Law 248/2005 regarding the free movement of Romanian citizens abroad) and organisation of institutions. The improvements in the activity of the Passport Department (responsible for issuing passports for Romanian citizens, monitoring voluntary and forced returns of Romanian

²⁷ Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), p. 29

²⁸ Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), p. 29

citizens from abroad and sanctions applied to Romanian citizens having committed illegal acts on the territory of a foreign state) and of the Border Police it collaborated with have allowed for the successful introduction of the Schengen Information System (SIS), including and providing information on visa granting and the admission in the EU of citizens from third-party countries, with a view to diminishing the number of illegal migrants crossing the Romanian border towards EU states. As Law 248/2005 stipulated, all infringements of Romanian and EU member states legislation regarding passport regime, border crossing, all forms of criminal activities that would impend on inter-state relations were punished by passport confiscation and interdiction to travel abroad for three years, and, if it were the case, subsequent investigation and sentencing by the Romanian authorities.

1.1.2. Recognition of Degrees and Professional Qualifications

As one of the main motivations for migration, both before and after 1989, is education, one of the aims of the Romanian legislation has been that of ensuring the recognition of the degrees and professional qualifications obtained abroad. The EU legislation had already set up a General System for the Recognition of Degrees and Qualifications based on several directives (Council Directive no. 89/48/CEE ensuring high-education degree recognition for persons trained for at least three years abroad, Council Directive no. 92/51/CEE for post-secondary education and training, Council Directive no. 1999/42/CE regarding the recognition of qualifications for professional activities and Council Directive no. 2001/19/CE acknowledging degrees obtained in third-party countries). For Romania, the starting point in this respect was signing (in 1997) and then ratifying (in 1999) the Lisbon Convention. Over the next years, further steps were taken for the mutual recognition of degrees and qualifications. Thus, in 1999, a new unit was created within the Romanian Ministry of Education and Research, i.e. the National Centre for the Recognition and Equivalence of Degrees, affiliated to the European networks ENIC (European Network of Information Centres) and NARIC (National Academic Recognition Information Centres). In 2003, a new law (31/2003) was passed regarding diploma and professional certificate recognition (in agreement with the above mentioned Council Directives), thus paving the way for the setting up (by order of the Labour Minister no. 701/17 December 2003) of a new institution for qualification recognition designated to admit the documents proving the qualifications acquired abroad, outside the Romanian educational system. Special attention was given to medical and paramedical professions (doctors, nurses, midwives, dental technicians, surgeons, pharmacists). (For a complete list of EU directives and corresponding Romanian laws regarding the mutual recognition of diplomas and certificates for such professions, see Constantin et al.²⁹) It is perhaps

²⁹ Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), pp. 149-152: "for **nurses** – Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services; Council Directive 77/453/EEC of 27 June 1977 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of nurses responsible for general care; Romanian Law no. 461/2001 regarding the practice of the profession of nurses responsible for general care amended by Law 496/2002;" "for **dentists** – Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of

one of the few aspects that cause gender to become a slightly visible category in this legislative framework as, in the Romanian system, the professions of nurse, midwife, pharmacist, dental technician and even, to some extent, that of doctor, are perceived as mostly fit for women.

1.1.3. Labour Force Migration

Labour migration has remained, nevertheless, the main pattern defining Romania as a migrant-sending country after 1989. For many years, work force recruitment by EU employers from Romania required either highly qualified workers in several key domains like IT (and not only) or medium/low-skilled workers to do the jobs rejected by the local natives. To encourage legal labour force recruitment, the governments of the countries where Romanian workers were needed signed bilateral agreements with the Romanian government.³⁰ Aimed at assuring labour force that was deficient in the EU countries and at intimidating illegal migration by offering a legal alternative, such agreements proved to have a positive impact on the Romanian government's policy in relation to labour migration, leading to the creation of special divisions within the Romanian Ministry of Labour, Social Solidarity and Family, exclusively related to migration. By far the most important of them seems to have been the Office for Labour Force Migration founded in 2002 in order to offer a legal framework to the process of recruitment and placing of labour force abroad and to protect the interests of the Romanian citizens working abroad. Next to it, due mention should be made to other institutions like the Department for Work

the right of establishment and freedom to provide services; Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners; Romanian Law no. 74/1995 relating to the profession of doctor and the establishment of the Romanian Doctors College amended by Law 495/2002; Law regarding the practice of dental practitioners, the establishment of the organization and functioning of the Dental Doctors' College (on course) [in 2004];" "for **midwives** – Council Directive 80/154/EEC of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services; Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action relating to the taking up and pursuit of the activities of midwives; Romanian Law 461/2001 amended by Law 496/2002;" "for **pharmacists** – Council Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of certain activities in the field of pharmacy; Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy; Romanian Law no. 81/1997 (OJ 89/14.05.1997) relating to the profession of pharmacist and the organisation and operation of the Romanian Pharmacists' College;" " for **doctors** - Council Directive 89/594/EEC of 30 October 1989 amending Directives 75/362/EEC, 77/452/EEC, 78/686/EEC, 78/1026/EEC and 80/154/EEC relating to the mutual recognition of diplomas, certificates and other evidence of formal qualifications as doctors, nurses responsible for general care, dental practitioners, veterinary surgeons and midwives, together with Directives 75/363/EEC, 78/1027/EEC and 80/155/EEC concerning the coordination of provisions laid down by Law, Regulation or Administrative Action relating to the activities of doctors, veterinary surgeons and midwives; Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications; All previous Romanian laws in the domain."

³⁰ Among the relevant examples, Constantin et al. mention the cases of the German "Green Card Programme" granting residence and employment rights to IT personnel, of the Recruitment Central Office in Germany encouraging temporary migration for critical domains or, of the Spanish and Portuguese programmes of employment requiring low/unskilled labour force. See Constantin, Daniela - Luminita et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), pp. 146-147

Abroad (that can appoint diplomatic attachés for labour and social issues as it has been the case in Spain, Italy, Germany and Hungary³¹), the National Agency for Employment (responsible for authorising and monitoring private companies mediating labour force migration from Romania) and the Department for Bilateral Agreements and External Affairs (negotiating and signing conventions with regard to exchange of labour force to be subsequently ratified by the Parliament³²), meant to ensure, as much as possible, equal opportunities for the Romanian migrants in the countries of their destination.

The Romanian legal system could not ignore the alarming increase of the labour migration phenomenon either. As part of the pre-accession harmonization with the *acquis communautaire* (Chapter 2 - "Free Movement of Persons"), Romanian legislation explicitly underlined the conditions under which Romanian citizens could work abroad: "Romanian citizens are free to seek employment in the EU member states as well as in any other state, observing the requirements of international labour legislation and of the bilateral treaties that Romania has signed."³³ The law (e.g. 156/2000 modified by Government Ordinance 43/2002, Art. 3) also emphasises that these treaties/ agreements must guarantee, in their turn, equal treatment for the Romanian migrant workers as far as minimum wages, working hours, working conditions and safety measures, as well as medical insurance in case of work accidents and/or professional diseases are concerned. Besides bilateral agreements, it also mentions another legal alternative for Romanian citizens who want to work abroad, namely that they can be employed in EU countries on the basis of contracts negotiated by private employment agents/ agencies. (See Law 156/2000 modified by Government Ordinance 43/2002, Chapter II "Employment Agents for Labour Abroad")

Without being explicitly biased, the policy carried out by Romanian institutions in the field of labour emigration and the legal framework underlying it show little concern for gender differences. Nonetheless, behind the apparent 'gender neutral' approach to emigration, there is a certain tendency towards gender stereotyping, as women are offered jobs as nurses, carers for children and the elderly, agriculture and domestic workers, i.e. in sectors of rather low-waged and medium/ low-skilled labour.

For all the efforts made by both Romanian and EU authorities to lower down the rates of illegal/circular migration, shortcomings of the national legal systems (both of the source and of the target migration countries) regarding the status of migrants and the lawful framework within which they could be employed still had to be overcome, while certain migration policies, when put into practice, turned out either too repressive or not efficient enough, often causing Romanian migrants to become more vulnerable to the risks implied by working on the black market. Under the circumstances, certain EU states reacted to this situation by embarking upon regularization processes by means of which immigrants working on their territory could become legal (e.g. Italy and Spain). The results revealed the existence of already large diasporas which had to be provided employment and be socially and culturally integrated. So, throughout the years, from

³¹ Simina, Ovidiu Laurian, 2002, "Next in Line – Romanians at the Gates of the EU (Emigrants, Border Control, Legislation)", *SISEC Discussion Papers*, No. II, Issue 1, February (Timișoara: Universitatea de Vest), p. 20

³² Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), p. 43

³³ Labour Code/ Law no. 53/ 24.01.2003, Article 9, SintACT® EON Programming

2003 to the present, the European Commission has monitored, in the EU member states, the situation of migrants in the labour market, the fight against discrimination and racism, poverty and social exclusion, the civic education and orientation for migrants as well as their participation in the decision-making process, and in particular the progress made in terms of gender mainstreaming.³⁴

1.2. Romanian Policies Regarding Immigration. Refugees and Asylum-Seekers

A Third Annual Report on Migration and Integration of the European Commission³⁵ finally includes, next to the description of immigration-related policies in 'old' EU member states, specific references to Romania as a migrant-receiving country, as our country became an EU member in 2007. The remarks made with regard to the integration of immigrants through education as well as mainstreaming policies and measures reveal the successful evolution of the Romanian legislative and institutional framework in relation to asylum and immigration on the Romanian territory. It has been a long-lasting process that required the harmonization of Romanian legislation regarding the regime of foreign persons and of the refugees in Romania with the European *acquis communautaire* and the close inter-institutional cooperation involving both governmental and non-governmental organisations.

A cornerstone of the Romanian policy regarding migration (inflows, not outflows) was the National Strategy for Migration issued by Government Ordinance no. 616/21.04.2004, which not only integrated EU requirements but also followed the five main lines of European policy regarding migration, i.e.: controlled migration prevention, asylum, social integration of foreigners, return and voluntary repatriation of migrants. Therefore, its main objectives were:

1. promoting legal admission and stay of aliens on the Romanian territory, by appropriate implementation of legal provisions aligned to EU and international standards, without affecting the right to free movement of persons;
2. attracting foreign investors capable to contribute to Romania's economic development by creating new jobs and introducing modern technologies;
3. developing programmes regarding the access of certain categories of foreign professionals on the Romanian labour market, depending on its needs and in keeping with the EU standards as well as with those stipulated in the treaties, conventions and agreements that Romania is part of;
4. promoting the interests and the image of the Romanian educational system by attracting groups of foreign students;

³⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Immigration, Integration and Employment COM (2003), 336; Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. First Annual Report on Migration and Integration COM (2004), 508; Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Second Annual Report on Migration and Integration SEC (2006), 892

³⁵ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Third Annual Report on Migration and Integration COM (2007), 512

5. creating efficient procedures for family reunification according to European standards and the provisions of international legal instruments in the field.³⁶

In this context, the core governmental institutions (the Ministry of Administration and Interior, the Romanian Border Police, the National Office for Refugees, the Passport Department, and the Authority for Aliens) in collaboration with major NGOs like the International Organization for Migration, the Office of the High Commissioner for Human Rights, the Foundation of the Romanian National Council for Refugees, the Romanian Forum for Refugees and Migrants and the Jesuit Services for Refugees in Romania were in charge of implementing new measures related to:

1. the Visa Online System (an inter-institutional network connecting Romanian embassies and Consulates with the National Centre for Visas and the Authority for Aliens for a more efficient visa granting process);
2. the European policy on asylum as decided upon by the Tampere Programme (1999);
3. the minimum compulsory standards for refugee protection (according to Council Directive 2004/83/EC);
4. the minimum standards for the reception of asylum-seekers (according to Council Directive 2003/9/EC);
5. the minimum standards for procedures for granting and withdrawing refugee status (according to Council Directive 2005/85/EC);
6. the execution of the Dublin agreement terms and the introduction of the EURODAC System (identification of asylum-seekers' fingerprints) in order to combat the so-called 'shopping asylum', i.e. applying for asylum in several EU countries, and to establish the responsibility for the granting and withdrawing of the refugee status procedures (according to Council Regulations CE no.2725/2000, 407/2002 and 343/2003);
7. the carrying out of the Hague Programme (2005-2009) for cooperation between countries of origin, transit and destination of migration with a stress on the refugees/immigrants' social integration and the prevention of 'shopping asylum'.

Step by step, Romanian legislation on asylum improved³⁷, adopting, in its most recent form (Law no. 122/2006), the renewed definitions of key terms of asylum and migration EU legislation (i.e. asylum-seeker, asylum application, alien, country of origin, asylum procedure, refugee status, conditioned humanitarian protection, temporary humanitarian protection, unaccompanied minors, etc.), as well as the measures stipulated for the expulsion or forced return from the external border or from the territory of the destination country, the procedures for granting and withdrawing the refugee status and the measures taken for the integration of refugees, family reunification, access to

³⁶ Romanian Government, 2004, "Strategia națională privind migrația (The National Strategy for Migration)", *Monitorul Oficial (The Official Gazette of Romania)*, Part I., No. 406 (06/05/2004) (Bucharest)

³⁷ Law no. 46/1991, marking Romania's ratification of the 1951 Geneva Convention and of the 1967 New York Protocol on the refugee status; Law no. 15/1996 on the status and regime of refugees in Romania (abrogated) modified by Government Ordinance no. 102/2000 (abrogated); Government Decision no. 1191/2001 on the special programme of socio-professional integration of refugees in Romania (abrogated); Government Ordinance no. 44/2004 on the social integration of aliens benefiting from protection in Romania, modified by Government Ordinance no.41/2006; Government Decision no. 1483/2004 on the methodology for the implementation of Government Ordinance no. 44/2004; Law no. 122/2006 on asylum in Romania with its corresponding implementation methodology in Government Ordinance no. 1251/2006

accommodation, medical assistance, social insurance, education forms and especially integration on the labour market.³⁸ The Third Annual Report on migration and integration of the European Commission emphasises the progress made by Romania with a view to:

1. enabling immigrants to acquire basic knowledge of the host society's language, history and institutions, which is essential to successful integration (a personal integration plan is drafted for every refugee),
2. educating immigrants and their descendants for a more successful and active participation in society (free courses of Romanian for adults, and appropriate training for their teachers; the use of interpreters and cultural mediators to ease the access of immigrants to Romanian public services) and
3. promoting mainstreaming integrating policies and measures on all levels of government and public services through inter-institutional cooperation.³⁹

But, as not all immigrants to Romania are asylum-seekers, due interest has also been taken, in the context of the development of the Romanian economy in transition, in foreigners coming to Romania from (non)EU countries strictly for labour purposes. (And the National Strategy for Migration stands as a proof in this respect.) Their employment has been systematically regulated by a number of laws like: Law no. 203/1999 amended by Government Ordinance no. 32/2003 regarding the conditions for granting work permits and Government Ordinance no. 194/2002 on the status of the foreigners travelling to Romania, amended by Law no. 357/2003. Requiring the cooperation of the National Office for Labour Force Migration and of the Authority for Aliens, these laws specifically identify the conditions under which different foreign worker categories can be hired in Romania, with or without work permit, being granted equal rights to their Romanian peers, on condition that their working positions could not be taken by Romanian personnel and that they meet all the special conditions of professional training and experience required by the employer and by the legislation in force.⁴⁰

If one were to consider this entire Romanian legislative and institutional system related to immigration and asylum, one would definitely agree that the comments made by the European Women's Lobby on the EU approach to managing economic migration⁴¹ could perfectly apply to it as well, in the sense that it maintains a gender neutral approach to immigration. The idea of equal treatment surfaces frequently in Romanian official documents but mainly with reference to the rights of the immigrants and of the Romanian workers in general, not to gender-related differences. That entails, for

³⁸ The Romanian Ministry of the Interior, 2006, "Migrația și azilul în România (Migration and Asylum in Romania)", (Bucharest),

<http://www.mai.gov.ro/Documente/Strategii/MIGRATIA%20SI%20AZILUL%20IN%20ROMANIA%20-%20martie%202006.pdf>, pp. 24-25 and The Romanian Ministry of the Interior, 2007, "Imigrația și azilul în anul 2006 (Immigration and Asylum in 2006)", (Bucharest), http://www.mai.gov.ro/Documente/Prima%20Pagina/STUDIU_migratie_2006_ultima_forma.pdf, pp. 12-18

³⁹ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Third Annual Report on Migration and Integration COM (2007), 512, http://ec.europa.eu/justice_home/fsj/immigration/docs/com_2007_512_en.pdf, pp.14-18

⁴⁰ Constantin, Daniela – Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), pp. 160-161

⁴¹ European Women's Lobby, 2005, "Green Paper on a EU Approach to Managing Economic Migration. COM (2005) 811", http://www.womenlobby.org/site/1abstract.asp?DocID=618&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=&parentCat=534

instance, the recurrence of certain stereotypical assumptions according to which migrant women depend exclusively on their husbands. Though statistics indicate a well-balanced structure of immigrant communities in terms of gender⁴², the trend seems to be given by men migrating first to achieve certain financial welfare being followed then by their wives and entire families⁴³, which makes those women's legal position and residence permit entirely dependent on the husbands' status. Furthermore, as media reports have shown, there is always the danger that immigrant women might be mistreated (underpaid, morally abused) and subject to lack of concern for their needs and cultural specificity by Romanian employers. Therefore, steps still need to be taken in the sense of proper gender mainstreaming in the Romanian context with regard to immigrant women.

1.3. Trafficking

The only explicitly gendered dimension of migration in the Romanian context is related to trafficking in human beings, as Romania is still a country of both origin and transit for internationally trafficked women and girls.

At the international and European level, the awareness of the need to combat this most 'visible' form of violence against women has resulted in the issuing, ever since the early half of the twentieth century, of a number of legal instruments. The earliest⁴⁴ conceived the meaning of traffic as confined to prostitution or "white slavery", as they put it. The aspect remained of great concern for the European policy-making structures throughout the years as part of the larger framework of organised crime and migration, hence the significant number of legal documents, strategies and research studies produced since the 1980s encouraging legal and technical cooperation to monitor and fight back violence and sexual exploitation of women. The actions taken by newly created bodies of the European Council (like the Group of Experts on traffic in women founded in 1992-93, which reported to the Steering Committee for Equality between Women and Men - CDEG) have encouraged the drawing up of action plans, either on the European or on the regional and national level (mainly since 1996 for South-East Europe and the South Caucasus), suggesting "areas for reflection and investigation" and putting forth recommendations "on legislative, judicial and punishment aspects of trafficking, on aiding, supporting and rehabilitating its victims and on programmes of prevention and training."⁴⁵ Chief among these recommendations regarding trafficking in human beings

⁴² Romanian National Institute of Statistics, 2006, "Populație (Population)", chart 2.31, <http://www.insse.ro/cms/files/pdf/ro/cap2.pdf>

⁴³ The Romanian Ministry of the Interior, 2007, "Imigrația și azilul în anul 2006 (Immigration and Asylum in 2006)", (Bucharest), http://www.mai.gov.ro/Documente/Prima%20Pagina/STUDIU_migratie_2006_ultima_forma.pdf, p.7

⁴⁴ International Convention for the Suppression of the White Slave Traffic (Paris, 4 May 1910), later supplemented by the International Convention for the Suppression of the Traffic in Women and Children (30 September 1921) and the International Convention for the Suppression of the Traffic in Women of Full Age (Geneva, 11 October 1933), finally cancelled and replaced by the provisions of The Convention for the Suppression of the Traffic in Persons and the exploitation of the Prostitution of Others (New York, 2 December 1949). See note 208 in Europe Convention on Action against Trafficking in Human Beings [CETS no. 197], http://www.coe.int/t/dg2/trafficking/campaign/Source/PDF_Conv_197_Trafficking_E.pdf and The Convention for the Suppression of the Traffic in Persons and the exploitation of the Prostitution of Others (1949), <http://www.un.org/womenwatch/asp/user/list.asp-ParentID=10743.htm>

⁴⁵ Note 13 in Europe Convention on Action against Trafficking in Human Beings [CETS no. 197], http://www.coe.int/t/dg2/trafficking/campaign/Source/PDF_Conv_197_Trafficking_E.pdf

for sexual exploitation, most of whose victims are women and children, reference should be made to Recommendation R(2000)11 of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation and to Recommendation 1545 (2002) of the Council of Europe Parliamentary Assembly on a campaign against trafficking in women, urging the Committee of Ministers to draw up a European convention on trafficking in women that would be open to non-member states, based on the definition of trafficking in the Committee of Ministers' Recommendation No. R(2000)11 on action against trafficking in human beings for the purpose of sexual exploitation. The Assembly returned to this issue in 2003, with Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution.

Criticism of trafficking policies focusing strictly on prostitution/ sexual exploitation coming especially from NGOs has, nonetheless, drawn the attention to the fact that trafficking is actually "a complex problem, related to different fields and interests: migration, organised crime, prostitution, human rights, violence against women, the feminisation of poverty, the gender division of the international labour market, unequal international economic relationships, etc."⁴⁶ and that conceiving it unilaterally might result in devising eventually deficient strategies. So, gradually, the legal instruments proposed by the European governing bodies have placed traffic in the larger context of the protection of women against violence and of the enjoyment of their human rights and fundamental freedoms, in general.⁴⁷ They have provided traffic with a more comprehensive definition, according to which this "modern form of slavery" covers all forms of exploitation, i.e. sexual exploitation and forced labour (in the agricultural and the domestic sectors or in sweatshops). Further criticism of the very concept of trafficking still raised doubts as to the appropriateness of the new stage in the anti-trafficking legal framework, which seemed to rather promote the victimisation of migrant women, and called for new developments, apart from national and state interests, based on empowering strategies aimed at supporting women and strengthening their rights as women, as workers and, last but not least, as migrants, addressing, hence, all forms of trafficking, whether national or transnational, related or not to organised crime. This reinterpretation of the traffic phenomena has explicitly surfaced in the European Convention on Action against Trafficking in Human Beings [CETS no. 197] adopted in 2005 and entering into force on February 1st, 2008, which aims at preventing and combating trafficking, protecting the human rights of the victims, designing a comprehensive legal framework and promoting international cooperation for the protection and assistance of the victims as well as for the effective investigation and prosecution of the traffickers.

The changes in the Romanian legislation on trafficking in human beings have closely followed the trends in the international and European framework, partly through the ratification of such international legal instruments as the UN Convention on Organised Transnational Criminal Activities, the Additional Protocol to the Convention on the

⁴⁶ Wijers, Marjan and Marieke van Doorninck, 2002, "Only Rights Can Stop the Wrongs: A Critical Assessment of Anti-trafficking Strategies", Paper presented at EU/IOM STOP European Conference on Preventing and Combating Trafficking in Human Beings — A Global Challenge for the 21st Century. Organized under the High Patronage on H.R.M. the King of the Belgians. 18-20 September 2002, European Parliament, Brussels, Belgium, <http://www.nswp.org/pdf/WIJERS-ONLYRIGHTS.PDF>, p. 1

⁴⁷ See Recommendation Rec (2002)5 of the Committee of Ministers to member states on the protection of women against violence, <https://wcd.coe.int/ViewDoc.jsp?id=280915&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

Prevention and Punishment of Human Trafficking, especially Women and Children, and the Optional Protocol to the Convention on Children's Rights, regarding child-trading and infantile prostitution and pornography (by means of Law no. 565/ 2002), partly through the issuing of a number of domestic laws which allowed for the harmonization with the European legal requirements and recommendations.⁴⁸ Similarly, the stress on sexual exploitation made way for a definition in broader terms of traffic as recorded in Law no. 678/ 2001 (and in the regulations for its implementation issued on March 13, 2003 – Government Decision 299/ 2003):

“the recruitment, the transport, the transfer, the accommodation or the receiving of persons by threat, violence, or by other forms of constraint, by kidnapping, fraud or hoax, authority abuse or by taking advantage of those persons' impossibility to defend themselves or to express their will, or by offering, giving, accepting or receiving money or other advantages for obtaining the consent of a person who has authority over other persons, for the purpose of exploiting them”⁴⁹ for forced labour, prostitution, beggary, (domestic) slavery or any similar practices.⁵⁰

Prevention of and fight against traffic in human beings were explicitly expanded upon next to the protection and assistance granted to the victims, all requiring the active involvement and collaboration of numerous Romanian and international institutions, whether governmental or non-governmental. Thus, within the framework of the National Action Plan for Combating Trafficking in Human Beings approved by Government Ordinance 1216/ 2001, Romanian officers specialised in trafficking established, together with colleagues from Albania, Bosnia-Herzegovina, Greece, the Republic of Moldova, Slovenia, Hungary, Bulgaria, Croatia, FYROM, Turkey and observers from Germany, Italy, Ukraine, France and Austria, a SECI Regional Anti-Crime Centre and an international Task-Force. Moreover, collaboration with other international bodies (The Council of Europe, FBI, US Department of Labour, OSCE, etc.) resulted in the organisation of training programmes, seminars, conferences, encouraging experience exchange, further learning of techniques and best practices in combating traffic.

⁴⁸ Law no. 678 on preventing and combating trafficking in human beings; the National Action Plan against trafficking in human beings, enforced by the Government Decision no. 1216/2002; Law no.27/2001 for ratification of the Penal Convention regarding corruption; Law no.61/2001, for the approval of Government Emergency Ordinance no.89/2001 for the modification and completion of Several Penal Code disposals concerning sexual life offences; Law no.81/2002 for the approval of Government Emergency Ordinance no.104/2001 for the organisation and functioning of the Romanian Border Control; Law no.243/2002 for the approval of Government Emergency Ordinance no.105/2001 regarding the State Border of Romania; Law no.252/2002 for the approval of Government Emergency Ordinance no.112/2001 regarding the sanctioning of acts committed abroad by the Romanian citizens or stateless persons having the residence in Romania; Law no.218/2002 on the organisation and functioning of the Romanian Police; Emergency Ordinance no.43/2002 regarding National Anti-corruption Prosecutor's Office. See Legislation Online, 2007, "Fighting against Trafficking in Human Beings in Romania. PC. DEL/ 643/ 02, 2 September 2002," <http://www.legislationonline.org/legislation.php?tid=178&lid=7611&less=false>

⁴⁹ Constantin, Daniela - Luminița et al., 2004, *The Migration Phenomenon from the Perspective of Romania's Accession to the European Union*, Pre-accession Impact Studies II, Study no. 5 (Bucharest: The European Institute of Romania), p. 159

⁵⁰ See Art. 2, Law 678/ 2001 on preventing and combating trafficking in human beings, published in *Monitorul Oficial (The Official Gazette of Romania)*, Part I, no. 783/ 11. 12. 2001 subsequently modified and completed by Government Ordinance no. 79/ 2005 and Art. 3, the Additional Protocol to the UN Convention on the Prevention, Combating and Punishment of Trafficking in Human Beings, especially in Women and Children (November 15, 2000), <http://www.un.org/womenwatch/daw/cedaw/>

The NGOs, whether branches of the well-known IOM, USAID and OSCE or 100% Romanian organisations,⁵¹ collaborated with Romanian ministries (Ministry of the Interior, Ministry of Labour, Social Solidarity and Family, Ministry of Education and Research, etc.), local police, magistrates, embassies and consulates, striving both to encourage the issuing of new anti-trafficking legislation and to promote effective policies of traffic prevention and of reintegration of the victims.

Joining NATO in 2004 and the EU and Schengen Zone in 2007, Romania was further urged to adopt a top-down policy of combating trafficking in women, founding a National Agency against Trafficking in Persons, within the Ministry of Administration and the Interior, with a clear-cut National Action Plan for each year, whose legal framework was set by Government Decision no. 1171/ 2005 and, most importantly, by Romania's ratification of the above-mentioned European Convention on Action against Trafficking in Human Beings (Law no. 300/ 2006).⁵² It is in this context that further stress has been laid on prevention of trafficking by different means which could discourage the demand, on the one hand, and could work more efficiently on the level of the civil society targeting the categories of women most likely to become victims of trafficking but not only,⁵³ on the other hand. In this respect, due mention should be made to:

1. educational programmes (including videotape showing testimonies of female victims of human trafficking and the introduction of an anti-trafficking manual⁵⁴) run in schools and colleges on the realities of human trafficking and illegal migration, and promoting gender equality, stressing the unacceptable nature of discrimination based on sex and its disastrous consequences for the freedom and integrity of the human being;

⁵¹ The first NGO to start work with trafficked persons, in 1998, was *Reaching Out* from Pitești, which organised an on-going training program for social workers working in their shelter for trafficked women and children. In general, before 2001, the Romanian NGOs operated as a network of organisations and shelters (in Bucharest, Timișoara, Pitești, Constanța), which could provide trafficked persons with basic assistance and support, on the basis of the financial support coming mainly from the Soros Foundation and not from the funding designated for anti-trafficking activities in the region. After 2001, IOM also started to organise its own network of NGOs which developed in parallel with the FAMNET coalition of 13 'old' local NGOs. See Legislation Online, 2007, "Fighting against Trafficking in Human Beings in Romania" PC. DEL/ 643/ 02, 2 September 2002," <http://www.legislationonline.org/legislation.php?tid=178&lid=7611&less=false>. In addition, various women's rights NGOs (like the Association for the Promotion of Women in Romania, ApoWeR, Timișoara) got more actively involved in providing assistance for victims of trafficking. (See Zelinka, Elisabeta, 2007, "The Post-Communism Migration Issues of Romania. The Crossroads of Three Continents" in *Migration Education*, <http://migrationeducation.org/37.0.html>)

⁵² *Monitorul Oficial (The Official Gazette of Romania)*, no. 930/19. 10. 2005 and respectively no. 622/ 19. 07. 2006

⁵³ Studies conducted by Romanian researchers and required by IOM have revealed the profile of the Romanian traffic victim, i.e. young women aged between 15 and 25 years old, living with their families – mostly single-parent families or families torn apart by domestic violence – in medium-sized towns, abandoning school before their secondary-school graduation, eager to seek a job abroad, with a propensity to break official and informal rules, who do not value education, but hard work and money which could buy them social success, weakly integrated in social circles and lacking parental guidance and control, often with a strong culture of mobility. Lăzăroi, Sebastian and Monica Alexandru, 2003, *Who Is the Next Victim? Vulnerability of Young Women to Trafficking in Human Beings* (Bucharest: IOM), <http://www.iom.hu/PDFs/Who%20is%20the%20Next%20Victim%20-%20Vulnerability%20of%20Young%20Romanian%20Women%20to%20THB.pdf>

⁵⁴ Legislation Online, 2007, "Fighting against Trafficking in Human Beings in Romania. PC. DEL/ 643/ 02, 2 September 2002," <http://www.legislationonline.org/legislation.php?tid=178&lid=7611&less=false>

2. public-awareness campaigns involving all the concerned Romanian institutions with abilities in informational activities including advertisements on national TV stations, distribution of informative materials (posters, leaflets, brochures), organising seminars for policemen, teachers, social assistants, informational activities of the population on the job offer abroad.

As for the assistance to and reintegration of the (potential) victims of trafficking, the process has required the collaboration of NGOs (though still very few have the capacity to offer long-term support in reintegration) with the Romanian Ministry of Labour stimulating economic agents to employ women with a high risk of being trafficked as well as victims of trafficking who have embarked on a programme of professional training.⁵⁵

Nonetheless, for all the progress made on the legal, institutional and policy level in relation to trafficking in women, there is still room for improvement especially with regard to gender mainstreaming. As the European Women's Lobby has remarked, an efficient policy of preventing and combating trafficking should address the causes of the double victimisation of women: to be more specific, since domestic violence, poverty, unemployment, lack of social integration range among the main causes leading to young women becoming victims of trafficking, measures should also be taken towards creating opportunities for women to achieve social, economic, political equality with men in society. Thus, all legislation and policies aiming at action against trafficking in human beings should go 'hand in hand' with gender mainstreaming.

⁵⁵ See Articles 6 and 26 in Law 678/ 2001 on preventing and combating trafficking in human beings, published in *Monitorul Oficial (The Official Gazette of Romania)*, Part I, no. 783/ 11. 12. 2001 subsequently modified and completed by Government Ordinance no. 79/ 2005 and Legislation Online, 2007, "Fighting against Trafficking in Human Beings in Romania. PC. DEL/ 643/ 02, 2 September 2002," <http://www.legislationline.org/legislation.php?tid=178&lid=7611&less=false>

2. MIGRATION IN POLICIES OF GENDER EQUALITY

2.1. The European Legal and Institutional Framework for Gender Equality

Equality between women and men has been one of the main topics on the list of the EU policy-making and legislative bodies ever since the 1950s when the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) was first issued and when the Treaty in Rome (1957) set the principle of equal payment for women and men for equal work. For years, equality was mostly aimed at in as far as employment, working conditions and social security were concerned, as shown by many Council Directives issued between 1975 and 2002.⁵⁶ Yet, gradually, new legislative instruments have come to look on equality between women and men in the context of the more general fight against discrimination⁵⁷ and have extended the discussion in the areas of political and public decision-making factors,⁵⁸ as well as in that of access to and supply of goods and services.⁵⁹ The constant efforts made by such international organisations as the European Women's Lobby to bring to public attention the issue of gender equality and to have it taken into account in all European policies turned out to be fruitful especially after 2005, causing the European Commission to approve the creation of a European Gender Institute (to start functioning in 2007) and to put forth in 2006 "A Roadmap for Equality between Women and Men", laying down the Commission's activities in this field for the interval 2006-2010.⁶⁰ Built on the framework strategy for equality between women and

⁵⁶ Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women; Council Directive of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (76/207/EEC), amended by Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002; Council Directive of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (79/7/EEC); Council Directive of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood (86/613/EEC); Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.; Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, recast by Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006

⁵⁷ Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979, entering into force on 3 September 1981, <http://www.un.org/womenwatch/daw/cedaw/>; The Treaty of Amsterdam (1997), Art. 13 on discrimination on grounds of sex, see European Women's Lobby, "European policy legislation on equality between women and men", http://www.womenlobby.org/site/1Template1.asp?DocID=15&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=&parentCat=15

⁵⁸ Recommendation Rec (2003) 3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making adopted on 12 March 2003

⁵⁹ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

⁶⁰ See European Women's Lobby, "European policy legislation on equality between women and men. Latest developments", http://www.womenlobby.org/site/1Template1.asp?DocID=15&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=&parentCat=15 and CE, 2006, "Communication from the Commission to the Council, the

men developed in between 2001 and 2005, the latter is meant to emphasise the advantages of gender mainstreaming as an approach that could successfully promote gender equality in all policy areas and on all levels of life. Its main lines of argumentation cover six fields of priority action, namely equal economic independence for men and women, reconciliation between professional life and private life, equal representation in decision-making, a complete stop to all forms of violence and trafficking in human beings based on gender, removal of gender stereotypes within society, and the promotion of equality between the sexes outside the EU.

2.2. The Harmonisation of the Romanian Legal Framework on Gender Equality to the EU Requirements. The National Strategy for Gender Equality

In the context of Romania's pre-accession to the European Union, gender equality, though not exactly a major preoccupation of the authorities, was, nonetheless, formally stipulated by the law. Essential legal instruments like the Romanian Constitution, the Labour and Family Codes refer to equal rights for women and men, in general, and to equal access to public, civil or military offices,⁶¹ equal employment, payment and working conditions, in particular, all forms of direct or indirect discrimination (here included on the grounds of sex differences) being condemned.⁶² Some of their provisions already demonstrate that progress made at the European level has been incorporated in the national legislation, which encloses stipulations similar to those in the above mentioned Council Directives. Yet, more serious and concrete action in the sense of the alignment of Romanian legislation and policy-frameworks on gender equality to the latest developments in the field at the European level was finally taken with the passing of Law no. 202/ 2002 on equality between women and men, modified and completed by Government Ordinance no. 84/ 2004, and of the Law no. 324/ 2006 on the prevention and punishment of all forms of discrimination. On this legislative basis, the Romanian government founded a new institution, i.e. the National Agency for Equality between Women and Men (as part of the Romanian Ministry of Labour, Social Solidarity and Family). Encouraging inter-institutional cooperation at the national and local level, with governmental institutions (like the National Commission for Gender Equality and the County Councils' Special Commissions for Gender Equality⁶³) as well as with non-governmental ones (here including women's NGOs,⁶⁴ trade unions' representatives, etc.),

European Parliament, the European Economic and Social Committee and the Committee of the Regions. A Roadmap for Equality between Women and Men 2006-2010 {SEC(2006) 275}", <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0092:FIN:EN:PDF>

⁶¹ Art. 16 in the Romanian Constitution quoted in the Decision no. 365/ 2005, *Monitorul Oficial (The Official Gazette of Romania)*, No. 825/ 13. 09. 2005

⁶² Art. 5, 6, 27, 39, 59, 60, 125, 154, 258 in the Romanian Labour Code/ 24. 01. 2003 (Law no. 53/ 24. 01. 2003)

⁶³ Francu, Elena, 2002, "Egalitatea de șanse între femei și bărbați în societatea românească – de la principiu la realitate. (Equality between Women and Men in the Romanian Society – from Theory to Practice)", http://www.euro-info.ccir.ro/MAPA_Elena%20Frincu_Egalitatea_de_sanse_intre_femei_si_barbati_in.ppt

⁶⁴ Asociația femeilor din Romania (Romanian Women's Association), [Asociația Femeilor Împotriva Violentei Artemis](#) (Artemis – Women's Association against Violence), Asociația pentru Promovarea Femeii din Romania, Timișoara (Romanian Association for the Promotion of Women), CAFA - Coaliția Asociațiilor Femeilor de Afaceri (The Coalition of Business Women's Associations), AFIR - Asociația Femeilor Întreprinzătoare din Romania (Romanian Business Women's Association), ASOAF -BOW Asociația Oportunități de Afaceri pentru Femei (Women's Association for Business Opportunities), Asociația Națională a Femeilor din Mediul Rural

this agency is in charge of putting into practice the action plan for the implementation of the National Strategy for Gender Equality from 2006 to 2009.⁶⁵

The need for such a strategy has arisen from hard facts proving that, despite its being legally acknowledged, the principle of "equal payment for work" is not always observed in practice, that women still endure more or less subtle forms of discrimination related to the feminisation of poorly paid labour sectors, to the differences in salaries between men and women – which, though reduced over the years, still mounted to 14% in 2004 –, to the still poor participation of women in the political life and in decision-making bodies (in 2004, out of the 469 Romanian MPs, only 50 were women, i.e. 10.66%), to the difficulties in reconciling participation in public life and work with domestic duties.⁶⁶ Under the circumstances, the strategy aims at improving, first of all, the legislative and institutional framework by encouraging the process of improvement of Romanian legislation in keeping with the most recent European developments regarding gender equality and by empowering the National Agency for Equality between Women and Men to take more vigorous action and to initiate an even closer collaboration with international women's organisations. The changes the strategy means to entail, based on this legal and institutional framework, are described in detail as covering a wide range of issues, i.e. economic and social aspects, decision-making processes, education, culture and mass-media, actually paralleling in structure the EU Roadmap for Equality between Women and Men. To be more specific, as far as the economic level is concerned, the strategy hopes to:

1. bring about improved knowledge of women's situation on the Romanian labour market (by means of statistics including the gender distinction factor),
2. support equal access to all types of jobs (here including to management positions),
3. stimulate women's interest in professional development (that should not be hindered by pregnancy),
4. propose special professional reconversion programmes for women that would allow them to get jobs in fields in which they have been less involved so far,
5. challenge and try to change stereotypes according to which women should merely be concerned with the domestic sphere, while men should be the main providers of the family, by encouraging equal sharing of responsibilities;
6. advance gender equality at the working place and transparency of the promotion process;
7. facilitate integration on the labour market of marginalised women, i.e. ethnic minority women (Roma women, in particular), elderly women, uneducated women, etc.

At the social level, the strategy acknowledges the importance of changing mentalities and stereotypes in the contemporary Romanian society, which would require:

(National Association of Romanian Women in the Countryside), Asociația Femeilor Unite, Iași (United Women's Association in Iași), etc.

⁶⁵ See Government Decision no. 319/ 08.03.2006 published in *Monitorul Oficial (The Official Gazette of Romania)*, no. 270/ 24. 03. 2006, <http://www.guv.ro/notefundam/afis-nota.php?id=2010>

⁶⁶ Romanian Government, 2006, "Strategia națională pentru egalitatea de șanse între femei și bărbați pentru perioada 2006-2009 (National Strategy for Equality between Women and Men 2006-2009)", www.politici.ro/download/172/. The subsequent brief description presents the main topics referred to in this 7 pages document.

1. completely reconsidering the traditional lifestyle in which only men are expected to actively participate in the public life;
2. establishing a well-balanced involvement of men and women in the domestic duties and child-raising;
3. preventing and combating violence against women, in general, and trafficking in women, in particular,
4. preventing all forms of gender discrimination (e.g. sexual harassment).

Since participation in public life implies taking part in economic, social and political decision-making structures, stress is also laid on stimulating equal contributions of women and men to policy and decision-making processes supported by legal initiatives, information and awareness-raising campaigns, positive action for women at the level of the civil society.

The imperative of changing both behaviours and attitudes towards women, and value systems influencing the representation of women's role in society can be achieved by altering cultural models focused on sexist stereotypes and by promoting a policy of gender equality in education, cultural life and the mass-media. In this respect, the strategy recommends gender mainstreaming as the basis for devising, implementing and evaluating public policies. Education is required to function as the most relevant instrument of correcting gender inequality and combating the proliferation of sexist stereotypes in social life, hence the need for the modification in this respect of curricula and course books used in the teaching process. Moreover, the educational system in itself needs to be revolutionised in the sense of gender equality promotion since, as statistics have shown,⁶⁷ though women represent almost 80% of the teaching staff, it is still men who hold management/leadership positions.

Last but not least, since cultural patterns cannot really change as long as representations of gender relations do not, equal importance is attached to the role of mass-media in rejecting and combating sexist stereotypes in advertising and in programme-designing, in foregrounding respect for human dignity in representing gender relations, in encouraging the use of non-sexist and non-discriminating language, in providing a fair image of women's roles and contributions to Romanian culture and history.

The ANES report after the first year of the implementation of this strategy (2007) indicates certain progress being made as a result of public campaigns ("Participă la decizie!"/"Take part in the decision-making process!") and of the issuing of gender-equality focused publications (the periodical *R. E. S. Publica – Revista egalității de șanse/ Gender Equality Magazine* and the leaflet "Femei, cunoașteți-vă drepturile!"/ "Women, Know Your Rights!").⁶⁸ Yet, as some women politicians, for instance, have remarked, the Romanian society has to take further action to shake off the masculine-values centred mentalities and hierarchies which still tend to limit Romanian women's participation in policy making and to confine them to the domestic sphere (which often causes young

⁶⁷ Gavriliță, Lucia, 2006, "Asigurarea egalității de șanse între femei și bărbați – indicator al democratizării societății (Equal Opportunities for Women and Men – an Indicator of Democratization in the Romanian Society)", http://www.scers.md/files/Prezentare_MPSFC_egalitatea_genurilor.pdf

⁶⁸ ANES, 2008, "Raport privind implementarea Strategiei Naționale pentru Egalitatea de Șanse între femei și bărbați. Martie 2006- Iunie 2007 (Report on the Implementation of the National Strategy for Equality between Women and Men. March 2006- June 2007)", <http://www.anes.ro/#>

girls to drop earlier from school or to give up attending a higher level of education). Most regretfully, it is the mass-media that seems to be at least partly responsible for the proliferation of representations of femininity rejected by the new European policies: the woman as a sex object, shallow in her exclusively taking interest in her looks, beautiful, but stupid (hence the large number of blond girls in advertisements and TV shows), or, at the opposite pole, the bad mother who mistreats or even abandons her child/children. Violence against women (here including sexual exploitation and rape) is too often the subject of TV news and/ or written press reports, whereas images of successful women appear rather marginal. Last but not least, for all its ambitiously large scope, the strategy for gender equality does not make any reference to immigrant women who settled permanently/ temporarily in Romania. The special needs and problems of immigrant women in Romania are rather silenced and not explicitly integrated into gender policies.

3. INTERCULTURAL INTERACTION

3.1. Immigrant Integration Policies

Despite their shortcomings when it comes to gender in migration, Romanian migration policies have turned integration into one of their key words. The new strategy for migration (which, we should stress out again, refers to asylum-seekers and immigrants on the Romanian territory) for the interval 2007-2010 continues to develop the main lines of the 2004 strategy and, moreover, proposes a positive perspective on migration which could contribute to cultural exchanges and to the economic development of the Romanian society, while benefits for the immigrants, their families and their countries of origin could be equally significant. Three main components are envisaged in this respect:

1. controlled immigration;
2. prevention and combating of illegal migration;
3. asylum and social integration of immigrants.

Thus, the Romanian authorities aim at continuing to improve, in agreement with the most recent EU recommendations and legislative developments, the legal framework regarding the free movement of persons on the Romanian territory, especially when its underlying goal is migration for study or labour. Foreign students and investors are encouraged to travel to Romania for study and, respectively, for business. Family reunification is favoured (but also measures are taken to prevent immigration disguised in the form of marriages of convenience). More bilateral contracts are signed to cover the labour shortage on the Romanian labour market, allowing large groups of migrant workers to settle temporarily in Romania, while appropriate measures (e.g. information campaigns that would encourage the Romanian employers to follow the procedures for the legal employment of their migrant employees) are taken to prevent the development of the black labour market.

The asylum-related legal and institutional system is also meant to be improved so as to allow free access to the application procedures, to avoid abusive action against the applicants, and to ameliorate their living conditions (accommodation, work, social insurance, education). Stress is laid in particular on the social and cultural integration of the immigrants and of the asylum-seekers that are encouraged through education and Romanian language teaching. Nonetheless, integration programmes are devised taking into account and showing due respect to the immigrants' cultural identity.

All in all, Romanian authorities hope to enhance the positive effects of immigration, without, however, neglecting the measures that still need to be taken in order to further reduce the flow of illegal immigration to and transit across Romania. The Romanian citizens, correctly informed on the immigration process, could thus more easily come to terms with the 'new-comers' and cooperate for their integration.⁶⁹

⁶⁹ Romanian Ministry of the Interior, 2007, "Imigrația și azilul în anul 2006 (Immigration and Asylum in 2006)", (Bucharest), pp. 18-25, http://www.mai.gov.ro/Documente/Prima%20Pagina/STUDIU_migratie_2006_ultima_forma.pdf

3.2. The Relations with the Romanian Diaspora. Return Policies

Equal concern is shown with respect to emigration. Taking into account the most recent developments in EU migration-related policies as well as the effects of massive Romanian emigration to other European countries, the Romanian authorities have taken steps in two distinct directions: on the one hand, through institutions like the Department for Romanians Abroad, interest has been shown in assisting the Romanian diaspora, in helping them preserve their cultural identity and, if it be the case, in ensuring that their rights in the country where they migrated are recognised and observed. On the other hand, timid attempts have been made at cooperating with the countries of destination in order to develop a coherent return policy that would eventually determine at least part of the Romanian migrants to come back home. Inter-institutional cooperation at the international level has had certain positive effects over the years, as it is, for instance, the case of the collaboration with the Spanish authorities which have allowed for a more successful integration of the Romanian community in the Spanish economic, social and cultural context. Unfortunately, the collaboration with EU state authorities (French, Italian, Spanish) in organising job fairs or providing special funds for the migrants who would agree to return have been rather unsuccessful. (No national plan or strategy has been so far envisaged to convince the Romanians abroad to return in the near future to Romania.)

Conclusion

Given Romania's complex situation as a migrant-sending, migrant-receiving and transit space, different policy lines have been adopted for the management of the various migration-related aspects. Throughout the years that preceded Romania's joining the EU, but also afterwards, efforts have been made, above all, for the harmonisation of the Romanian legal framework to the EU requirements. Several legislation chapters have thus come in focus and new institutional instruments have been created to implement the improved regulations. As out-migration flows have remained by far the most prominent, interest was first taken in providing the legal and institutional tools that would if not limit emigration, at least stimulate legal instead of illegal migration. Reinforcing the more general rules concerning the movement of persons across national borders, strengthening border control, stipulating clearly the conditions to be fulfilled for the recognition of degrees and professional qualifications (that would allow Romanian students to find jobs abroad according to their qualifications, but would also encourage to return home those who have studied abroad) as well as creating a proper bilateral agreements framework for legal labour migration have, therefore, become the priorities on the emigration policies list. Yet, for all the measures taken, illegal circulatory migration from Romania towards various destinations in Europe could not be rigorously controlled and, all the more, little has been done to counter such problems as precarious labour, violence and discrimination that Romanian migrant women could be faced with in the receiving societies or the negative effects on the very sending society of the feminisation tendency in Romanian emigration.

Another chapter in the process of EU harmonisation concerning the rights of immigrants, in general, and of asylum-seekers and refugees, in particular, has also been subject to legal and institutional framework renewal, but the approach to gender against this background has equally been rather marginalised, allowing for the surfacing of the same stereotypical assumptions that dominated the Romanian migrant women's image, namely that women are mainly dependent upon men and related more to the domestic sphere/sector. Neither the most explicitly gendered aspect of migration from and through Romania, i.e. trafficking, for all its improvement on the level of legislation and institutional collaboration (including both governmental and non-governmental bodies), has suffered very significant changes with respect to gender mainstreaming as the system has continued to address mainly the effects of trafficking, in the context of which women appear as prostitutes/ victims. However, some steps have indeed been taken in the sense of addressing the causes of trafficked women's victimisation, either as part of the trafficking-prevention campaigns or in the context of the concern at the national level with gender equality.

The alignment of Romanian policies on gender equality to the EU standards in this field has implied a gradual process which required, on the one hand, updating Romanian legislation to the latest trends in the European strategies for equality between women and men, and on the other hand, implementing it by means of an appropriate institutional system. The issuing of a national strategy for gender equality to be put into practice between 2006 and 2009 has aimed at solving a wide range of problems related to women's involvement in different economic and social life sectors as well as in the

decision-making processes, to preventing and combating all forms of violence against women, and, last but not least, to changing the gender-role mentalities and stereotypes in the Romanian society through education and mass-media. This gender equality agenda has proven, however, its limitations, as no reference is made in its rather 'neutral' framework to immigrant women in Romania, for instance, and many of the objectives included in its very wide scope have been rather poorly achieved.

Finally, policies have been initiated in the sense of improving intercultural dialogue and cooperation both in the sense of the integration into the Romanian society of the immigrants, whose number has increased over the last couple of years mainly for economic reasons (to boost foreign investments in the Romanian economy and to make up for the labour shortage in certain economic branches) and of the integration of the Romanian emigrants in the countries of their destination. There have also been certain initiatives meant to stimulate return to Romania of Romanian emigrants. Yet, these attempts have lacked coherence and, hence, persuasion power, and failed to address, in particular, Romanian women migrants' problems.

To sum up, whatever the policy and institutional framework within which Romanian authorities have managed migration phenomena, gender has remained essentially an almost invisible category. Maintaining a rather 'gender-neutral' touch, the official approach has acknowledged the importance of gender mainstreaming being integrated in current emigration/ immigration policies, but little is known about concrete action taken in this respect. Mass-media, which is supposed to be an instrument by means of which such policies could be put into practice, has not always been very helpful either. Media campaigns drawing the attention to traumatic experiences of children abandoned by their migrant parents or of trafficked victims meant to raise public awareness of the negative effects of migration and maybe, implicitly, support the return policy and discourage emigration usually combine with reports of intercultural violence, often enhanced precisely by media-discourse manipulation that stirs xenophobic attitudes. Women, in general (whether migrant or not), as previously mentioned, are not always shown in a flattering light in media representations, but fixed in gender stereotyping patterns that prevent actual progress in achieving gender equality in the Romanian society. To conclude, mentalities and behaviours can be shaped and influenced by media representations, which therefore must be studied to understand the mechanisms that underlie them in order to eventually be able to put them to good use in promoting intercultural dialogue and a positive sense of cultural diversity that both migrants and their hosts could benefit from.

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