



ICAR FOUNDATION

ANNUAL REPORT 2011

ROMANIA

IN THE REPORT:

Introduction	I
Activities/ Services	4
National Events	6
International Events	7
Partners	10
Donors	11



Introduction

The year 2011 registered a worldwide financial and economic crisis with new unexpected added elements at the European level that made it worse.

It was a growing consensus that a second financial collapse may be even bigger and more dangerous than the first bank crisis of 2008 - that required a \$16 trillion public bailout and triggered a global recession. Bankers and lack of regulations are viewed as a prime cause of the financial crisis. Demands for European economies to implement severe austerity measures, including a coherent fiscal system across the EU member states created a crack at the EU foundation which was conceived to foster peace and prosperity across a bloodied Europe after World War II.

Incertitude regarding survival of euro-zone is negatively influencing the international markets/investors as well as the normal people severely lacking the safety of their existence. New and old democracies of Europe are making efforts to control or prevent popular unrest. Attention of politicians is focused on solutions to avoid domestic instability while looking for larger agreements to prevent excessive national deficits (foreseen not to exceed 0.5 percent of gross national product).

However, the year 2011 revealed serious problems of the European Union, not detected during the intra-European growth (housing/finance boom) that had persisted from 1999 until 2008.

As severe crisis is profoundly affecting societies in all their sectors, a legitimate question, especially for people on the frontline of defending human rights, is how and to what extent human rights will be influenced? It is an important question for the European Union where democracy and human rights are considered universal values that should be vigorously promoted around the world as well as for the U.S where protecting human rights is also central to foreign policy.

The three important actors in private, public and nongovernmental sectors are theoretically expected to continue to play their role and to make sure that all human rights – civil, political, economic, social and cultural – the foundations of human dignity, remain global and interdependent.

Practically acquiring financial resources for human rights work is a more and more complicated endeavor. When acting in a very specific narrow field it can be even more difficult for human rights organizations to find the right funders that share their interest and vision. On the other hand, human rights funders also face big challenges; the economy has had a devastating effect on foundations and other funding institutions. Funders are struggling to balance the need for support and the available resources and have to take themselves sometimes problematic decision: When is it worth the effort to seek out small NGOs and when is it better to approach larger funders/institutions? Sadly at the state level compromises are often dictated by economic individual interest but fortunately at the international and global level encouraging actions that can influence our work are taking place.

The UN Human Rights Council adopted on 25 March 2011 **the Resolution on Torture** and other cruel, inhuman or degrading treatment or punishment (A/HRC/RES/16/23) containing a

specific request related to our area of activity: Member states are urged “to ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States **to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment** and where effective measures for ensuring the safety of their staff and patients are taken.

The European Parliament Resolution on ‘Reducing health inequalities in the EU’ adopted on March 8, 2011 is underlining that everybody should have access to healthcare systems and affordable healthcare. The specific needs of vulnerable groups such as women, older patients, undocumented migrants, ethnic minorities need to be taken better into account. The resolution is a significant step forward in ensuring equitable access to healthcare for all, with no discrimination linked to administrative status or financial resources. In this resolution, the EP stresses that “health inequalities are not only the result of a host of economic, environmental and lifestyle-related factors, but also of problems relating to access to healthcare”; and that “equitable access to healthcare is not secured, not only in practice but also in law, for undocumented migrants in many EU countries”. The EP calls on the Member States **“to ensure that the most vulnerable groups, including undocumented migrants, are entitled to and are provided equitable access to healthcare”**; “to assess the feasibility to support healthcare for irregular migrants by providing a definition based on common principles for basic elements of healthcare as defined by their national legislation”.

It remains to be seen how the Romanian authorities will respond to these resolutions both appealing to solidarity with vulnerable groups deprived of a basic human right, the right to health.

Other relevant actions (From IRCT Newsletter):

Launch of the European Portal for Action on Health Inequalities: The European Portal for Action on Health Inequalities was launched on 14 November 2011. The new website (www.health-inequalities.eu) is an exhaustive source of information on health inequalities at EU, national and regional level, on social determinants of health and on Health in All Policies. It aims to provide visitors with practical and useful information and to give them opportunities to promote their own work.

Gender & torture: Amnesty International published the conference report from the ‘Gender Dimensions to the Prohibition of Torture and Other Cruel Inhuman or Degrading Treatment or Punishment’ conference last May.

Immigration and Asylum: the European Commission published (15.11.2011) a green paper on the right to family reunification of third-country nationals living in the European Union. The Global Detention Project issued a special report on immigration detention in Switzerland and Refugees Welcome published a similar report on the detention of migrants in Denmark. In Malmö, Sweden, a thesis was published on the readmission agreements in the asylum and migration policy of the European Union. The Fundamental Rights Agency published a comprehensive report about the fundamental rights of migrants in an irregular situation in the European Union. Migrant Rights Centre Ireland (MRCI) released a profile report on undocumented migrants in Ireland based on data collected from 1,250 undocumented migrants seeking assistance from MRCI over a two year period (2009-2011) together with a recent survey conducted with over 100 undocumented migrants. ENAR has published a toolkit on the integration of migrants at local level.

Detaining migrants is unnecessary because more humane non-custodial alternatives exist. The report “From Deprivation to Liberty” analyses the alternatives to detention programmes in Belgium, Germany and the United Kingdom. In each of the projects, asylum seekers and undocumented migrants live freely in the community with few restrictions. The report did find that these measures should be accompanied by appropriate legal, social and other support, otherwise migrants may be forced into destitution.

The Fundamental Rights Agency published an interesting report titled „The legal protection of persons with mental health problems under non-discrimination law”. This publication analyses how national and international non-discrimination legislation and case law defines “disability” and the consequences of this for the “duty to provide reasonable accommodation” for people with disabilities in employment.

The World Health Organization published a guide for fieldworkers on psychological first aid. In relation to this document it is certainly worth reading the article titled Building Capacity in Mental Health Interventions in Low Resource Countries: An Apprenticeship Model for Training Local Providers that appeared recently in the International Journal of Mental Health Systems.

The World Psychiatric Association published the guidelines on the steps, obstacles and mistakes to avoid in the implementation of community mental health care.

Romanian context

In order limit the deterioration of its budget deficit and to preserve macro-economic stability during the year 2011, Romania had to implement tough austerity measures and face the deep frustration of the population. Cooperation with the International Monetary Fund (IMF) and the European Union (EU) helped Romania prevent a deep recession and even end with a modest growth.

The IMF statement (Jeffrey Franks) that “Romania [...] stands a very good chance of being able to grow more quickly than the EU averages in the coming years, which will help it catch up with living standards in the richer member countries” is a recognition of appropriate policy but a weak consolation for population sacrifices.

The struggle to survive the financial /economic crisis and to prevent recession is the dominant topic on national and international agenda. On the whole all member states are affected (their situations covering a wide range from slow economic growth to collapse) and the rescue solutions are under difficult political debate. As the year 2011 did not bring the expected agreement, the negotiations, as well as the incertitude, will be projected in 2012 too.

ICAR working context

The local national and global context of 2011 had unavoidably impact our organization and our beneficiaries. The circumstances obliged us to often revisit the strategic planning of the organization under which a restructuration of the services as well as a reorientation of focus on target groups was considered. The center in Iasi faced major difficulties in 2010 in attracting international and local co-funding to maintain the range and quality of services and had no better perspective to secure activity in 2011. Unfortunately, this situation imposed the implementation **of phasing out of services provided at the center in Iasi after 15 years of activity.**

We take this opportunity to thank the colleagues which shared our vision and values in the work for the most deserving people – the FORMER POLITICAL PRISONERS – and express our greets to both of them for disrupting a long relationship, both fessional and human, in which we have been honored to be part.



Presentation for volunteers from the American International School In Bucharest

re-
pro-

MISSION:

To contribute to the consolidation of democracy by assisting groups of vulnerable, marginalized people, victims of gross human rights violations

Activities / Services

Medical

The medical assistance that ICAR Foundation offers to its target groups includes both general medical services and specialized medical services: physiotherapy, kinethotherapy, psychiatry, cardiology and internal medicine, urology, pain therapy (acupuncture) and basic laboratory investigations. For medical specialties that are not offered as in-house services ICAR refers its patients to its medical local network.

During 2011 the two ICAR centres assisted on a regular basis almost 500 patients, victims of serious human rights violations either in Romania during communist period or in their country of origin from where they ended in Romania as asylum seekers and refugees. Most asylum seekers and refugees assisted by ICAR in 2011 were from Iraq, Afghanistan, Turkey, Iran and Cameroon.

The medical staff at ICAR's rehabilitation centres registered over 5.700 consultations (general medicine, physiotherapy, psychiatry, cardiology, urology, pain therapy – acupuncture, basic laboratory investigations).

Psychological

The clients' need for mental health assistance is first evaluated by general practitioners but any of other specialists from the centres may refer the victims to be assessed and to receive psycho-pharmacological and/or psycho-therapeutic assistance from ICAR's psychiatrists and/or the psychologists. The psychological counselors working in the refugee accommodation and reception centres provide psychosocial support sessions and conduct screening and needs assessment of inhabitants of the centres.



UN evaluation visit Bucharest

Social

The social rehabilitation services include social needs assessments, social interventions, social counselling, social events, and aim at establishing a support network for the beneficiaries in order to prevent their marginalization, isolation and stigmatization. Among the activities performed in 2011: social counseling, social assistance, Romanian language classes

and cultural orientation sessions for the refugees and asylum seekers living in Bucharest, Galati, Timisoara, Radauti and Somcuta Mare reception and accommodation centres; food transportation from the social canteen to beneficiaries' homes, support in home chores, errands and basic shopping etc. Also, the clients were invited and involved in different events organized by the centres throughout the year.

Legal

Strategic litigation

A team of lawyers are implementing ICAR's litigation project with the view of testing the Romanian judicial system capacity to implement national and international legislation concerning reparation. When necessary, after exhausting the domestic remedy cases are presented to the European Court for Human Rights. Romanian clients are also benefiting from legal counseling regarding local taxes, pension and other issues related to their civil rights.

Successful litigation at the ECHR – Iorga and others v. Romania

The case refers to the death of Iorga Mihai, 32 years old, in the arrest of Prahova County Police as a result of the savage beatings of other inmates (March 2002). Iorga Mihai was serving a 40 days jail sentence for non-payment of a misdemeanor fine of 80 RON (approx 20 EUR). ICAR supported the family with legal advice and representation, as well as psychological support, throughout all the court proceedings. After exhausting all domestic judicial remedies, on 14 of July 2005 ICAR Foundation lodged an application to European Court of Human Rights in the name of the Iorga family (Banica, Nicolae and Elena – father, brother and sister of the deceased).

The final decision of the European Court for Human Rights in the case of Iorga and others against Romania (ref. no. 26246/05) was announced on 25 of January 2011. Romania was condemned for violation of article 2 of the European Convention of Human Rights (right to life) because of lack of authority in protecting the applicant's life and because of the absence of an effective investigation of his death. The Court has also disposed that the Romanian authorities pay the family 35.000 EUR as moral damages and 3.600 EUR as legal expenses.



UN evaluation visit Craiova

Legal assistance during the asylum procedure

During 2011 ICAR's asylum lawyer assisted 29 asylum seekers (among which 6 minors) in their legal proceedings at the Romanian Immigration Office or in court. In total the lawyer offered 93 legal counseling and assistance sessions (74 individual sessions and 19 family or group sessions).

Medical certificates

In 2011 ICAR issued 34 medical certificates (13 somatic and 21 psychiatric/psychological) documenting physical and psychological consequences of torture and other cruel, inhuman and degrading treatment or punishment suffered by asylum seekers in their country of origin. The medical examinations were requested by the asylum seekers' lawyers, other NGOs or even by the Court itself in some cases. The reports issued were then used as evidence to support the asylum seekers case in court.

European Refugee Fund Project

On June 30 ICAR finished implementing its ERF project that started in 2010. The project aimed to improve the lives and reception conditions for asylum seekers in Romania, especially those living in the reception and accommodation centers of the Romanian Immigration Office (in Bucharest, Galati, Radauti, Somcuta Mare and Timisoara). Special focus was put on specialized assistance for vulnerable persons among asylum seekers in Romania.

The main activities consisted of social counselling, organizing educational and cultural activities (Romanian language classes, cultural orientation sessions, intercultural exchanges), organizing recreational and festive activities for asylum seekers, as well as specific psychological and social assistance for vulnerable groups of asylum seekers (unaccompanied minors, single parent families, elderly, persons with chronic illnesses, victims of torture or other forms of severe physical and psychological violence). Identification and evaluation of vulnerable people through screening and needs assessment is an activity of main concern due to the specialized assistance this group needs to receive.

Though challenging, the experience proved successful and addressed the insufficient services for asylum seekers in border centres.

National Events

Throughout 2011 ICAR management and specialized staff participated in several relevant national events:

- Consultation meeting at Romanian Immigration Office – Directorate Asylum and Integration regarding the integration of refugees – medical system in Romania, labour market, housing (24 February 2011, Bucharest)
- UNHCR Romania planning meeting 2012-2013 (14-15 March 2011, Bucharest)
- Launching in Romania of the MIPEX III (Migrant Integration Policy Index), by British Council and Soros Foundation Romania (18 April 2011, Bucharest)
- Round Table “Refugees’ access to health services” organized by ARCA – The Romanian Forum for Refugees and Migrants together with UNHCR Romania (19 April 2011, Bucharest)
- Seminar “Refugee access to labour market through recognition of diplomas and qualifications” organized by ADIS Association (23 June 2011, Bucharest)
- Workshops on empowering immigrant women to end violence and abuse within or outside the family organized by ARTEMIS-Women’s Association Against Violence and the Centre Partnership for Equality within the Daphne III financed project “Opening doors” (31 January and 13 July 2011)
- Consultation meeting to discuss vulnerable cases of asylum seekers organized by JRS Romania (4 October 2011)
- Workshop “Migrants in the Spotlight” organized by Soros Foundation Romania (2

December 2011)

- Seminar on sexual and gender-based violence (SGBV) among asylum seekers and refugees organized by UNHCR Romania and Romanian National Council for Refugees (5-6 December 2011)
- Project opening conference organized by the International Organization for Migration – Romania (15 December 2011)
- Seminar presenting the results of the study on reception conditions for asylum seekers done by JRS Romania (21 December 2011)

International Activity

ERF good practice project (phase II)

In 2011 ICAR continued the ERF Community Actions project started in 2010 aiming to promote and disseminate good practice in addressing specific needs of vulnerable groups among asylum seekers and persons benefitting from international protection, such as victims of violence and torture, women at risk, minors and unaccompanied minors, elderly people, people kept in prolonged detention and people with serious medical needs.

The organizations from the 6 countries involved in the project (Austria, Cyprus, France, Germany, Netherlands and Romania), under the coordination of the project leader (BAfF – the German Association of Centers for Refugees and Victims of Torture) did an in-depth study and evaluation of working and treatment methods through individual team days, study visits, bi-national seminars and joint meetings.

The project ended with a final symposium in Nicosia, Cyprus between 25 and 28 of September 2011.

MAIEUTICS project

Starting with July 2011 ICAR is partner in a transnational project “MAIEUTICS” coordinated by the Italian Council for Refugees (CIR). The partner countries are Greece, Italy, Netherlands, Romania and United Kingdom through non-governmental organizations that work in the asylum field. The project is financed by the European Refugee Fund – Community Actions.

The project aims to elaborate a common interdisciplinary (legal, psychological/ health) working methodology that would secure the recognition as victims of torture for asylum seekers and an appropriate form of protection. The methodology would serve as an operational instrument for professionals that work both in the legal and psychological/ medical fields. Because of posttraumatic stress, language and cultural barriers, victims of torture and violence have difficulties during the asylum procedure and are exposed to the risk of re-traumatization. Experience proves that it is very hard for traumatized persons to tell their real life story, to talk about the violence and torture suffered. In other situations victims can



**MAIEUTICS meeting,
Rome, October 2011**

The main activities consist of analyzing the current instruments/ working methods (through interviews with state/ NGO asylum professionals as well as with victims), testing the new methodology during their current assistance to victims , organizing workshops in each participating country for professionals who work in the asylum field, elaborating and distributing a guide for implementing the methodology.

A first project meeting was held in Rome on 20-21 of October 2011 in which ICAR's medical director participated. Partners provided a brief description of their national asylum procedure and services provided to asylum seekers, in particular to those foreseen/provided for victims of torture and violence, then discussed on practices, in particular the difficulties in early identification of vulnerabilities during the first stage of the asylum procedure and how the credibility of the case is relevant for the protection status determination. Administrative and technical aspects related to the interviews with stakeholders and victims were also discussed.

Regional seminar on gender and asylum

The Hungarian Helsinki Committee organized a regional seminar in Budapest between 30 March and 1 April 2011 within the EC project "Enhancing gender-sensitivity and a harmonized approach to gender issues in European asylum practices in order to better identify and serve the needs of vulnerable asylum seekers".

The seminar, in which ICAR's project coordinator participated, talked about gender-related asylum claims, gender sensitivity in asylum procedures, different forms of gender-based violence and persecution, legal and procedural instruments relevant for LGBT (Lesbian Gay Bi-sexual Transsexual) asylum claims, presentation of good practices in applying gender-specific guidelines and creating a gender-specific framework in UK and Belgium.

The seminar included speakers from European and USA authorities and organizations, and participants from Bulgaria, Hungary, Poland and Romania (representatives from the immigration authorities, judicial system and relevant civil society organizations).

PROTECT conference

On October 18, 2011 the two ICAR centres attended the final conference of the project "Early identification of asylum seekers having suffered traumatic experiences" that took place in Brussels. The main scope of the event was to present the PROTECT ("Process of Recognition and Orientation of Torture victims in European countries to facilitate Care and Treatment") questionnaire, a tool that aims to facilitate the process of receiving asylum seekers and the early recognition of persons having suffered traumatic experiences (e.g. victims of torture, psychological, physical or sexual violence).



IRCT European alliance meeting

IRCT European Alliance meeting

Representatives of the two ICAR centres (Bucharest and Craiova) were also present at the IRCT European Alliance meeting held in Brussels between 19 and 20 October 2011 and organized by the IRCT liaison office in Brussels. The meeting included discussions on IRCT's regional strategy, presentation of member centers' project and activities and workshops on peer organizational counseling, use and value of medical documentation in criminal and asylum procedures.

Exhibit "Memory as a form of justice" at the European Parliament



Exhibit at the European Parliament

Romanian MEP Monica Macovei and Civic Academy (founder of the Sighet Memorial of the Victims of Communism and of the Resistance) organized an exhibit at the European Parliament showing the Romanian anticommunist resistance throughout almost half a century. The opening of the exhibit took place on 18 October 2011 and ICAR's senior staff were among the over 200 guests who attended the event (MEP, diplomats, researchers, historians, civil society representatives, journalists etc.).

REDRESS expert meeting

REDRESS and the European Centre for Constitutional and Human Rights hosted a regional expert meeting on the law and practice on the prohibition of torture in European countries that took place in Berlin from 25 to 27 November 2011.

The meeting aimed to bring together practicing lawyers and civil society activists with experience in assisting torture survivors in the countries of the region to identify systemic challenges and best practices. It provided an opportunity to exchange information and experiences of use in litigating torture cases and advocating legal and institutional reforms. The meeting forms part of a series of regional events that seek to strengthen the collaboration of practitioners to more effectively combat torture. The contributions made before and during the meetings will be reflected in regional and global reports on the law and practice relating to the prohibition of torture to be published in several languages.

The meeting included panel discussions covering a range of issues relating to the prohibition of torture and its practical implementation in the region, such as prevention of torture and other forms of ill-treatment, the torture of women in private sphere, in custody situation as well as during conflict or protracted situations, accountability and reparation processes, country-specific problems, as well as the identification and analysis of Europe-wide good practices and recurrent challenges.



Berlin expert meeting

Torture as a global public health issue

On Wednesday, 7 December 2011, the World Health Organization, within WHO Global Health Histories, organized a seminar on torture and public health. In this seminar, broadcasted live over the internet via webinar, two international experts gave separate presentations on the use of torture as a man-made global public health issue, and the efforts to find appropriate public health responses to it. Dr Erik Holst is emeritus professor of social medicine at the University of Copenhagen, Denmark, and an international consultant with ICAR Foundation, Romania. Sir Nigel Rodley is professor of international law at the University of Essex, United Kingdom, a member of the UN Human Rights Committee, and a former UN Special Rapporteur on Torture. You can find Prof. Holst's presentation here:

<http://www.icarfoundation.ro/torture-as-a-challenge-to-the-health-professions-and-who>

Partners

ICAR is pleased to acknowledge the fruitful partnership with various institutions and organizations, both at the national and international level.

National Partners

- Romanian Immigration Office
- Romanian Association of Former Political Prisoners (AFDPR)
- Association "21 of December 1989"
- The Institute for the Investigation of Communist Crimes and the Memory of the Romanian Exile (IICMER)
- Romanian National Council for Refugees (CNRR)
- Jesuit Refugee Service (JRS) – Romania
- ADIS Association

International Partners

- German Association of Centers for Refugees and Victims of Torture (BAFF)
- Italian Council for Refugees (CIR – Consiglio Italiano per i Rifugiati)
- European Network of Treatment and Rehabilitation Centers for Victims of Torture and Human Rights Violations
- International Rehabilitation Council for Torture Victims (IRCT)
- RCT Copenhagen
- CVT Minneapolis
- Association for Prevention of Torture (APT)

“...”

Donors

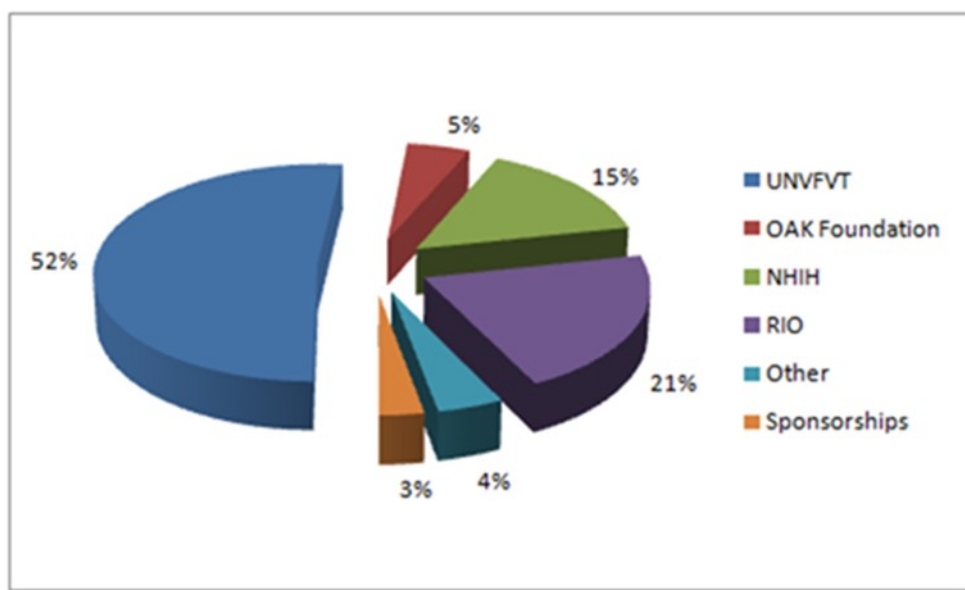
ICAR Foundation's activity in 2011 was possible thanks to the financial support from:

National Donors:

- Romanian Immigration Office (RIO)
- National Health Insurance House (NHIH)
- Other donors
- Sponsorships

International Donors:

- United Nations Voluntary Fund for Victims of Torture (UNVFVT)
- Oak Foundation





Help the survivors !

**ICAR Foundation helps survivors
of gross human rights abuses and their families.
You can do it, too!**

**ICAR's bank accounts:
BRD Decebal Branch
IBAN: RO42BRDE44ISVI9070944410 (RON)
or
IBAN: RO019BRDE44ISVI9071404410 (EUR)
Swift code: BRDEROBU**



ICAR team



Address :

**70 Unirii Bd., bloc J5, 030836
Sector 3, Bucharest, Romania**

Tel: +40 21 321 22 21

Fax: +40 21 327 54 74

E-mail: icar@icarfoundation.ro

Web: www.icarfoundation.ro