

Conference Outcome Document

ODESA DECLARATION

Recommendations to overcome obstacles in access to civil registration and identity documents by Roma in Ukraine

The participants of the Roundtable Meeting on Access to Identity and Civil Registration Documents among Roma in Ukraine (Odesa, 30–31 May 2017), organized by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in co-operation with the State Migration Service of Ukraine (SMS), developed the following recommendations to Ukrainian authorities to address the needs of vulnerable Roma and other communities to obtain civil registration and identity documents (personal documents).¹

A: Changes to legislation and regulations

1. Amend the existing laws and regulations that impede Roma access to civil registration and identity documents, particularly those related to:

- ensuring access to free legal aid for Roma without personal documents;

- providing exemption from the fees for the administrative and/or court procedures related to establishment of fact of birth or birth certificate (if lost or stolen);

2. Tackle the lack of legal remedies in cases of oral rejection of applications for identity documents by the provision of the written proof of acceptance and of rejection in each individual case;

3. Abolish the fines applicants need to pay in cases when they fail to obtain personal documents in accordance to the law;

4. Provide that alternative forms of evidence of identity beyond internal passport are accepted, at a minimum, in civil or administrative procedures for obtaining personal documents and for the establishment of the fact of birth, pursuant to the relevant Laws;

5. Ensure consistent application of administrative practices in registration of civil status acts and identification among the regions of Ukraine and by the SMS and the Department of State Registration and Notary of the Ministry of Justice of Ukraine.

¹ The recommendations reflect the discussion among the participants of the roundtable and should not be interpreted as either the official OSCE recommendations based on consensus or as the official position of ODIHR or any of the participating States. The news item on the event can be found at the ODIHR webpage at: <<http://www.osce.org/odihr/320592>>.

B: Establish a co-ordination body/technical working group

6. In order to simplify and accelerate access to personal documents for Roma and other vulnerable groups in similar situation, consider establishing a co-ordination body (technical working group) consisting of representatives of the Ministry of the Interior/SMS, Ministry of Justice and the Office of the Ukrainian Parliament Commissioner for Human Rights, legal experts and practitioners providing legal aid for Roma and conducting outreach, and Roma representatives and CSOs with expertise on access of Roma to personal documents.²

This co-ordination body (technical working group) should be functioning on the basis of a memorandum of understanding between the State Migration Service of Ukraine, Ministry of Justice of Ukraine and Ukrainian Parliament Commissioner on Human Rights and tasked with:

- mapping and analysing the scope of the existing problems of Roma without personal documents, paying particular attention to the specific situation of Roma women and internally displaced Roma;
- developing specific proposals for legislative and policy changes, based on the analysis of the previous activity;
- carrying out systematic and continuous analysis on the problems in access to documents, legal gaps and implementation of laws which lead to rejections, difficult or unsolvable cases, and developing recommendations and instructions how to act in different cases;
- developing specific guidance for the unification of the existing administrative practice, such as manuals, guidelines and instructions for resolving cases when standard evidence is not available;
- advising relevant authorities in cases when standard evidence for obtaining internal passports and birth registration is not available;
- facilitating communication, co-ordination and co-operation among different stakeholders coming from central, regional and local level, as well as the civil society, Roma community and international organizations;
- raising awareness about the importance of effective procedures for resolving each individual case related to access to personal documents;
- interlinking its work and sharing its recommendations with the inter-ministerial working group for the implementation of the Strategy on the Protection and Integration of the Roma National Minority into Ukrainian Society up to 2020 and its relevant sub-groups and with the administrative body implementing the National Human Rights Strategy of Ukraine;
- guiding information, outreach and awareness-raising campaigns for Roma without personal documents in Ukraine, particularly after introducing new simplified and accelerated procedures in accessing personal documents for Roma;
- guiding information for trainings and capacity building activities for civil servants, judiciary, as well as governmental legal aid centres and (Roma) NGOs providing legal aid, particularly after introducing new simplified and accelerated procedures in accessing personal documents for Roma.

² Based on the conclusions and recommendations of the Expert Seminar held in Kyiv in 2015. The Summary Report – Access to Identification and Civil Registration Documents by Roma in Ukraine, 21 December 2015, is available in English and Ukrainian at the ODIHR webpage at: <<http://www.osce.org/odhr/211996>>.

C: Outreach and awareness-raising

7. Following the introduction of simplified and accelerated procedures in accessing personal documents, pilot and conduct awareness-raising and information campaign on the importance of obtaining identity and civil registration documents targeting vulnerable communities.

The information campaign should be carried out with representatives of the SMS, offices of registration of civil status acts, Roma community and civil society particularly in compact Roma neighbourhoods and educational institutions. Such information campaign should be aimed to promote the active and real participation of Roma in public life, as well as to increase the awareness of the Roma community on the importance of obtaining of identity and civil registrations documents (birth certificates, passport of the citizen of Ukraine).

This campaign should:

- be developed in close co-operation with the representatives of Roma community and civil society organizations;
- target both Roma and non-Roma community, as well as public officials, civil servants and judges;
- particularly target vulnerable population among Roma community (e.g., Roma women, displaced Roma, stateless Roma or Roma at risk of statelessness);
- target prejudices and discrimination patterns towards Roma community and promote positive examples and successful stories about access of Roma to identity documents and birth registration;
- share good practices related to access of Roma to personal documents and birth registration among civil servants and other relevant stakeholders (by organising skype conferences, sending information letters to regional and local authorities).

8. Introduce local mobile outreach units for solving different legal issues and promoting awareness among vulnerable Roma communities, consisting of the representatives of the SMS and the office of registration of civil status acts, Roma community and civil society, following the introduction of new simplified and accelerated procedures in accessing personal documents for Roma.

D: Training and capacity building

9. Introduce a system of trainings and capacity building activities for civil servants and judiciary based on human rights standards and anti-discrimination principles, and support the exchange of information, sharing expertise and building capacity of civil servants, legal aid centres and (Roma) NGOs providing legal aid.

E: Building trust and co-operation between authorities, Roma community, civil society and international community

10. Elaborate and implement policies, programmes and activities targeting Roma with active and real participation of Roma communities. Roma people should work alongside local, regional and national authorities in the development of measures affecting them;

11. Establish permanent contact with Roma civil society organizations to ensure that policy initiatives meet the real needs of Roma community;

12. Maintain regular communication with Roma community about changes, improvements and positive results on access to personal documents;

13. Enhance co-operation between relevant governmental bodies, civil society actors and international community to overcome obstacles in access to documents for Roma.