

OSCE Office for Democratic Institutions and Human Rights

ROUNDTABLE
“FACILITATION OF REGISTRATION OF PLACE OF
RESIDENCE WHILE PREVENTING ITS MISUSE”
Kyiv, Ukraine

28 March 2018

ODIHR Meeting Report



Warsaw
May 2018

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ROUNDTABLE
“FACILITATION OF REGISTRATION OF PLACE OF RESIDENCE
WHILE PREVENTING ITS MISUSE”
Kyiv, Ukraine
28 March 2018

MEETING SUMMARY

The OSCE Office for Democratic Institutions and Human Rights (ODIHR), in co-operation with the State Migration Service (SMS) of Ukraine, and with inputs from the ‘Europe Without Barriers’ non-governmental organization, organized a roundtable on *Facilitation of Registration of Place of Residence while Preventing its Misuse* on 28 March 2018 in Kyiv, Ukraine.

The roundtable provided a platform for discussion of the challenges Ukrainian authorities face in terms of facilitating accurate and timely registration of place of residence, also paying attention to the particularly vulnerable situation of Roma in this respect. The participants explored opportunities for further improvements of the Ukrainian framework for registration of place of residence, building upon experiences of other OSCE participating States in facilitating registration of place of residence and prevention of potential misuse of this registration. Discussions further reviewed innovative instruments for accurate reporting of changes to registered addresses within the country or moves to live abroad, including mechanisms for prevention of misuse of measures to facilitate access to benefits and services by those who are ineligible.

The roundtable gathered 26 participants (14 women and 11 men), including representatives of local authorities in charge of registration place of residence, SMS officials, civil society organizations’ representatives, and the UNHCR (please see Annex II for the list of participants).

The meeting was structured in three working sessions (please see Annex I for the agenda), in which participants covered: challenges that the authorities face in maintaining up-to-date registers of places of residence, facilitation of registration of place of residence and the prevention of misuse, and, experiences of other OSCE participating States in this area. The obstacles that Roma communities face regarding registration of place of residence in Ukraine were discussed as a cross-cutting issue relevant to all three sessions.

Participating local authorities from several Ukrainian regions presented and shared their experiences on registration of place of residence. These presentations and the subsequent discussion also supported the exchange of information on the varying practices employed by national authorities for registration of place of residence, helpful for informing a wider exchange of good practices across the OSCE region in the future.

The SMS highlighted that in 2001, a presidential decree abolished the operation of the *propiska* residence permit system in Ukraine. Since 2003, registration of place of residence has been regulated by the Law on Freedom of Movement and Free Choice of Place of

Residence in Ukraine, which has since been amended a number of times. Legislation introduced in 2016 delegated registration powers to municipalities. In the meantime the registration of place of residence has become the instrument used by Ukraine's public administration for determining access to public services. The reform process is however not yet fully completed, and a designated inter-ministerial workgroup is currently exploring possibilities for the introduction of a declarative approach to registration place of residence.

Representatives of local authorities pointed out that ever since the responsibilities for registration of place of residence were transferred to local authorities in 2015, these authorities have faced challenges in organizing and establishing their territorial unit registers. Equally, local authorities have introduced many innovations that simplify registration procedures. For instance, registration of place of residence for newborns has been combined with birth registrations. Fines were also lifted for failures to register within the defined time limit. Nevertheless, the computerization of registration services remains a challenge, relating mainly to the lack of direct connection between the local registers and the state-wide demographic register. In larger cities, some authorities have been able to build their own software solutions to facilitate this connection, but the situation is different for smaller municipalities, and the majority of local registers remain as paper-based records and are yet to be fully digitized.

Participants acknowledged that certain population groups still face obstacles in registering their permanent place of residence. This is particularly the case for internally displaced persons (IDPs) who face a number of challenges, and whose failure to register place of residence effectively leaves them cut off from a range of state-guaranteed services provided on the basis of registered place of residence. Persons belonging to vulnerable groups are also not always aware of registration opportunities or the specifics of registration procedures. Participants highlighted ongoing discussions in Ukraine around the introduction of a declarative system of registration, which could lead to the introduction of an improved registration system providing a greater level of facilitation.

Local authorities' presentations reflected significant differences in terms of their administrative capacities to run place of residence registration systems. In Kyiv for example, an electronic register has been in use since 2017, and most district registration records in Kyiv region are fully digitized, with only a few remaining districts still with a quarter or less of their records awaiting full digitization. These electronic registers are being used for voter registration, provision of social services and other benefits for which citizens do not need to register separately in the respective functional registers. The registers are currently being used by notaries (notaries can see immediate updates), courts, pension fund administration, gas and water provider companies, etc. Personal data exchange takes place in accordance with Ukraine's data protection legislation. As a measure to prevent misuse of registration, Kyiv authorities allow the registration of maximum ten people at one household. However, some estimates suggest that up to 25 per cent of the population maintain registered places of residence in a different location to their actual place of residence, mainly to avoid paying for services where prices are calculated on the basis of the number of registered persons per household.

The experiences of other local communities with comparatively more limited staff and other resources for registration are somewhat different. In Boyarka, with some 35,000 registered residents, the register is not maintained electronically. While digitization is planned and funds

have been allocated for this purpose, the authorities face a lack of staff and resources to expand the number of centres for administrative services that would deal with registration of place of residence.

Discussions highlighted that registration of place of residence should not only be seen as an administrative procedure. Participants argued that further research is required to establish the reasons why many people fail to register their actual place of residence as their permanent place of residence. In particular they advised that it would be beneficial to establish more clearly why some 0.6 million IDPs remain unregistered in the community where they actually reside. Possible reasons include the potential reluctance of landlords to consent to the registration, and participants advocated exploring motivations, for example whether landlords probable fears that their property rights might be affected are legitimate (e.g. property owners cannot evict mothers with minors). IDPs often face additional difficulties in proving their identity if they are not in possession of government-issued identification documents. In such situations, proving identity in court remains the only option, a rather cumbersome process.

Participants highlighted that the registration of homeless people, the total number of which remains unknown, has been addressed through procedures allowing their registration at the address of homeless centres. However not all homeless people are aware of this facilitation measure and therefore unable to benefit from the support this can provide and lead to.

With respect to the Roma population, participants highlighted that problems with their registration often arise from the lack of legal status of some of the housing constructions used by Roma and the lack of housing facilities in general. This means that many Roma are disadvantaged when compared with the rest of the population in terms of access to public services, education, healthcare, etc. In this regard, participants acknowledged that the Ukrainian authorities are undertaking a range of measures to mitigate the obstacles and facilitate the registration of Roma, including with support of ODIHR¹.

The SMS highlighted that progress is being made with rolling out electronic connections between the state-wide demographic register and local registers. Their assistance extends to supporting local authorities in digitizing paper records where this has not yet been done. It was highlighted that this process might face some delays due to the requirement for completing identity verifications. To that end, the SMS has developed a basic software solution that will satisfy the needs of most local authorities as they move forward with computerizing their residents registers. Local registers will need to be connected in the future to a single national registration infrastructure to enable automatic de-registration at the old place of residence, which in turn will save the time that would otherwise be needed to visit the former place of residence to complete de-registration.

With the introduction of eID cards in Ukraine, information on registered places of residence is now also stored in the chip on the eID. From April 2018, healthcare authorities will have access to this information on the place of residence, and other state services will receive similar authorization to enable their access to the information on registered place of residence. This means that citizens will be no longer be required to supply this information to these

¹ ODIHR produced a *Summary Report on Access to Identification and Civil Registration Documents by Roma in Ukraine* in 2015, it is available here: <https://www.osce.org/odihr/211996>.

agencies, and the agencies will instead obtain this information ex-officio from the demographic register.

Local authorities that have independently developed software solutions for registration of place of residence have also come up with a range of innovative solutions. For instance, in Dnipro, a smartphone application “*IGov*” was introduced to facilitate citizens’ access to various local services. This application also allows reporting of a change of place of residence, however due to lack of connection with the state-wide demographic register automatic de-registration at the previous place of residence is not yet available. In the community of Rivne, authorities have developed an ICT system titled “*Goal*” that dramatically shortens the period citizens need to interact with the authorities – including reducing the time needed for registration of place of residence to an average of only two minutes.

Participants concluded that:

- The work of the inter-ministerial working group that is currently discussing the introduction of a declarative system of registration of place of residence will be important for further reforms in this area. While declarative registration promises a greater degree of facilitation and easier procedures for residents, the authorities should assess and address all possible gaps during the process of policy development that may lead to the potential misuse of the system. The collection of further information on the current situation and on motivations for failure to register correctly would also be helpful to inform policy making that could address these issues.
- Presentations from local authorities highlighted various approaches implemented on the local level that have resulted in different kinds of facilitation of the registration process. However, many of these often useful measures remain unknown outside of the local authorities which developed and implement them. Participants suggested that a state-wide seminar could be organized to provide a platform for local authorities to present their approaches to registration and provide for discussion and sharing of good practices.
- The State Migration Service and local authorities should continue working together in order to enable computerization of local residents’ registers with a view to completing this process by 2020. In parallel, local registers should be gradually connected with the Ukrainian state-wide demographic register.
- The Ukrainian authorities should intensify their work on the facilitation of registration of Roma and IDPs, including with support from ODIHR and UNHCR.

ANNEX 1: AGENDA



**EUROPE
WITHOUT BARRIERS**
civic initiative

Roundtable “Facilitation of Registration of Place of Residence while Preventing its Misuse”

28 March 2018
Kyiv, Hotel Radisson

Agenda

Wednesday, 28 March 2017

- 09:30-9.45 **Introductory remarks**
Mr. Zoran Dokovic, Migration and Freedom of Movement Officer, ODIHR
Ms. Tetyana Nikitina, Deputy Head of the State Migration Service
Ms. Iryna Sushko, Executive Director, Europe Without Barriers
- 9:45-11:15 **Session I: Challenges authorities face in maintaining up-to-date registers of place of residence**
Introductory presentations:
Ms Kateryna Kulchytska, Analyst, Europe Without Barriers
Ms. Natalia Haydamaka, Deputy Head of Department of Kyiv District State Administrations Co-ordination
Ms Larysa Bavtruk, Head of Department of Registration of Place of Residence and Registry of local community, Boyarka, Kyiv region
Moderator: Mr. Zoran Dokovic, ODIHR
- 11.15-11.45 **Break**
- 11:45-13:00 **Session II: Registration of place of residence, facilitation vs. misuse**
Introductory presentations:
Mr Dan Doghi, Senior Adviser on Roma and Sinti Issues, Chief of the CPRSI, ODIHR
Ms. Olena Palienk, Deputy Director of Citizenship, Passport Issuing and Registration of Place of Residence department, the State Migration Service
Mr. Volodymyr Kondur, Head of the Odesa Roma Center for Human Rights "Social Legal Aid"

Moderator: Ms. Iryna Sushko, Executive Director, Europe Without Barriers
- 13:00-14:00 **Lunch**

14:00-15:45 Session III: Facilitation of registration of place of residence – experiences of other OSCE participating States and innovative solutions

Introductory presentations:

Mr. Zoran Dokovic, Migration and Freedom of Movement Officer, ODIHR

Ms. Natalia Virchenko, Deputy Head of Department of Registry of Local Community of Dnipro City Council

Ms. Tetyana Yakobchuk, Deputy Head of Administrative Services Department, Rivne CPAS

Moderator: Mr. Zoran Dokovic, Migration and Freedom of Movement Officer, ODIHR

15:45-16:00 Closing remarks

Mr. Maksim Sokoliuk, Chairman of the State Migration Service

Ms. Iryna Sushko, Executive Director, Europe Without Barriers

Mr. Zoran Dokovic, Migration and Freedom of Movement Officer, ODIHR

ANNEX 2: LIST OF PARTICIPANTS



**EUROPE
WITHOUT BARRIERS**
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Roundtable “Facilitation of Registration of Place of Residence while Preventing its Misuse”

**28 March 2018
Kyiv, Hotel Radisson**

List of Participants

State Migration Service

Ms. Maksim Sokoliuk, Chairperson

Ms. Tetyana Nikitina, Deputy Chairperson

Ms. Olena Palienko, Deputy Director of Citizenship, Passport Issuing and Registration of Place of Residence Department

Mr. Volodymyr Rydvan, Chief Specialist of the Unit for Informational-Analytical Security and Co-operation with Territorial Units, Department for Organizational Security

Local authorities

Ms. Natalia Tkach, Deputy Head of Administrative Services Department, Kyiv City State Administration

Ms. Natalia Haydamaka, Place of Residence Registration Department, Kyiv City State Administration

Ms. Larysa Bavtruk, Head of Department of Registration of Place of Residence and Registry of Local Community, Boyarka, Kyiv region

Ms. Natalia Virchenko, Deputy Head of Department of Registry of Local Community of Dnipro City Council

Ms. Tetyana Yakobchuk, Deputy Head of Administrative Services Department, Rivne CPAS

Ms. Anna Dmytrieva, Administrator of Department of Administration, Information and Analysis Technologies, Rivne CPAS

Mr. Yuriy Mandych, Deputy of Uzhgorod City Council

Civil society organizations

Ms. Iryna Sushko, Executive Director, Europe Without Barriers

Ms. Kateryna Kulchytska, Analyst, Europe Without Barriers

Mr. Pavlo Kravchuk, Europe Without Barriers

Ms. Iryna Aleksieieva, Project Manager, Legal assistance and outreach to stateless persons and those at risk of statelessness in Kyiv city and Kyiv region, Right to Protection in partnership with HIAS

Mr. Maksym Butkevych, NGO No Borders

Ms. Oleksandra Dvoretzka, NGO Vostok-SOS

Mr. Myroslav Horvat, NGO Romani-cherkhen, Deputy Head for labour and Social Protection Department, Uzhgorod City Council

Mr. Volodymyr Kondur, Head of the Odesa Roma Center for Human Rights "Social Legal Aid"

Mr. Evghen Kotorobay, Equal Opportunities Department, KMDH

Ms. Alena Lunyova, Human Rights Information Centre

Ms. Olga Tsviliy, Expert, Bureau of Social & Political Developments

Ms. Olga Zhmurko, Roma Program Initiative Director

International organizations

Mr. Hugues Bissot, UNHCR Representation in Ukraine

Mr. Dmytro Plechko, Associate Legal Officer, UNHCR Representation in Ukraine

OSCE ODIHR

Mr. Dan Doghi, Senior Adviser on Roma and Sinti Issues, Chief of the CPRSI, OSCE ODIHR

Mr. Zoran Dokovic, Migration and Freedom of Movement Officer, OSCE ODIHR Democratization Department

Ms. Kati Jaaskelainen, Associate Programme Officer, Roma and Sinti Issues, OSCE ODIHR

Mr. Yulian Kondur, Junior Expert on Roma and Sinti Issues, OSCE ODIHR

Ms. Rita Stafejeva, Administrative Assistant, OSCE ODIHR Democratization Department

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).