Civil registration and lack of documentation among Roma and Sinti

A compendium of challenges, good practices and lessons learned in the OSCE region

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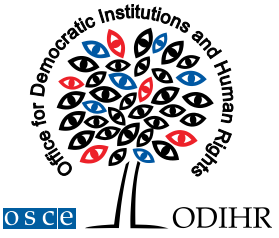

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Abbreviations

CRVS	Civil Registration and Vital Statistics
CSOs	Civil society organizations
EU	European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ENS	European Network on Statelessness
ERRC	European Roma Rights Centre
ICCPR	International Covenant on Civil and Political Rights
ID	Identity document(s)/personal document(s)/personal documentation
IDPs	Internally displaced persons
NGO	Non-governmental Organization
OSCE	Organization for Security and Co-operation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
pSs	participating States
SDP	Statelessness Determination Procedure
SMS	State Migration Service
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women

Foreword

Foreword

Legal identity is a fundamental human right enshrined in the foundational documents of international human rights law. It is far more than an administrative formality; it is a prerequisite for the enjoyment of civil, political, social and economic rights, as well as legal protection. A lack of legal identity leads to severe vulnerabilities, including statelessness, an increased risk of exploitation, human trafficking and abuse, and an inability to exercise freedom of movement. The absence of legal recognition persists among Roma across the OSCE region, creating a profound barrier to the most basic elements of a dignified life.

The Office for Democratic Institutions and Human Rights has long observed that the lack of identification documents disproportionately affects Roma communities. Legal invisibility, combined with deeply rooted racial discrimination, drives systemic exclusion and social, economic and political marginalization. The consequences are more severe for women and children, as well as displaced groups affected by conflict and war.

In the two decades since the adoption of the 2003 Action Plan on Improving the Situation of Roma within the OSCE Area, the Office has pursued its mandate to assist OSCE participating States in dismantling these barriers. A number of states have pioneered targeted interventions to address the lack of identification documents among Roma that form a repository of practices and innovative solutions for other states to draw on. They can also be used as a benchmark for authorities' efforts to enhance the legal identity of Roma.

In this compendium, ODIHR has brought together the challenges, good practices and lessons learned on advancing legal identity

and documentation for Roma communities. It presents the systemic and structural barriers and analyses effective models and actions from selected OSCE participating States.

It is our hope that this compendium will be a practical tool for the Ukrainian authorities during this period of crisis and reconstruction, as well as a valuable resource for all OSCE participating States. Ensuring comprehensive civil registration is not only a legal obligation, it is a crucial step towards creating a truly inclusive and secure society where every person's rights are recognized and protected.

Maria Telelian,
ODIHR Director

1.

Introduction

1. Introduction

Legal identity is a fundamental human right and a prerequisite for accessing essential services such as education, health care, social support and employment. ODIHR findings show that the lack of identification documents (ID) disproportionately affects Roma and Sinti[1] communities in many OSCE participating States (pSs), leading to systemic exclusion, restricted mobility and limited political participation. For Roma women and children, the impact is particularly severe, as it exacerbates their vulnerability to discrimination, trafficking and statelessness.[2]

OSCE commitments regarding Roma stress the importance of access to ID for tackling Roma social exclusion and deep-rooted discrimination. The 2003 Action Plan on Improving the Situation of Roma within the OSCE Area (OSCE Action Plan)[3] calls on OSCE pSs to ensure that Roma have all necessary documents, including birth certificates. Furthermore, the Action Plan recommends that OSCE pSs in crisis and post-crisis situations register and provide documents to Roma affected by forced displacement.

The OSCE Action Plan gives ODIHR a specific mandate to advise and assist OSCE pSs in ensuring that Roma can participate equally in society and that discrimination against them is addressed. This mandate also extends to crisis and post-crisis

1 Throughout the handbook, the term 'Roma' is used to refer to 'Roma and Sinti' for the sake of brevity.

2 Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area – Fourth Status Report, OSCE/ODIHR, 8 December 2023.

3 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, OSCE, MC.DEC/3/03, 1–2 December 2003.

situations, authorizing ODIHR to support OSCE pSs in responding effectively to emergencies while safeguarding the rights and protection of Roma communities at risk. In the last two decades, access to documents for Roma has been one of ODIHR's main focus areas.

There are multiple reasons why Roma communities face significant barriers in obtaining and renewing ID, including bureaucratic complexity, legal ambiguities and limited access to legal assistance. The situation is made worse by displacement due to conflicts, including the war in Ukraine; many Roma from Russian-occupied territories are unable to obtain or renew their ID, restricting their ability to move to safer areas or access humanitarian aid. Similar challenges exist in South-Eastern Europe, where historical marginalization, lack of birth registration and statelessness have contributed to the exclusion of Roma from formal identity systems.

Ensuring comprehensive civil registration and ID issuance is both a legal obligation and a crucial step towards social inclusion and equal rights. A number of OSCE pSs have made efforts to develop effective strategies to overcome these barriers, which can offer valuable lessons for other states facing similar challenges.

Following the Russian Federation's invasion of Ukraine in 2022, the gaps in Ukraine's implementation of OSCE human dimension commitments have grown, triggering an humanitarian, economic and human rights crisis. Over 12 million people remain displaced, many facing restricted access to essential services and protections. Vulnerable groups, including Roma and those with disabilities, face systemic discrimination and barriers to inclusion, while women encounter multiple obstacles.

In response to the Russian Federation's invasion and the ensuing crisis in and around Ukraine, ODIHR has undertaken rapid and comprehensive efforts to deliver needs-based and timely support to Ukraine. ODIHR's project 'Supporting the Human Dimension of Security in Ukraine in Times of Crisis' works on the human dimension of security in response to the war in Ukraine to ensure respect for human rights and adherence to democratic principles, in line with OSCE commitments and international standards.

1.1. Purpose

This compendium aims to highlight the persistent challenges Roma communities face in accessing civil registration and identification and ways to overcome them. To that end, it offers insights into the legal, administrative and community-driven approaches that have proven effective in different OSCE pSs. By highlighting best practice and lessons learned, the compendium aims to inform policy development, improve administrative procedures and support community engagement in states' efforts to expand access to legal identity for their Roma populations.

The compendium is particularly important for Ukraine, where the war has severely disrupted access to civil registration and ID, especially for Roma and other marginalized, displaced communities, including those from Russian-occupied territories. For Ukrainians without valid documents, many face obstacles in securing humanitarian aid, health care, education, employment and freedom of movement. For Roma communities, who already faced systemic barriers to documentation before the war, the current crisis risks deepening their exclusion and increasing statelessness.

Building on the work of ODIHR's 'Supporting the Human Dimension of Security in Ukraine in Times of Crisis' project, this tool offers the Ukrainian authorities and civil society practical guidance and lessons learned from across the OSCE region on how to address the systemic human rights violations impacting Roma communities effectively. It aims to support Ukraine's efforts to ensure that all citizens — particularly the most vulnerable — can exercise their rights and participate fully in society, even in times of crisis and reconstruction. Other OSCE pSs should also find the compendium a helpful resource for tackling lack of documentation among Roma communities in their countries.

1.2. Methodology

This compendium was developed between February and June 2025 using a comparative and evidence-based approach that draws on desk research and ODIHR's previous work and expertise in this area, including guidance on identity management and access to legal identity.[4] The compendium also incorporates insights from engagement with Roma Focal Points from OSCE Field Operations.[5] As part of the process, ODIHR consulted with authorities in Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, North Macedonia, Serbia and Ukraine.

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4 Compendium of Good Practices in Identity Management in the OSCE Region, OSCE/ODIHR, 29 September 2017; Handbook on Statelessness in the OSCE Area: International Standards and Good Practices, OSCE, 28 February 2017; Opening Doors for Children: Prevention of Childhood Statelessness – Good Practices in the OSCE Area, ODIHR, OSCE High Commissioner on National Minorities, Office of the United Nations High Commissioner for Refugees, 3 July 2025.

5 OSCE Missions in Albania, Bosnia and Herzegovina, Kosovo, Montenegro and North Macedonia.

While the core methodology focused on these countries, the desk research went wider and included other jurisdictions whose practices and challenges were considered relevant, such as Georgia and Slovenia, as well as Kosovo*. These references were included for comparative purposes only; they were not approached for direct input, because they were not part of the formal consultation process.

The structure of the compendium is thematic — covering legal and policy frameworks, administrative and technical solutions, and community empowerment — to ensure a comprehensive and intuitive resource for policymakers and practitioners.

* There is no consensus among OSCE participating States on the status of Kosovo and, as such, the Organization does not have a position on this issue. All references to Kosovo in this publication, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nat ions Security Council Resolution 1244.

2.

Civil registration: international and regional standards

2. Civil registration: international and regional standards

The right to civil registration, particularly birth registration, is firmly established as a human right under Article 24(2) of the International Covenant on Civil and Political Rights (ICCPR),[6] which guarantees that every child shall be registered immediately after birth. Despite this clear recognition, civil registration obligations have not always been systematically incorporated into regional and national frameworks. Civil registration, particularly birth registration, is integral to the realization and safeguarding of the right to nationality and serves as a critical safeguard against statelessness itself.

Given the intrinsic interconnection between civil registration, nationality and statelessness, these issues must be interpreted and addressed jointly, in a complementary and mutually reinforcing manner. This chapter provides an overview of the principal international and regional legal standards relevant to the prevention and reduction of statelessness, and examines how the right to civil registration, often framed as the right to legal identity, sits within these frameworks.

2.1. International commitments

A stateless person is defined in international law as a person "who is not considered as a national by any state under the operation of its law".[7] In line with international law, United Nations' guidelines

6 International Covenant on Civil and Political Rights (ICCPR), United Nations, adopted 16 December 1966.

7 Convention Relating to the Status of Stateless Persons, United Nations, 1954, Art. 1(1).

and operational documents, birth registration is defined as "the process of recording a child's birth. It is a permanent and official record of a child's existence and provides legal recognition of that child's identity."[8]

The United Nations, as part of the United Nations Legal Identity Agenda Task Force,[9] has adopted the Operational Definition of Legal Identity, which is defined as "the basic characteristics of an individual's identity. e.g., name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth".[10] The same body established an operational definition of 'civil registration', which is defined as "the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirement in each country".[11]

In the framework of international law, there are two leading treaties adopted in the field of statelessness. The **1954 Convention relating to the Status of Stateless Persons**[12] defines a stateless person, sets out the minimum standards of treatment to be afforded to stateless individuals and provides safeguards for non-discrimination in administrative assistance. The **1961 Convention on the Reduction of Statelessness**[13] focuses on

8 Birth registration, UNICEF webpage.

9 United Nations Legal Identity Agenda webpage.

10 *Ibid.*

11 *Ibid.*

12 Convention Relating to the Status of Stateless Persons, United Nations Treaty Series, Vol. 360, p. 117.

13 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175.

preventing statelessness from occurring or being passed on, particularly at birth or due to changes in nationality status, to reduce intergenerational cases of statelessness. The 1961 Convention complements the 1954 Convention by addressing the root causes of statelessness.

The conventions should be read and applied together with various guidelines issued by the United Nations High Commissioner for Refugees (UNHCR), which is entrusted by the General Assembly of the United Nations with responsibility for the identification, prevention and reduction of statelessness, as well as the protection of stateless individuals.[14] These guidelines clarify the definition of a stateless person, promote fair and accessible procedures for determining statelessness and highlight the rights that stateless individuals should enjoy under the 1954 Convention. They also stress the importance of birth registration and a child's right to acquire a nationality under the 1961 Convention, emphasizing that civil registration is key to preventing statelessness.

The statelessness conventions should be read and applied alongside other international instruments, including, most importantly, Articles 7 and 8 of the **Convention on the Rights of the Child**,[15] which stipulate that a child shall be registered immediately after birth to fulfil their right to a nationality and legal identity, and put an obligation on States Parties to respect the right as recognized by law without unlawful interference.

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14 Resolution A/RES/61/137, United Nations, General Assembly, adopted 19 December 2006.

15 Convention on the Rights of the Child, United Nations, GA resolution 44/25, adopted 20 November 1989.

A child's right to a nationality and the obligation to register a child immediately after birth are also regulated in Article 24 of the **ICCPR**.[16] Another instrument that plays a crucial role in eliminating genderdiscriminatory nationality laws is the **Convention on the Elimination of All Forms of Discrimination Against Women**,[17] which, in Article 9, extends to States Parties the obligation of equal rights for women to acquire, change or retain their nationality as well as pass it onto their children.

Other instruments that stress the importance of birth registration and the right to nationality of vulnerable individuals and those on the move include Article 18 of the **Convention on the Rights of Persons with Disabilities**[18] and Article 29 of the **Convention on Protection of Rights of All Migrant Workers and Members of Their Families**.[19] These conventions are accompanied by multiple secondary sources of international law such as resolutions, guiding principles of United Nations bodies and global action plans, the most notable being Sustainable Development Goal 16.9,[20] which says that States Parties should "by 2030, provide legal identity for all, including birth registration".

16 United Nations, ICCPR.

17 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), United Nations, adopted 18 December 1979, United Nations Treaty Series, Vol. 1249, p. 13.

18 Convention on the Rights of Persons with Disabilities, United Nations, adopted 13 December 2006, Art. 18.

19 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, United Nations, Resolution 45/158, adopted 18 December 1990.

20 Goal 16.9, United Nations Sustainable Development Goals.

2.2. Regional commitments

Regionally, the OSCE and the Council of Europe have been very active in the field of nationality law and statelessness.

The OSCE has made a series of political pledges affirming the right to nationality and addressing the challenges of statelessness, particularly in the context of vulnerable groups such as Roma and displaced people. Beginning with the decisions of the 1992 Helsinki Summit,[21] OSCE pSs recognized that everyone has the right to a nationality and undertook legal and constitutional measures to avoid increasing statelessness. This commitment was reinforced in the 1999 Istanbul Document,[22] where states agreed to enhance international protection for stateless individuals and ensure access to nationality.

Subsequent efforts focused on addressing structural and practical barriers to documentation and citizenship. The 2003 Action Plan on Improving the Situation of Roma within the OSCE Area[23] urged OSCE pSs inter alia to combat discrimination and ensure Roma communities had access to ID and services. The 2007 Madrid Decision No. 10/07[24] emphasized the protection of stateless people against intolerance and promoted integration

21 CSCE Helsinki Document 1992 The Challenges of Change, Conference for Security and Co-operation in Europe, 1992 Summit Helsinki, paras. 55–57.

22 Istanbul Document 1999, OSCE, 19 November 1999, para. 19.

23 OSCE/ODIHR, Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, paras. 8, 77, 87 and 108.

24 OSCE Ministerial Council, Decision No. 10/07, "On Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding", Madrid, 3 December 2007, para. 7.

strategies. The 2012 Ljubljana Guidelines[25] went on to call for inclusive, non-discriminatory citizenship policies that avoid generating statelessness, particularly at birth, and encouraged states to grant citizenship to long-term stateless individuals.

Collectively, these commitments underline the OSCE's emphasis on preventing and addressing statelessness through legal safeguards, documentation and inclusive national policies.

The Council of Europe's most prominent achievement in this area was the 1997 European Convention on Nationality,[26] which aims to make the process of acquiring a new nationality and recovering a former one easier, to ensure that nationality is only lost in justifiable circumstances where safeguards to prevent statelessness are in place, and to guarantee that nationality application procedures are fair and follow due process. The 1997 Convention is supplemented by the 2006 European Convention on the Avoidance of Statelessness in relation to State Succession,[27] which includes further provisions to prevent cases of statelessness arising from state succession. It is a significant convention, particularly in the context of the dissolution of the Federal Republic of Yugoslavia.

In addition, multiple recommendations by the Committee of Ministers of the Council of Europe have been issued on statelessness and birth registration, two of which deserve particular attention.

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25 Ljubljana Guidelines on Integration of Diverse Societies, OSCE/HCNM, 7 November 2012, paras. 32–36.

26 European Convention on Nationality, Council of Europe, ETS No. 166, Strasbourg, entry in force, 1 March 2000.

27 Convention on the Avoidance of Statelessness in relation to State Succession, Council of Europe, Treaty Series No. 200, Strasbourg, 19 May 2006.

Recommendation No. R (99) 18[28] on the avoidance and reduction of statelessness provides for facilitated naturalization for stateless individuals and gender equality in nationality laws, and emphasizes the importance of birth registration as a preventive measure. Recommendation CM/Rec (2009) 13[29] outlines a series of safeguards focused on reducing statelessness among children and includes active measures to ensure their right to nationality is respected.

Furthermore, despite the fact that the European Convention on Human Rights (ECHR) [30] has no provision regulating the right to legal identity or the right to nationality, the **European Court of Human Rights** (ECtHR) has delivered judgements providing interpretation of Article 8 of the ECHR relevant to the access to a nationality. In 2011 in *Genovese v. Malta*,[31] the ECtHR ruled that the right of access to a nationality constitutes a part of the social identity of a person, which is protected under Article 8 of the ECHR.

More recently, the ECtHR ruled in *G.T.B. v. Spain*[32] that "the State is under an obligation to issue birth certificates and ensure access to other forms of ID in order to preserve the right to respect for private life", thereby linking the right to birth registration to the

28 Recommendation No. R(99) 18 of the Committee of Ministers to Member States on the avoidance and reduction of statelessness, Council of Europe, 15 September 1999.

29 Recommendation No. CM/Rec (2009)13 of the Committee of Ministers to Member States on the nationality of children, Council of Europe, adopted 9 December 2009.

30 European Convention on Human Rights, Council of Europe, adopted 4 November 1950, Art. 8.

31 *Genovese v. Malta,* Application No. 53124/09, 11 October 2011, para. 33.

32 *G.T.B. v. Spain, A*pplication No. 3041/19, 16 November 2023, para. 119.

right to legal identity, which is inherent for the enjoyment of the right to private life. The ECtHR also ruled in *Usmanov v. Russia*[33] that *ex-lege* deprivation of nationality violates Article 8 of the ECHR and, in *Ahmadov v. Azerbaijan*,[34] dealt with recognition of the acquisition of nationality in the context of state succession and the de facto deprivation of nationality, concluding that the right to nationality must be upheld.

The European Union has not dealt with the right to nationality in a direct manner, seeing nationality matters as a national competence according to Article 4(2) of the **Treaty on the Functioning of the EU** (TFEU).[35] However, EU citizenship is derived from nationality of a Member State — a person must be a national of a Member State to be an EU citizen and enjoy the corresponding rights and freedoms. Several articles of the **Charter of Fundamental Rights of the European Union** (EU Charter)[36] touch upon the issue of nationality, including Article 20, which provides for equality before the law and non-discrimination, and Article 24, which reiterates the best interests of the child as a primary consideration that is directly linked to ensuring that every child has access to legal identity.

The **European Parliament** has also adopted resolutions calling on Member States to ensure universal, free and accessible birth registration regardless of the legal status of the parents,[37]

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33 *Usmanov v. Russia*, Application No. 43936/18, 22 December 2020.

34 *Ahmadov v. Azerbaijan*, Application No. 32538/10, 30 January 2020.

35 Treaty on the Functioning of the European Union, Official Journal 115, 9 May 2008, Art. 4, pp. 51–52.

36 Charter of Fundamental Rights of the European Union, 2000/C 364/01, 18 December 2000.

37 European Parliament resolution of 3 May 2018 on the protection of children in migration, 2018/2666(RSP), Brussels, 3 May 2018.

emphasizing the importance of timely birth registration as a tool to safeguard children's rights and prevent statelessness.[38] The resolutions recognize that discriminatory practices in civil registration (with particular mention of Roma communities) may result in children being excluded from nationality or rendered stateless.[39]

Despite the ratification and incorporation of the above-mentioned international and regional frameworks into the national legal systems of OSCE pSs to a varying extent, significant gaps and challenges persist in practice even in those states that have ratified most of them. These are particularly evident within Roma communities, where individuals often face systemic barriers in accessing ID, from birth certificates to identity cards and other essential civil status documents. These barriers perpetuate statelessness and the denial of fundamental rights, highlighting the need for targeted, inclusive and non-discriminatory measures to ensure that all individuals, especially those from marginalized groups, can fully enjoy their right to legal identity and nationality.

38 European Parliament resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child (2021/2523(RSP).

39 European Parliament resolution of 18 January 2024 on the situation of fundamental rights in the European Union – annual report 2022 and 2023 (2023/2028(INI)).

3.

Challenges in access to civil registration and identity documents for Roma communities

3. Challenges in access to civil registration and identity documents for Roma communities

3.1. Legal and policy challenges

Complex and inconsistent bureaucratic procedures set out in laws and policies create significant obstacles for Roma individuals seeking legal ID, often requiring extensive proof of lineage that many do not possess. Legal gaps, particularly concerning stateless people and those without birth registration, exacerbate the issue, leaving many Roma in legal limbo without pathways to resolve their undocumented status.

In South-Eastern Europe, many Roma found themselves without legal identity due to the complex transition process following the dissolution of the Federal Republic of Yugoslavia. Similar processes occurred in former Soviet Union republics. The risk of statelessness became a challenge, as many Roma lacked documentation proving their birth or nationality. This risk is rooted in decades of legal limbo and compounded by systemic discrimination, socio-economic marginalization and institutional neglect. Although legal safeguards were introduced to prevent statelessness, Roma often did not meet the requirements due to previous non-registration, necessitating a burdensome 'subsequent registration' process. In

addition, despite the existence of legal safeguards, their implementation often remains fragmented and ineffective in practice.[40]

One underlying problem is the **inconsistent accession to international statelessness instruments**. Several countries in the OSCE region, such as **Georgia,**[41] **North Macedonia**[42] and **Slovenia**[43] have ratified neither the 1961 UN Convention on the Reduction of Statelessness nor the relevant Council of Europe conventions. This legal gap might signal limited awareness of the issue and results in weaker domestic frameworks for statelessness prevention. Even in states that have ratified these treaties, such **as Albania**[44] and **Serbia**,[45] domestic legal definitions of statelessness do not always reflect international standards. In **Slovenia**, for example, the use of the term 'foreigner' instead of 'person'[46] in the definition of statelessness creates ambiguity and limits the scope of protection.

40 See, for example, Personal Documents and Threats to the Exercise of Fundamental Rights among Roma in the former Yugoslavia, European Roma Rights Centre, 4 June 2004; Human Rights Comment Stateless Roma: no documents – no rights, Council of Europe Commissioner for Human Rights, 17 August 2010; Roma(Gypsies) in the CSCE Region, CSCE High Commissioner on National Minorities, 14 September 1993.

41 Georgia, Statelessness Index.

42 North Macedonia, Statelessness Index.

43 Slovenia, Statelessness Index.

44 Albania, Statelessness Index.

45 Serbia, Statelessness Index.

46 Joint Submission to the Human Rights Council at the 34th Session of the Universal Periodic Review on Slovenia, Third Cycle, The Peace Institute, Institute on Statelessness and Inclusion and European Network on Statelessness, November 2019, para. 13.

Data collection remains a serious concern. The accurate identification and counting of stateless people are both essential for policy development and resource allocation. However, many national census processes either lack a dedicated statelessness category or include only vague designations, such as 'unknown citizenship', as seen, for example, in **Bosnia and Herzegovina**.[47] In **Ukraine**, the absence of official and disaggregated data, together with no thorough assessment of the situation of Roma without ID, prevents a more systematic response.[48] Without disaggregated and reliable data, the true scale of statelessness among Roma communities remains hidden, perpetuating their invisibility in policymaking.

A significant legal gap lies in the **absence of dedicated Statelessness Determination Procedures (SDPs)** in several countries, including **Bosnia and Herzegovina**[49] and **Serbia**.[50] Where a path to statelessness determination exists, it is often focused on migratory status and limited in accessibility, scope and impact. In countries, such as **Croatia**[51] and **North Macedonia**,[52] statelessness is assessed only within the context of immigration, asylum or naturalization procedures, which often require documents that applicants do not possess. The burden of proof lies with the applicant, creating a situation in which undocumented individuals are expected to prove the absence of documentation or nationality, an impossible task for many. Even where state-

47 Bosnia and Herzegovina, Statelessness Index.

48 Access to Personal Documents for Roma in Ukraine: More Efforts Needed, OSCE/ODIHR, 9 July 2018, pp. 8 and 15; Statelessness Index Survey 2023: Ukraine, p.8.

49 Bosnia and Herzegovina, Statelessness Index.

50 Serbia, Statelessness Index.

51 Croatia, Statelessness Index.

52 North Macedonia, Statelessness Index.

lessness is identified, such as in **Montenegro**, recognition does not result in a formal legal status or access to basic rights such as work, health care or social assistance.[53]

Beyond recognition, **protection gaps persist in post-SDP phases**. In several countries, obtaining a residence permit or accessing services following a positive determination of statelessness is conditional on meeting further strict requirements, which renders the recognition of statelessness symbolic rather than functional. In **Ukraine**, for instance, a dedicated SDP has been in place since May 2021, with the legal definition of a stateless person fully aligned with the 1954 Convention. While individuals recognized as stateless are eligible for temporary residence and then permanent residence, access to the procedure remains impeded by both legal and practical obstacles. In addition, recent legislative amendments have introduced stricter conditions for acquiring residence status.[54]

For those already in possession of residence permits or proof of statelessness, the path to **naturalization has significant procedural and financial barriers**. Requirements, such as long-term legal residence, proof of income and knowledge of the national language, culture and legal system, as well as substantial fees, make naturalization an unrealistic option for many. In **Moldova**, for example, although an accelerated route to naturalization exists — reducing the general requirement of ten years' residency — a stateless person must still wait eight years before becoming eligible to apply.[55] In **Ukraine**, the timeframe is shorter, allowing recognized stateless individuals to apply for

53 Montenegro, Statelessness Index.

54 Ukraine, Statelessness Index.

55 Moldova, Statelessness Index.

naturalization three years after recognition. However, a legal residence requirement still applies for stateless children born in the country to acquire nationality, limiting the effectiveness of existing safeguards.[56] In **Montenegro**, the failure to recognize residence based on statelessness as lawful residence[57] creates an additional barrier for those seeking to regularize their status.

Compounding these obstacles are **laws that permit the deprivation of nationality, even if it results in statelessness**. In **Albania**, the legal framework allows children to lose their nationality if their parents' status changes, reinforcing the risk of intergenerational statelessness.[58] Children born to undocumented parents, or to parents who are themselves stateless or unable to confer nationality, face heightened risks. In some countries, such as **North Macedonia**[59] and **Serbia**,[60] according to the law, nationality should be granted automatically to children who would otherwise be stateless. In practice, this process is conditional, bureaucratically burdensome and inconsistently applied. Authorities often require documentary proof of the child's or parents' status, which these communities frequently lack.[61] In **Moldova** and **Ukraine**, children's access to birth registration and certifi-

56 Ukraine, Statelessness Index.

57 Montenegro, Stateless Hub.

58 Ending Childhood Statelessness: A Study on Albania, European Network on Statelessness, Working Paper 06/15, p. 10.

59 Joint Submission to the Human Rights Council, North Macedonia, Universal Periodic Review, 46th Session, 4th Cycle, 11 October 2023, para. 34.

60 Civil Society Submission on the right of every child to acquire a nationality under Article 7 Convention on the Rights of the Child, Praxis, European Network on Statelessness and Institute on Statelessness and Inclusion, 1 March 2016, para. 10.

61 Ivanka Kostic, Vicious circles of Roma statelessness in Serbia – A road map, European Network on Statelessness, 17 February 2022.

cates is directly affected by their parents' legal status. Children of undocumented parents often cannot have their births registered, resulting no official documentation.[62]

Despite these legal barriers, **national policy frameworks**, which aim to set the policy improvement agenda, **sometimes fail to adequately address civil registration** and ID for Roma communities, and lack provisions dedicated to facilitating access to civil registration. In **Croatia**, for example, the National Plan for Roma Inclusion (2021–2027)[63] has no targeted measures on preventing and reducing statelessness or promoting civil registration among Roma.[64] Similarly, **Slovenia**'s National Programme of Measures for Roma (2021–2030)[65] does not include access to documentation, indicating that access to legal identity is not systematically prioritized.

Moreover, individuals without ID often fall between the cracks within immigration systems. For example, **undocumented status increases the risk of arbitrary detention** and deportation, because there are few legal safeguards in place. For example, in **Georgia** and **Serbia**, as well as **Kosovo**, there are no clear legal obligations to release stateless people when removal is not

62 Thematic Briefing: Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers, Statelessness Index, November 2024, p. 11.

63 National Plan for Roma Inclusion 2021–2027, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, June 2021.

64 Response to the ODIHR questionnaire from Croatia, received 30 April 2025.

65 National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2021–2030, 23 December 2021.

possible,[66] nor are there any procedural safeguards to prevent repeated detention.[67] Statelessness is not explicitly recognized as a ground for vulnerability, and there is no structured referral to SDPs upon release.[68] In **Ukraine**, the legal framework on detention is similarly weak, offering limited protection against arbitrary detention and lacking procedural safeguards. Authorities may detain individuals without a court order and do sometimes detain stateless people, because statelessness is often not considered during detention decisions.[69]

3.2. Administrative and technical barriers

Many Roma face logistical difficulties in accessing civil registration offices due to geographic distance, lack of transportation and prohibitive administrative fees. While digitalization offers potential solutions, it can also create new barriers for those without digital literacy, internet access or the necessary supporting documents, making ID issuance a prolonged and often impossible process.

Access to civil registration is often impeded by the many **administrative and technical barriers** that are deeply embedded in national systems across the OSCE region. One of the most pressing issues is the **inconsistent local implementation** of national laws and safeguards. The laws may include protections

66 Serbia, Statelessness Index.
67 Kosovo, Statelessness Index.
68 Serbia, Statelessness Index.
69 Ukraine, Statelessness Index.

and guarantees for undocumented individuals on paper, but are often not effectively translated into practice. For example, in **Croatia**, the partial implementation and eventual dissolution of mobile registration teams and information centres, which had been designed to facilitate access to civil documentation, have left many communities unsupported.[70]

Roma communities frequently encounter bureaucratic and logistical obstacles when seeking documentation. Many Roma reside in informal households without recognized addresses, making it impossible to fulfil residence requirements for obtaining ID. This prevents Roma from registering births, which in turn perpetuates legal invisibility across generations.[71] Additionally, excessive documentation requirements, such as proving lineage through multiple generations, place an undue burden on families who have historically been excluded from official records.[72]

Local authorities often exercise wide discretion in determining what documentation is required for various procedures. This can lead to arbitrary decision-making, inconsistent practices and even verbal refusals of applications.[73] In **Serbia**, a mapping exercise conducted between June and October 2023 showed that 23 per cent of Roma who attempted to register their resi-

70 Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report, Universal Periodic Review: Croatia, 2015, p. 9.

71 OSCE/ODIHR, Access to Personal Documents for Roma in Ukraine, p. 27.

72 The Wall of Anti-gypsyism. Roma in the Western Balkans, Civil Rights Defenders, November 2017, pp.10–12; Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis, OSCE/ODIHR, August 2014, p. 20.

73 OSCE/ODIHR, Access to Personal Documents for Roma in Ukraine, pp. 26–27.

dence reported being turned away without formal justification.[74] Moreover, the practice of verbal rejection of applications for passports or birth registration impedes access to legal remedy.[75] In **North Macedonia**, the absence of clear evidentiary standards for late birth registration leads to different documentary requirements being applied even within the same municipality.[76] Discretionary practices like these, combined with poor oversight and accountability, contribute to the legal invisibility of Roma and erode trust in public institutions.

Even if local level implementation is faultless, laws that are not directly discriminatory sometimes result in **indirect discrimination**, because they fail to take into account the lived realities of Roma communities and introduce proactive measures. For example, in **Albania**, although the legislation does not explicitly discriminate, it overlooks the historical marginalization and social exclusion experienced by Roma, making procedures such as proof of identity, residence or parentage disproportionately burdensome.[77]

Financial barriers also play a critical role in perpetuating exclusion. Fees for naturalization, late birth registration and other civil status procedures can be prohibitively high, particularly for stateless or impoverished families. In **Serbia**, the cost of natural-

74 Mapping of Persons at Risk of Statelessness in Serbia, Praxis, Belgrade, November 2023.

75 OSCE/ODIHR, Access to Personal Documents for Roma in Ukraine, p. 37; Odesa Declaration: Recommendations to overcome obstacles in access to civil registration and identity documents by Roma in Ukraine, OSCE/ODIHR, 2 October 2017.

76 Roma Access to Personal Documentation in the Western Balkans, United Nations Development Programme, 19 December 2018, p. 14.

77 Roma Belong – Statelessness, discrimination and marginalisation of Roma in Albania, European Roma Rights Centre, 8 June 2018.

ization for children can reach 200 euros,[78] while in **Montenegro**, fees for birth registration or DNA testing further deter stateless individuals from engaging with the system.[79] In **Ukraine**, many national minorities have been displaced since 2014, often losing the documents that confirmed their legal ties to Ukraine. As a result, the urgent need to restore lost documentation and complete personal identification procedures has become evident. However, court-based identification processes involve costs that are often prohibitive for families in vulnerable situations, especially Roma families.[80]

Moreover, there is a persistent **lack of access to free legal aid** for Roma communities, particularly for administrative procedures such as birth registration.[81] While some civil society organizations (CSOs) fill the gap, state-funded legal aid is often unavailable or limited to certain types of procedures, such as asylum claims. In **Croatia**, stateless people with temporary residence are excluded due to reciprocity conditions.[82] Without legal assistance, many Roma are left to navigate complex, and at times opaque, bureaucratic systems alone.

Administrative issues connected to **late birth registration** are particularly problematic. Children born outside healthcare insti-

78 Serbia, Statelessness Index.

79 Montenegro, Statelessness Index.

80 Response to the ODIHR questionnaire from Ukraine, received 30 April 2025.

81 UNHCR Submission for the Universal Periodic Review – Republic of Moldova, Universal Periodic Report, 40th Session, 2022, p. 5; Roma children and their access to services. The existing barriers to accessing these services due to lifestyle, traditions, and customs of the Roma population, UNICEF, June 2016, pp. 47 and 90–92.

82 Croatia, Statelessness Index.

tutions or to undocumented parents often cannot be registered through regular administrative procedures. In **Bosnia and Herzegovina**, for instance, parents must produce birth certificate extracts from their country of origin, which is all but impossible for displaced or undocumented Roma. If this cannot be done, families must initiate a long and expensive **non-contentious court procedure**.[83] This is also the case in **Montenegro**, where the court procedure requires at least two adult witnesses to testify to the date and place of birth and allows the court to request a medical examination of the child.[84] These processes can be drawn out, during which time children remain legally invisible and unable to access basic services such as health care, education or social protection. In **Serbia**, the procedure for late registration is similarly complex and depends heavily on documentary evidence from the parents. Even though the law technically allows stateless children born in Serbia to acquire nationality automatically, in practice, bureaucratic hurdles delay or prevent this process entirely.[85]

Strict registration deadlines and punitive penalties for non-compliance further complicate the situation. In many jurisdictions, birth registration must be completed from 8 to 45 days after birth, depending on the country. Failure to meet these deadlines can result in criminal charges (e.g., **Bosnia and Herzegovina**[86]) or administrative fines (e.g., **Slovenia**[87]). These measures dis-

83 Joint Submission to the Human Rights Council Universal Periodic Review, Bosnia and Herzegovina, 48th Session, 4th Cycle, January 2025, para. 13.

84 Joint Submission to the Human Rights Council Universal Periodic Review, Montenegro, 43rd Session, 4th Cycle, April-May 2023, para. 31.

85 Serbia, Statelessness Index.

86 Bosnia and Herzegovina, Statelessness Index.

87 Slovenia, Statelessness Index.

proportionately affect Roma families, who are not aware of the procedures, face language barriers or live far from administrative centres.

Cross-border challenges also impact Roma communities, especially those with migratory backgrounds. For example, Roma born in Greece who later relocated to Albania often faced issues with birth registration in **Albania**, because the birth notification in Greece does not include all the information necessary for birth registration in Albania and requires legalization.[88] Without coordinated bilateral or regional systems for recognizing and sharing vital registration data, these individuals remain caught between two systems, neither of which fully recognizes their identity.

Language barriers and the absence of **free interpretation services** in critical procedures such as civil registration, immigration or statelessness determination further limit access to documentation. In many countries, interpretation is only provided during asylum procedures, leaving most administrative processes inaccessible to non-native speakers.[89] This is particularly problematic for Roma communities who speak Romani dialects or minority languages and are unable to understand the administrative language or complete legal procedures without assistance.

Insufficient numbers of Roma-speaking staff and limited provision of **culturally sensitive services** also leads to mistrust and miscommunication between Roma individuals and the civil

88 Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review, Albania, Tirana Legal Aid Society, European Roma Rights Centre, Institute on Statelessness and Inclusion and European Network on Statelessness, 4 October 2018, para. 34.

89 Ukraine, Statelessness Index.

registration authorities. Moreover, the absence of streamlined coordination between local government, social services and civil registration offices often results in missed opportunities to identify and support undocumented Roma individuals in a timely manner.[90]

In some states, the **digitalization of civil registration processes** was expected to streamline access to documents but has inadvertently created new barriers. Many Roma lack digital literacy, access to the Internet or the supporting documents necessary to complete online registration. Moreover, Roma living in remote areas struggle to reach registration offices due to **poor transportation infrastructure**. These challenges can delay or prevent Roma from obtaining essential ID altogether, further entrenching social and economic exclusion.[91]

The administrative and technical barriers Roma communities face in accessing civil documentation are not isolated inconveniences but systemic gaps that perpetuate marginalization, poverty and statelessness. These barriers interact with legal, social and economic inequalities to create a cycle of exclusion that is difficult to break without comprehensive and targeted reforms.

90 UNHCR Submission for the Universal Periodic Review – Republic of Moldova, Universal Periodic Report, 40th Session, 2022, p. 5.

91 Mustafa Jakupov, Digital Inclusion of Roma: Current Patterns, Trends, and Barriers, Roma Civil Monitor, October 2024.

3.3. Specific challenges for Roma in conflict and post-conflict environments

Displaced Roma face additional hurdles in proving their legal identity, particularly when records are lost, destroyed or under the control of occupying authorities. Those forcibly displaced/deported often struggle with re-establishing their documentation, facing difficulties in reclaiming their legal status and accessing state services.

Building on the entrenched challenges faced by Roma communities in accessing documentation, conflict and post-conflict environments add further layers of complexity that curtail the enjoyment of basic rights and exacerbate the risk of statelessness. The displacement triggered by armed conflicts across the OSCE region, whether during the conflicts in former Yugoslavia during the 1990s or the ongoing war in Ukraine, has impacted these communities particularly hard, often stripping them of legal identity and placing them in an enduring legal limbo.

During the conflicts in the former Yugoslavia, many Roma were left without proof of legal identity as they fled their home republics, placing them at risk of statelessness. The destruction of official records during these conflicts further complicated nationality claims.[92] In post-conflict **Bosnia and Herzegovina** and **Serbia**, as well as **Kosovo**, legal amendments were introduced to facilitate subsequent registration. However, challenges

92 Bernard Rorke, 25 Years after Yugoslavia: Roma Exclusion, European Roma Rights Centre, 20 July 2016; Roma Belong, Statelessness, Discrimination and Marginalisation of Roma in Ukraine, ERRC, pp. 25–26.

persist, particularly regarding statelessness and the unresolved legal status of Roma communities in **Albania**,[93] **Bosnia and Herzegovina**, **Croatia**, **Montenegro**, **North Macedonia**, **Serbia** and **Kosovo**.[94]

In **Bosnia and Herzegovina**, for example, there are specific challenges in registering the births of children presumed to be citizens of Bosnia and Herzegovina but born on the territory of Kosovo, as Bosnia and Herzegovina does not recognize documents issued by Kosovo authorities.[95] This results in complex bureaucratic impasses, where individuals cannot be registered unless they provide proof that the state itself refuses to accept. In **Serbia**, individuals who were born in Kosovo and are registered in Kosovo's birth registries are legally barred from initiating court procedures to determine their date and place of birth.[96] In **Montenegro**, the phased secession from the Federal Republic of Yugoslavia and later from the State Union with Serbia has further complicated the nationality claims of Roma individuals, who are required to prove a genuine link to Montenegro to access nationality, despite decades of residence.[97]

93 Response to the ODIHR questionnaire from Albania, received 28 April 2025.

94 OSCE/ODIHR, Fourth Status Report, p. 11.

95 Joint Submission to the Human Rights Council Universal Periodic Review, Bosnia and Herzegovina, 48th Session, 4th Cycle, January 2025, para. 21.

96 Serbia, Statelessness Index.

97 Study on Statelessness in Montenegro, United Nations High Commissioner for Refugees, October 2024, p. 8, publication provided by UNHCR Montenegro, available upon request.

The war in **Ukraine** has significantly exacerbated civil registration and documentation challenges for Roma communities who have either been internally displaced or left the country, deepening their exclusion and vulnerability. Roma without legal documentation face systemic discrimination and are often excluded from assistance programmes intended for displaced people. Without official records, many are unable to register for state aid, secure accommodation, access employment or receive social benefits.[98] This is particularly acute in conflict-affected areas, where over 60 per cent of children reportedly have no birth certificate. Roma individuals also face discrimination at border crossings and within refugee camps, where the absence of identification bars them from registering as displaced and accessing humanitarian aid.[99]

Internally displaced Roma interviewed by ODIHR in Ukraine stressed particular concerns about the documentation process. Many struggle with administrative procedures due to limited education, making it difficult to navigate the complex requirements without support. Discriminatory treatment further discourages Roma from engaging with authorities, leading to a lack of trust and making it harder to follow administrative proceedings. Additionally, the armed conflict has significantly delayed documentation processes, often

98 Mapping the Challenges faced by Ukrainian Roma in a War Time and Overcoming the Obstacles through Policy, Advocacy and Empowerment, Conference Report, OSCE/ODIHR, 7 March 2024, p. 11; OSCE/ODIHR, Access to Personal Documents for Roma in Ukraine; Summary Report – Access to Identification and Civil Registration Documents by Roma in Ukraine, OSCE/ODIHR, 21 December 2015.

99 The Roma Rights Under Siege: Monitoring Reports from One Year of War in Ukraine, European Roma Rights Centre, 2023, pp. 22–23.

extending them for months. During these delays, displaced Roma remain unable to access essential assistance, leaving them in an even more precarious situation.[100]

Reports highlight that Ukrainian Roma refugees frequently experience segregation and mistreatment in reception centres,[101] made worse by existing prejudices in host countries.[102] This discrimination extends from crossing borders to applying for temporary protection and securing shelter. Their freedom of movement — both within Ukraine and abroad — is often restricted, increasing the risk of forced eviction, abuse and exploitation.[103] Many displaced Roma are unable to return home due to lost or destroyed documents, while Roma women in particular face greater risk of intersectional discrimination and abuse. CSOs and international actors have raised these concerns, urging targeted policy reforms to improve registration procedures and ensure Roma are not left without legal identity and protection.[104]

Among Ukraine's neighbouring countries, Roma refugees from Ukraine without documents were only able to enter Moldova, as the others would not accept undocumented Roma

100 ODIHR Report on the Human Rights Situation of Internally Displaced Roma People in Ukraine, OSCE/ODIHR, 26 July 2024, p. 11.

101 OSCE/ODIHR, Fourth Status Report, pp. 40, 78 and 79.

102 Temporary Protection: The Ongoing Struggle of Romani Refugees from Ukraine in the Czech Republic, Hungary, Moldova, Romania, and Slovakia, European Roma Rights Centre, June 2024.

103 Monitoring and addressing the human rights challenges faced by Roma fleeing Ukraine discussed at ODIHR event, OSCE/ODIHR, 3 October 2022.

104 Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on the Republic of Moldova, ACFC/OP/V(2023)3, Council of Europe, 7 June 2023, p. 9.

> refugees. Those who entered Moldova and attempted to move on to other countries were often unable to do so. From observations, Roma refugees without documents have been among the most neglected groups due to their precarious legal status.[105]

Beyond the immediate impact of conflict and displacement, **post-conflict bureaucratic landscapes** present a significant obstacle. In many cases, individuals who fled during a war and later returned have been treated administratively as if they had never existed in the system. Those unable to present expired or damaged documents are often treated by authorities as undocumented, without no documentary record at all, and are required to start complex and costly procedures to establish their identity or nationality from scratch. Women and children are particularly affected, as they often flee conflict with children born outside health institutions or with no formal birth registration. The missing documentation for both mother and child significantly complicates any future attempt at registration.[106]

A separate problem arising from the displacement of Roma — either those fleeing war or seeking better living conditions — are the **returns of Roma from Western Europe**, particularly under the terms of readmission agreements signed with countries in South-Eastern Europe. Many Roma families who sought refuge

105 Experiences of Roma Refugees from Ukraine in Accessing Government Assistance and Services in Poland, International Organization for Migration Poland, August 2024; Moldova: Romani Refugees from Ukraine Face Segregation, Human Rights Watch, 25 May 2022.

106 Alison Huyghe, Why Europe needs to work with other regions to find creative solutions to birth registration and documentation of children born in conflict zones, European Network on Statelessness, 4 November 2021.

or better economic opportunities in Western Europe during or after periods of conflict have been forcibly returned, often with little notice. In such cases, documents are frequently left behind in schools, lawyers' offices or with employers. Once back in their country of origin, returnees find themselves with limited means of proving their identity or prior residence.[107] In **Kosovo**, for example, returnees have been required to present documentation from the host country as part of the process of reintegration. Yet the very nature of their deportation, which often involves detention and an immediate no-entry order, makes it impossible to obtain such documents, leaving returnees in a situation where their lack of documentation results from and reinforces their legal exclusion.[108]

These layers of displacement have created a **multi-generational documentation crisis** among Roma communities. Children born to undocumented parents face the same challenges, becoming legally invisible from birth. In **Moldova**, while the number of stateless Roma adults remains low, it has increased in recent years due to migration and the return of Roma families from Western Europe. The registration process for Roma children without valid birth certificates — whether born abroad or arriving as refugees from Ukraine — is particularly complicated, time-consuming and costly. In practice, access to birth registration and to a birth certificate is further impeded by the requirement that parents

107 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 59.

108 *Ibid.*, p. 19.

must be documented to register their child's birth, placing Roma at greater risk of remaining unregistered.[109]

Additionally, the unresolved status of Transdniestria poses unique civil registration and documentation challenges for Roma communities residing there. Since Transdniestria is not under the control of the constitutional authorities of the Republic of Moldova, residents — Roma among them — often hold documents issued by the de facto Transdniestria authorities, which are neither recognized by the Moldovan state nor internationally. This leads to legal limbo for individuals seeking Moldovan citizenship or access to state services, including health care, education and social protection. For Roma, who already face systemic exclusion, these challenges are magnified. Many are unable to register births and marriages or obtain ID recognized outside Transdniestria, resulting in statelessness or undetermined legal status.[110]

Greater efforts are needed to address the multiple and overlapping forms of discrimination experienced by displaced Roma. Roma integration and post-conflict recovery frameworks must acknowledge the barriers they face in accessing documentation, housing, employment and education, and include concrete measures to overcome these challenges. In these contexts, the absence of documentation is not simply a matter of lost papers; it reflects a deeper form of **institutional neglect and legal erasure**,

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109 Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on the Republic of Moldova, ACFC/OP/V(2023)3, 7 June 2023, p. 9; UNICEF Moldova, Roma children and their access to services, UNICEF Moldova, p. 47; Temporary Protection: The Ongoing Struggle of Romani Refugees from Ukraine in the Czech Republic, Hungary, Moldova, Romania, and Slovakia, European Roma Rights Centre, June 2024.

110 Statelessness Index Survey 2024: Moldova, p. 29.

rooted in both the direct consequences of armed conflict and the structural mistakes of post-conflict governance. The challenges to obtaining documentation are persistent and continue to prevent vulnerable people from reclaiming their legal identity and participating fully in society.

3.4. Barriers at community level

Historical discrimination and institutional neglect have fostered deep mistrust between Roma communities and state authorities, discouraging individuals from engaging with civil registration processes. Additionally, limited awareness of legal rights and administrative procedures prevents many Roma from seeking assistance or navigating the documentation process effectively.

Generations of discrimination and institutional neglect have created a deep **mistrust towards state institutions** among Roma communities. In South-Eastern Europe, many Roma are hesitant to engage with civil registration processes due to fears of mistreatment or bureaucratic rejection. Limited awareness of their legal rights further prevents Roma from pursuing documentation, as they often do not know how to navigate the system or whom to approach for assistance.

Despite the ongoing efforts of Roma CSOs to bridge the divide between communities and state institutions, significant barriers continue to obstruct Roma individuals in accessing civil documentation. One challenge is **poor awareness about civil registration procedures and legal entitlements** stemming from the low level of education among Roma populations caused by

intergenerational limitations in accessing education.[111] In many cases, Roma families are not aware of the legal obligation to register births, nor of the steps required to obtain ID. Furthermore, **language barriers** remain a major concern, particularly for Roma who speak Romani dialects or minority languages and who may not understand the official language used by administrative institutions.[112] These linguistic challenges result not only in difficulties in navigating procedures but also in increased vulnerability to misinformation, miscommunication and administrative rejection.

The reluctance to engage with authorities is further intensified by **institutionalized prejudice** and long-standing patterns of bureaucratic avoidance. In **Albania**, for instance, the lack of proactive and coordinated responses from government institutions often results in cases being shuffled between ministries, with no single authority taking responsibility for resolving documentation issues.[113] In **Serbia**, a 2020 instruction required medical institutions to report the birth of a child whose mother was undocumented to the police,[114] effectively discouraging mothers from seeking institutionalized health care for fear of repercussions. Although this instruction is reportedly not widely enforced, its mere existence reinforces distrust. In **Slovenia**, before the issuance of specific administrative guidance, officials reportedly

111 Response to the ODHIR questionnaire from Montenegro, received 30 April 2025.

112 C. Fricke, N. Gusak, A. Kryshtal, How language affects access to services and information, Forced Migration Review, August 2023.

113 Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review, Albania, Tirana Legal Aid Society, European Roma Rights Centre, Institute on Statelessness and Inclusion and European Network on Statelessness, para. 29.

114 Serbia, Statelessness Index.

refused to register the paternity of a child if the parents, particularly foreign nationals, could not provide a marriage certificate,[115] a requirement that disproportionately affected Roma families with non-traditional or undocumented family structures.

These bureaucratic practices reflect deeper issues of **anti-Roma racism or systemic and institutionalized discrimination**. In many countries, Roma face persistent hostility and neglect in public institutions. In **Albania**, hate crimes and 'hate speech' targeting Roma communities are rarely investigated or prosecuted, sending a clear message of exclusion.[116] In **North Macedonia**, authorities have reported undocumented Roma to immigration or police bodies even in the absence of legal obligations to do so.[117] In **Georgia**, the absence of safeguards to prevent healthcare and social institutions from sharing information with immigration authorities further discourages undocumented Roma from seeking the services they need.[118]

As a result, Roma individuals often **avoid contact with public institutions** due to the real or perceived risk of exposure. Home births — driven by fear of detection or simply by lack of access to health care — are particularly common in impoverished or rural areas, densely populated by Roma. These births frequently

115 Slovenia, Statelessness Index.

116 Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review, Albania, Tirana Legal Aid Society, European Roma Rights Centre, Institute on Statelessness and Inclusion and European Network on Statelessness, para. 28.

117 Joint Submission to the Human Rights Committee, 133th Session, Civil society written contribution for the adoption of list of issues prior to reporting on the issue of statelessness and the right to nationality, North Macedonia, 13 August 2021, para. 22.

118 Georgia, Statelessness Index.

go unregistered, especially when no official document, such as a medical birth notification, is issued. The absence of documentation at birth not only delays registration but may require families to undertake complex and lengthy procedures that they may not be equipped to navigate. For instance, in **Moldova**, late registration procedures, while technically allowed, can be complex and costly, disproportionately affecting Roma individuals who were not registered at birth or lack key documentation.[119]

The cycle of exclusion is thus reinforced: without documents, there is no access to services; without access to services, there are no documents.

Roma CSOs play a crucial role in bridging the gap between communities and state institutions by conducting outreach campaigns to inform Roma about their rights and providing legal assistance to facilitate registration. Despite these efforts, systemic discrimination remains a significant barrier, requiring stronger state-led initiatives to build trust and ensure accessible registration procedures.[120]

119 Submission for the Universal Periodic Review – Republic of Moldova, UNHCR, Universal Periodic Report, 40th Session, 2022, p. 5; UNICEF Moldova, Roma children and their access to services, pp. 47, 90–92.

120 The human rights situation of displaced Ukrainian Roma raises concerns amidst continuing prejudice, OSCE/ODIHR, 12 October 2023.

3.5. Gender-specific barriers

Roma women and girls often face multiple forms of discrimination that may limit their mobility and access to documentation processes. Additionally, the lack of ID can make them more vulnerable to trafficking, exploitation, violence and exclusion from education and employment opportunities. Roma women mediators play a critical role in bridging this gap by facilitating access to documentation, advocating for gender-sensitive approaches and supporting women through the bureaucratic process.

In South-Eastern Europe, Roma women frequently lack personal identification, preventing them from registering their children's births, accessing health care or seeking employment. Without documentation, they are more vulnerable to human trafficking and gender-based violence.

Gender-based violence adds another layer of vulnerability. Women without civil documentation are often unable to report abuse due to fear of reprisals, social stigma or a deep distrust of institutions that is frequently based on previous experiences of discrimination or institutional inaction.[121] Without identification, women cannot access protective services, initiate legal

121 Maja Munivrana and Darija Željko Mrljak, Fighting Intersectional Violence Against Roma Women and Girls – The Case of Croatia, *Journal on Ethnopolitics and Minority Issues in Europe,* Vol. 24, No. 1, 28 March 2025, p. 31; Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis, OSCE/ODIHR, 29 September 2014, p. 22.

proceedings or seek shelter.[122] Their legal invisibility significantly limits their ability to leave abusive relationships and denies them pathways to safety and support. This creates a cycle of violence that is difficult to break, especially in the absence of targeted interventions that recognize the inherent issues prevailing in Roma communities.

Early marriages still affect girls in Roma communities.[123] When such marriages occur below the legal age of consent, children born from these unions are often left without birth certificates, as their mothers are unable to meet the necessary documentation requirements. In such cases, both the mother and her children remain legally invisible. Moreover, lack of registration also reinforces women's dependency on male relatives and further limits their autonomy and access to justice.[124]

Barriers around **access to health care** also play a crucial role in perpetuating exclusion. In **Bosnia and Herzegovina**, low registration rates for health insurance among Roma communities have led to informal and risky practices. Uninsured Roma women may attempt to give birth in hospitals using the health insurance booklet of another woman,[125] a practice that may offer temporary access to care but leads to issues with birth registration; the need to correct the data afterwards results in delayed and more complicated birth registration procedures. In **Serbia**, many Roma

122 Nataša Milenković, Nowhere to turn: Gender-based violence against Roma women, UNDP, 2018, p. 10.

123 Realizing the rights of Roma children and women in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia, UNICEF, 2014, p. 8.

124 UNICEF Moldova, Roma children and their access to services, pp. 90–92.

125 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 16.

women face a persistent lack of access to information, undermining their ability to make informed decisions about reproductive health and to navigate healthcare systems.[126]

For **single mothers**, civil registration barriers are often greater due to institutional delays and bureaucratic complexity. In **Kosovo**, single mothers face challenges in accessing justice, particularly when the father's identity is unacknowledged or disputed. Without a formal court decision regarding custody or parental rights, mothers cannot resolve the legal status of their children. This legal uncertainty prevents access to social assistance, health care and other basic rights.[127]

In **Ukraine**, Roma women and children are disproportionately affected by the lack of documentation, a situation only exacerbated by the ongoing war.[128] The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) estimates that 60 per cent of Roma women and children in Ukraine have no civil status documentation, leaving them among the most vulnerable groups within both Roma communities and displaced populations in general.[129] Without ID, many Roma women are

126 Alternative report concerning Serbia to The Committee on the Elimination of All Forms of Discrimination against Women, July 2018, para. 18.

127 Inclusion of Roma, Ashkali and Egyptian Communities in Decision Making, Kosovo Law Institute, 15 December 2022, p. 15.

128 The human rights situation of displaced Ukrainian Roma raises concerns amidst continuing prejudice, OSCE/ODIHR, 12 October 2023; Making the Invisible Visible: An evidence-based analysis of gender in the regional response to the war in Ukraine, United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), October 2022; Resolution P9_TA(2022)0206 on the impact of the war against Ukraine on women, European Parliament, adopted 5 May 2022, Strasbourg, Preamble (D), section 22.

129 *Ibid.*

denied entry to shelters and aid programmes, increasing their risk of exploitation, including human trafficking, forced labour and other forms of abuse.[130] The intersecting challenges faced by displaced Roma women — such as age, disability or being young mothers — deepen their exclusion, making it difficult to secure refuge or access essential services.[131]

Amid these challenges, **Roma women mediators** and civil society have emerged as vital advocates, working to facilitate access to documentation, among other things, and promote gender-sensitive policies. Their role in guiding women through bureaucratic processes has been instrumental in increasing registration rates among Roma women and girls. However, sustained efforts are needed to address the unique vulnerabilities of Roma women, ensuring they are not left without legal identity and the protections it affords.

130 Monitoring the human rights situation of Ukrainian Roma refugees in the Czech Republic, Hungary, Moldova, Poland, Romania and Slovakia, OSCE/ODIHR, 25 August 2022; Monitoring and addressing the human rights challenges faced by Roma fleeing Ukraine discussed at ODIHR event, OSCE/ODIHR, 3 October 2022.

131 *Ibid.;* UN Women, Making the Invisible Visible.

3.6. The impact of the lack of documents on access to human rights

The absence of legal identification prevents Roma individuals from accessing essential services such as health care, education, housing and employment, reinforcing cycles of poverty and exclusion. In the context of the war, lack of documentation severely impacts Roma's ability to confirm their displacement status, flee to safer regions, register as IDPs or refugees, apply for social security benefits and receive humanitarian assistance, disproportionately affecting women, children and the elderly who are most in need.

The lack of civil status documentation significantly restricts the ability of Roma to exercise their human rights. It specifically obstructs their socio-economic rights to access employment, education, housing and healthcare services. Consequently, Roma become more vulnerable to hate crime, abuse, exploitation and human trafficking. Lack of civil status also impedes their freedom of movement inside the country and abroad, thus exposing them to security risks and restrictions on their right to liberty.[132]

The consequences of this legal invisibility are particularly severe in the areas of housing, employment, education, health care and access to justice. **Without ID, individuals are excluded from public housing schemes**,[133] even in cases where they are officially recognized as stateless. This exclusion perpetuates

132 OSCE/ODIHR, Fourth Status Report, pp. 77–78.

133 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 32.

unstable living arrangements, forcing individuals and families into overcrowded, informal and substandard housing, often without access to running water, sanitation or electricity.

Property ownership or rental often takes place informally and lacks legal recognition, which makes address registration nearly impossible. This creates a cascade of legal and administrative barriers. In **Albania**, the absence of formal property ownership records or signed rental agreements obstructs the registration of official residency.[134] In **Bosnia and Herzegovina**, addressing Roma housing needs is further complicated by the inability to legalize existing buildings, unresolved property claims and lack of engagement by local authorities.[135] In **Kosovo**, this issue is even more entrenched: families who have lived on and cared for the same properties for generations are unable to legalize their homes, leaving them outside the framework of legal protection and services.[136]

Access to education is similarly affected by missing documentation. While some undocumented children may be allowed into primary school, on the condition that documentation will be supplied later, access to **preschool or secondary education is often denied**.[137] Without birth certificates or ID, Roma children are prevented from enrolling in school and are unable to benefit

134 ERRC, Roma Belong – Statelessness, Discrimination and Marginalisation of Roma in Ukraine, p. 39.

135 *Ibid.*

136 Realizing the rights of Roma children and women in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia, Unicef, Insights: Child Rights in Central and Eastern Europe and Central Asia, Issue 2/2014, p. 8.

137 United Nations Development Programme, Roma Access to Personal Documentation in the Western Balkans, 2018, p. 36.

from crucial education opportunities, extracurricular programmes or scholarships. As a result, educational gaps appear early and widen over time, creating long-term consequences for integration and employment prospects.

Formal employment remains largely inaccessible for those without civil documentation. Employment contracts, tax registration and enrolment in social security systems all require valid ID. Without these, Roma individuals are forced into informal labour markets, where work is often precarious, underpaid and unregulated. This also means **they cannot register as unemployed**, excluding them from social assistance, labour support programmes, vocational training or any legal employment pathway for which they might have been eligible if they were able to prove their identity with ID.

Furthermore, **access to health care is limited** for undocumented individuals, particularly Roma.[138] In most cases, they are only eligible for emergency medical treatment, while all other services, including preventive care, maternity care and vaccinations are beyond reach. In the absence of health insurance, families often delay seeking care and resort to informal remedies, or are forced to pay, which can further entrench poverty and contribute to worsened health conditions.

Basic civil procedures also become inaccessible for undocumented individuals. Without proper documents, it is often **impossible to register a marriage**, which in turn creates complications when seeking child custody, inheritance rights or social benefits. The

138 European Roma Rights Centre, Institute on Statelessness and Inclusion, and European Network on Statelessness, Roma Belong – Statelessness, Discrimination and Marginalisation of Roma in Ukraine.

process of obtaining an ID card is also problematic. In **Bosnia and Herzegovina**, proof of citizenship and a registered address are required to apply for an ID card,[139] requirements that many Roma cannot fulfil due to lack of formal housing arrangements. In **North Macedonia**, the situation is circular: an address is required to apply for an ID card, but a valid ID card is necessary to register a property deed or a rental agreement, leaving individuals permanently excluded from both civil registration and formal housing.[140]

Vulnerability to exploitation and abuse is heightened for undocumented Roma, particularly children and women. Without legal identity, they remain outside protection systems and are at higher risk of **trafficking, sexual exploitation and other forms of abuse**. In **Montenegro**, a 2007 report highlighted the heightened risk of trafficking for Roma children, especially those displaced from Kosovo, due to poverty, lack of education and denial of legal identity.[141]

Even when statelessness is formally recognized, **few rights are guaranteed**. In **Croatia**, recognized stateless individuals receive only a travel document, but no social or economic rights.[142] In **Montenegro**, recognition of statelessness does not come with the right to reside legally, work or access social services, leaving individuals in an ongoing state of exclusion, despite their formal status.[143]

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139 Law on Identity Cards of Citizens of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina No. 32, 28 December 2001, Art. 6.

140 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 28.

141 Itana Kovacevic and Verica Mirovic, Children speak out. Trafficking risk and resilience in Southeast Europe. Montenegro Report, Save the Children, 2007, p. 142.

142 Croatia, Statelessness Index.

143 Montenegro, Statelessness Index.

4.

Good practices and potential solutions

4. Good practices and potential solutions

While the lack of civil registration documents among Roma remains a challenge in many OSCE pSs, progress with civil registration has been reported in a number of countries. A combination of legislative reforms, simplified procedures, community outreach and engagement, and improved cooperation between civil society and local authorities has made many Roma more visible in their societies.

4.1. Policy reforms and institutional frameworks

Legislative initiatives — such as simplified civil registration laws and anti-discrimination provisions, alongside national action plans supporting Roma inclusion with clear targets and accountability mechanisms for improving legal identity access — can remove systemic barriers for undocumented Roma individuals. Strong inter-agency cooperation between civil registry offices, social services and local governments ensures a coordinated response.

In October 2023, **Albania**, **Bosnia and Herzegovina**, **Croatia**, **Montenegro**, **North Macedonia** and **Serbia** committed to a series of actions to improve access to civil registration and documentation. These measures include removing documentation and legal residency requirements, waiving fees and facilitating late birth registration. Additionally, these governments pledged to launch awareness campaigns to inform parents, families and communities about the importance of civil registration. Civil registry staff, local authorities, civil society and other stakeholders were also identified as key actors in capacity-building initiatives focused on the right to nationality and the risks of statelessness.

Special efforts were outlined to promote civil registration among groups at risk of marginalization, particularly in Roma communities.[144] In **Moldova**, the government has implemented legal and procedural reforms to address documentation challenges faced by the Roma community, including introducing temporary ID and simplified verification processes. In areas with significant Roma populations, local branches of the Agency for Public Services have deepened their cooperation with Roma mediators to provide targeted support and facilitate access to ID.[145]

Strategies and action plans for the inclusion of Roma

Montenegro has incorporated concerns about civil registration among Roma into its Strategy for the Social Inclusion of Roma and Egyptians (2021–2025),[146] which aims to refine procedures for obtaining ID, particularly for IDPs and refugees. The strategy prioritizes clarifying the legal status of Roma and 'Egyptian' populations, with a particular focus on ensuring children's registration at birth. The authorities aim to eliminate statelessness and ensure that all Roma and 'Egyptians' possess ID.[147]

144 Final Outcome Document of the OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe, OSCE, 11 March 2024.

145 Response to the ODIHR questionnaire from Moldova, received 8 May 2025.

146 Strategy for Social Inclusion of Roma and Egyptians 2021–2025, Ministry of Justice, Human and Minority Rights in Montenegro, September 2021; Response to the ODIHR questionnaire from Montenegro, received 20 May 2025.

147 OSCE/ODIHR, Fourth Status Report, p. 80.

Albania has acknowledged the ongoing risks of statelessness among Roma and 'Egyptians' in its National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptians (2021–2025).[148] While progress has been made in reducing the number of stateless individuals, the government recognizes the absence of a formal mechanism for determining statelessness status. This prevents the systematic identification of affected individuals, leaving many legally invisible. To address this, the authorities plan to improve access to justice and civil registry office services for Roma and 'Egyptians'.[149]

Bosnia and Herzegovina included measures to address the legal status of Roma communities in its Action Plan for the Social Inclusion of Roma (2021–2025).[150] The government has committed to monitoring the implementation of the Action Plan and harmonizing regulations related to issuing ID and registering citizenship.[151]

Serbia remains committed to eradicating statelessness, as outlined in its Strategy for the Social Inclusion of Roma (2022–2030).[152] While progress has been made in resolving civil registration issues, the authorities acknowledge the need for continued efforts to eliminate the risk of statelessness in

148 National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians 2021–2025, Government of Albania, 30 November 2021.

149 OSCE/ODIHR, Fourth Status Report, p. 78.

150 Action Plan of Bosnia and Herzegovina for Social Inclusion of Roma 2021–2025, Government of Bosnia and Herzegovina, 30 December 2020.

151 OSCE/ODIHR, Fourth Status Report, p. 77.

152 Strategy for Social Inclusion of Roma in the Republic of Serbia 2022–2030, Government of the Republic of Serbia, 3 February 2022.

Roma communities. However, the strategy does not include specific actions to achieve this goal.[153]

North Macedonia has recognized the challenges linked to birth registration and the unregulated civil status of Roma in its Strategy for the Inclusion of Roma (2022–2030).[154] Many Roma face administrative barriers, discriminatory treatment, poverty and social exclusion, preventing them from obtaining the necessary documents. Statelessness remains an inherited issue, particularly affecting unregistered children. The authorities aim to ensure full civil registration for all Roma by 2030.[155]

Moldova has been implementing a national programme and action plans for the inclusion of the Roma population since 2011. The Strategy for Consolidating the Interethnic Relations for 2017–2027[156] and, in particular, the National Programme to Support Roma Inclusion for 2022–2025[157] deal with the specific vulnerabilities of the Roma population, including the lack of ID. The target is to achieve a 90 per cent Roma documentation rate through awareness campaigns on civil status and ID issuance in areas with high Roma populations. To support this effort, socially vulnerable Roma people are to be exempt from fees for obtaining ID. Expanding the network

153 OSCE/ODIHR, Fourth Status Report, p. 77.

154 Strategy for inclusion of Roma in North Macedonia 2022–2030, Government of North Macedonia, 13 May 2022.

155 OSCE/ODIHR, Fourth Status Report, p. 77.

156 The Strategy for Consolidating the Interethnic Relations for 2017–2027, Government of Moldova, December 2016 (in Romanian).

157 National Programme to Support Roma Inclusion for 2022–2025, Government of Moldova, Decision No. 576/2022 (in Romanian).

of Roma mediators and intensifying the dialogue between the central and local public authorities are also key measures for empowering Roma communities. By improving trust and communication, these efforts can facilitate better access to civil registration services, helping to overcome barriers such as discrimination, lack of information and bureaucratic hurdles. The greater participation of Roma individuals in public life not only promotes social inclusion but also supports their ability to secure legal identity and exercise their fundamental rights.[158]

Ukraine introduced measures to tackle lack of ID in the Strategy Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period to 2030.[159] The lack of ID confirming citizenship or special status affects 4 to 8 per cent of the Roma population, alongside the lack of documentation among Roma for civil status, property rights, residence and employment. The authorities have committed to creating favourable conditions for the provision of free legal aid to Roma individuals who do not have ID, confirmation of citizenship or special status, by developing new mechanisms and improving existing ones.

158 Response to the ODIHR questionnaire from Moldova, received 8 May 2025.

159 Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period up to 2030, Government of Ukraine, Decision of 28 July 2021 No. 866-p (in Ukrainian).

Kosovo has acknowledged the documentation challenges faced by Roma and Ashkali communities in its Strategy for the Advancement of the Rights of Roma and Ashkali Communities (2022–2026).[160] Lack of legal status restricts access to housing, land ownership, social benefits and health care, often resulting in forced evictions and discrimination. The strategy envisions a mechanism to identify, prevent and reduce the number of unregistered Roma births. However, no dedicated budget has been allocated for its implementation.[161]

Intergovernmental efforts

Regional cooperation has also played a crucial role in addressing documentation challenges. The OSCE Mission in Kosovo has supported an inter-institutional channel between Kosovo and North Macedonia to address ID issues affecting conflict-displaced people, particularly Roma displaced from Kosovo who are currently residing in North Macedonia. This initiative is part of the UNHCR-led *Skopje Process*, with expert support provided by the OSCE Mission to Kosovo and the OSCE Mission to Skopje.[162]

160 Strategy for the Advancement of the Rights of the Roma and Ashkali Communities in Kosovo 2022–2026 and the Action Plan 2022–2024, Government of Kosovo, 21 September 2022.

161 OSCE/ODIHR, Fourth Status Report, p. 77.

162 In 2022, the OSCE facilitated two bilateral meetings where institutions expressed interest in developing a joint roadmap. In early 2023, the Mission to Skopje organized a preparatory meeting for ministries of the government of North Macedonia to draft an action plan for the Technical Working Group on Personal Documentation.

Legal amendments

Governments across the OSCE region are taking active steps to improve access to legal identity through legal reforms and institutional strengthening. Core strategies include **aligning national definitions of statelessness** with the 1954 Convention, **ratifying key international instruments** and introducing or **improving statelessness determination procedures.**

Moldova became the first OSCE pS to fulfil its pledge by adopting its statelessness determination procedure at the end of 2011. Moldova's procedure, established through legislation and recognized as one of the most detailed in the region, is an example of good practice for other states to consider.[163] **Montenegro** and **North Macedonia**, as well as **Kosovo,** have incorporated definitions of a stateless person in legislation to match the scope of the 1954 Convention, while **Albania** has ratified three of the four core international instruments related to statelessness.[164] **Slovenia** acceded to the 1961 Convention in March 2025.[165] **Albania** has also introduced SDP in its amended 2021 Law on Foreigners and added implementation guidelines[166] in 2023 for officials involved in SDP. **Kosovo**'s 2020 regulation enables free applications and proactive evidence collection by the authorities during SDP. **Georgia**, which introduced its SDP as early as 2012,[167] continues to work on practical guidelines to facilitate the procedure. **Montenegro**, which also adopted an SDP in 2018, is currently amending

163 OSCE, Handbook on Statelessness in the OSCE Area, pp. 49–50.
164 Albania, Statelessness Index.
165 Slovenia, Statelessness Index.
166 Albania, Statelessness Index.
167 Georgia, Statelessness Index.

its framework to expand socio-economic rights for recognized stateless individuals.[168]

Inclusion efforts are also being embedded into naturalization processes. **Georgia**[169] as well as **Kosovo**[170] have established **facilitated naturalization procedures** for stateless people. **Albania**,[171] **Bosnia and Herzegovina**[172] and **Serbia**[173] have revised laws to reduce waiting periods and waive language, income or integration requirements, recognizing the disproportionate barriers faced by marginalized communities. In addition, legislation is being amended to **restrict the renunciation of nationality** if this would result in statelessness. **North Macedonia** and **Slovenia**, as well as **Kosovo,** have already adopted legal provisions to ensure that renunciation or deprivation of nationality does not result in statelessness in any case.

It is also important to include the beneficiaries of safeguards in the discussions that shape them. The **participation of Roma representatives in policy and legislation development**, through the creation of advisory and/or consultative bodies, is key to better including the needs of marginalized communities. In **Bosnia and Herzegovina**, the Roma Board has been mandated to work on Roma inclusion since 2002,[174] while **North Macedonia** has an inter-sectoral working group at the national level to address

168 Montenegro, Statelessness Index.
169 Georgia, Statelessness Index.
170 Kosovo, Statelessness Index.
171 Albania, Statelessness Index.
172 Bosnia and Herzegovina, Statelessness Index.
173 Serbia, Statelessness Index.
174 The Status of Roma Children and Families in Bosnia and Herzegovina, UNICEF, 2013, p. 34.

Roma issues.[175] Notably, both bodies are mandated, inter alia, to oversee the implementation of the national policies on Roma.[176] In **Serbia**, a technical group was established to raise awareness on the right to birth registration and the provision of free legal assistance.[177] This participatory model both increases transparency and ensures that solutions are grounded in the lived experiences of affected populations.

Moreover, legal identity and documentation challenges should be recognized in **reintegration and return procedures** under readmission agreements, ensuring that undocumented or stateless individuals are not returned to situations where they remain legally invisible.

Engagement with human rights mechanisms[178] continues to be an important avenue for securing tailored recommendations and international oversight, enhancing the accountability

175 Government of North Macedonia, Strategy for inclusion of Roma in North Macedonia 2022–2030, p. 8.

176 In particular, the Action Plan for the social inclusion of Roma men and women 2021–2025 in Bosnia and Herzegovina and the Strategy for Inclusion of Roma inclusion 2022–2030 in North Macedonia. Both policy documents align with the Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan Declaration), which aim to contribute to the full equality and inclusion of Roma in the areas of employment, housing, education, health, civil registration and non-discrimination.

177 Preventing Childhood Statelessness – Remaining Problems in Serbia, Praxis, May 2015, p. 9.

178 Such as the Universal Periodic Review, country monitoring by the European Commission against Racism and Intolerance (ECRI), and the yearly country reports by the European Commission of EU neighbourhood countries as part of the EU enlargement process.

of states in protecting the rights of stateless and undocumented people.

4.2. Simplification of civil registration and ID issuance procedures

Removing excessive requirements on documentation and introducing flexible proof-of-identity mechanisms can help Roma overcome bureaucratic obstacles. One important strategy being implemented in several countries is the **decentralization of civil registration and vital statistics (CRVS) services**, which brings access to documentation physically closer to remote communities. This approach ensures that people living in isolated areas are not excluded because they cannot travel. Civil registration systems must be flexible and responsive, with tailored approaches for displaced or stateless individuals and undocumented migrants.

In **Ukraine**, recent efforts reflect this shift: the State Migration Service (SMS) now allows personal identification by territorial division staff, has expanded the circle of those accepted as 'close relatives' and permits witness interviews via video link, making documentation procedures for undocumented Roma significantly more straightforward. According to the Ministry of Justice of Ukraine, regional divisions carried out a number of activities targeted at Roma to encourage birth registration and raise awareness about family law. To streamline the process, parents — including those from Russian-occupied territories —

were given access to the *єМалятко* electronic public service for birth registration.[179]

In **Moldova**, under 2013 regulations,[180] temporary ID was made available for those without complete paperwork. Identity verification has been streamlined through the State Population Register and direct requests to the Central Civil Status Department. For cases involving unregistered births, the legal framework provides judicial pathways to establish identity when administrative methods are insufficient. A significant improvement came in 2017 with amendments[181] that expanded identification options. The reforms now allow identity verification through sworn statements from three citizens who personally know the applicant and themselves possess valid ID. This measure specifically supports individuals who lack traditional documentation or relatives to verify their identity.[182]

Mobile registration units and legal aid programmes play a vital role in reaching remote and marginalized communities, ensuring that problems with physical access or financial constraints do not hinder the process. Tangible progress was observed in **Croatia** where the statelessness and documentation status of Roma was

179 For example, in 2024, 2,091 births of Roma children were registered, including 124 that missed the official deadline. Response to the ODIHR questionnaire from Ukraine, received 30 April 2025.

180 Government Decision No. 125/2013 on the approval of the Regulation on the issuance of identity documents and records of residents of the Republic of Moldova.

181 Government Decision No. 872/2017 on the Approval of Amendments and Additions to the Regulation on the Issuance of Identity Documents and on the Registration of Citizens of the Republic of Moldova.

182 Response to the ODIHR questionnaire from Moldova, received 8 May 2025.

addressed by a nationwide work of mobile field teams and joint efforts with the UNHCR. The Ministry of Interior ran programmes to enable access to civil registration, while the Ministry of Justice and Administration gave funds for legal aid initiatives.[183]

Building on a 2022 government resolution and project to simplify the issuance of domestic and international passports, **Ukraine** has made significant progress on supporting Roma individuals who previously lacked official documentation. Free legal aid centres have assisted a significant number of Roma applicants. Most received primary legal aid, including consultations, legal information and document preparation, while some qualified for secondary legal aid, such as legal representation and drafting of procedural documents. The most common issues addressed included access to identity and civil status documents, military registration and the legal recognition of key life events. These services were complemented by a public awareness campaign, which included a media article highlighting how the free legal aid system can help individuals obtain ID.[184]

Simplification of administrative procedures through legal reforms has also yielded tangible results in **North Macedonia**, particularly following the amendments made in 2023 to two key laws governing civil registration and access to documentation for Roma communities. Revisions to the Law on Registration of Residence and Identification Documents introduced a more accessible process for homeless individuals to register their residence at the

183 OSCE/ODIHR, Fourth Status Report, p. 80.

184 In total, various services reached 2,454 individuals. Response to the ODIHR questionnaire from Ukraine, received 30 April 2025.

addresses of social work centres.[185] Individuals residing in health or social care institutions are now able to register their residence at the address of said institution. The amendments also establish several mechanisms that enable individuals living in 'non-legalized houses' to demonstrate property ownership and obtain ID. Eligible individuals can now provide biometric data for an ID card in the presence of a Social Welfare Centre official. In addition, amendments to the Law on Civil Registry introduced provisions mandating the immediate registration of every child born within North Macedonia, regardless of the nationality or legal status of the parents.[186] The revised law both addresses existing cases of statelessness[187] and establishes preventive measures to avoid recurrence. These legal amendments form a strong framework for ensuring that all individuals in North Macedonia are granted legal identity. This is an excellent example of good practice for the prevention of statelessness.

Several countries have also made progress on streamlining their civil registration legislation by **issuing targeted guidelines and directives** that facilitate practical implementation at the local level. For instance, **Albania**'s Interior Ministry instructed civil registry offices to issue documents to all citizens, regardless of their civil

185 ERRC Concerned about Implementation of New Laws on Resolving Statelessness in North Macedonia, 19 October 2023.

186 North Macedonia Takes a Positive Step Towards Ending Statelessness, Statelessness Index, 1 September 2023; Response to the ODIHR questionnaire from North Macedonia, received 30 April 2025.

187 As a result of the legal amendments in North Macedonia, 310 cases of individuals seeking a birth certificate have been resolved. Information obtained through the response to the ODIHR questionnaire from North Macedonia, received 30 April 2025.

or legal status, effectively removing bureaucratic ambiguity.[188] **Kosovo**'s Administrative Instruction No. 24/2015 provides for late birth registration using witness statements,[189] which is particularly beneficial for individuals without documentation or whose births were never officially recorded. Similarly, in **Montenegro**, the Interior Ministry issued instructions to all branch offices in 2019 clarifying procedures for registering children abandoned by their mothers or whose mothers lack ID[190] to ensure no child is left unregistered due to the circumstances of their birth.

A number of states have adopted laws that focus on **removing administrative barriers to birth registration**. These legal frameworks help ensure that children are not punished for the gaps in their parents' documentation and are not discriminated against through requirements they cannot fulfil. Roma in **Kosovo** are exempt from paying fines for late registration,[191] in recognition of the disproportionate impact these fees have on marginalized groups.

Montenegro's 2015 amendments to the Law on Non-Contentious Proceedings introduced a judicial procedure to determine the date and place of birth for individuals born at home,[192] pro-

188 Thematic Report on Solving the Lack of Identity Documents and Statelessness of Roma, Ad Hoc Committee of Experts on Roma and Traveller Issues, 11 December 2019, p. 13.

189 Avni Mustafa, Roadmap Towards Ending Statelessness of Roma in Kosovo, September 2020, p. 4.

190 Study on Statelessness in Montenegro, United Nations High Commissioner for Refugees, October 2024, p. 15. Publication provided by UNHCR Montenegro, available upon request.

191 Free legal aid helps Kosovo communities, UNHCR ,14 May 2013.

192 Study on Statelessness in Montenegro, United Nations High Commissioner for Refugees, October 2024, p. 2. Publication provided by UNHCR Montenegro, available upon request.

viding a path to registration for those not captured by traditional hospital-based systems. In addition, in cases where the mother has no ID, during the process of registering a child in the birth registry, Montenegro's Law on Administrative Procedure allows officials to establish the facts 'by all means necessary', drawing on evidence that depends on the specific circumstances, including documents, witness statements, party declarations, expert findings and opinions, interpreter reports and on-site inspections.[193] **Serbia** has taken steps to remove financial barriers by eliminating fees for late birth registration.[194]

Another critical aspect of this effort involves **improving access to free legal aid**, which is indispensable for navigating complex administrative and judicial processes. In **Albania**, a partnership between the Tirana Legal Aid Society and the Ministry of Foreign Affairs supports the legalization of documents for people who do not have the financial or physical means to undertake the process themselves.[195] **Croatia**'s amendments to the Free Legal Aid Act in 2014 expanded the scope of primary legal aid to cover all legal aspects, clarified provider responsibilities and softened eligibility requirements, making legal aid more accessible to vulnerable populations.[196] **Kosovo** also ensures that legal

193 Response to the ODIHR questionnaire from Montenegro, received 30 April 2025.

194 Serbia, Statelessness Index.

195 Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review, Albania, Tirana Legal Aid Society, European Roma Rights Centre, Institute on Statelessness and Inclusion and European Network on Statelessness, para. 33.

196 Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report, Universal Periodic Review: Croatia, p. 7.

aid is available during the SDP,[197] in recognition of the procedural challenges faced by those attempting to formalize their identity or nationality status.

In **Ukraine**, targeted efforts have been made to address documentation challenges faced by Roma communities, particularly in Zakarpattia Oblast. A notable example is a pilot project in Mukachevo, Zakarpattia Oblast, entitled, 'Documentation of persons from the Roma national minority and development of legal mechanisms to simplify this procedure'. Launched in 2023 by the Commissioner for Human Rights of the *Verkhovna Rada* of Ukraine, the project was implemented as part of the Council of Europe's broader initiative to support national minorities and enhance Roma resilience.[198]

The local authorities in Mukachevo also brought in a simplified passporting mechanism to support this process, while civil society — particularly Roma-led organizations — maintained active collaboration with the authorities to ensure effective outreach. The Ministry of Justice has supported complementary efforts in Zakarpattia and Ivano-Frankivsk, that include assessments of documentation barriers and fee waivers for vulnerable groups. In Cherkasy Oblast, the Roma non-governmental organization, Right to Defence, has built strong partnerships with the Social Security

197 Kosovo*,* Statelessness Index.

198 The Ukrainian authorities reported that by 2024, dossiers had been collected for 302 individuals, resulting in the issuance of 159 Ukrainian passports, 57 of which were first-time documents, 23 involved identity verification, and 79 were reissuances. In addition, 83 birth certificates were provided, including nine first-time registrations. Response to the ODIHR questionnaire from Ukraine, received 30 April 2025.

Administration and offers free legal aid, significantly improving access to official documentation for Roma individuals.[199]

4.3. Innovative technical and digital solutions

Digital platforms can streamline applications, reduce processing times and improve transparency in civil registration and ID issuance. Expanding digital literacy initiatives among Roma communities is essential to ensure that individuals can fully benefit from these technologies and access services independently. **Ukraine**'s *Diia* mobile application has significantly streamlined access to government services for many citizens. It allows Ukrainians to access 14 digital documents, including their ID card, birth certificate, IDP certificate etc., and 21 services. However, for the Roma community, challenges persist in fully utilizing this digital platform. Without official identification, Roma individuals cannot benefit from the app's features, perpetuating their exclusion from digital advancements. Digital literacy and access to technology are also barriers; many Roma communities do not have the devices or internet connectivity to use the app effectively. This is particularly true for the elderly. Efforts to bridge this digital divide are crucial. Initiatives like the establishment of Roma Community Centres (e.g., in Zakarpattia Oblast) play an important role in supporting Roma communities by providing access to education, legal assistance and digital resources. Collaboration between the government and Roma-led organizations is also needed to improve the inclusivity of digital platforms such as *Diia*, to ensure

199 Mapping the Challenges faced by Ukrainian Roma in a War Time and Overcoming the Obstacles through Policy, Advocacy and Empowerment, ODIHR conference report, 3 October 2024, p. 11.

that all citizens, regardless of their background, can benefit from Ukraine's digital transformation.[200]

Digital platforms for e-registration allow Roma to initiate civil registration processes remotely, including submitting digital copies of documents. This is particularly helpful for those with mobility constraints or who face administrative obstacles. In **Bosnia and Herzegovina**, digital civil registration systems have been introduced and are being gradually extended to underserved communities, including Roma.[201]

Mobile registration units, which, as noted earlier, are particularly good at overcoming the barriers to women's registration, are increasingly equipped with digital devices, significantly improving the effectiveness of the mobile units operating in South-Eastern European countries. They enable real-time data entry and verification, bringing civil registration services directly to marginalized communities. This is particularly important in ensuring that data does not get lost between registries in different countries. One notable cross-border initiative involved a 2011 bilateral agreement between **Kosovo** and **Montenegro** on the late registration of displaced people from Kosovo residing in Montenegro.[202]

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200 New Roma Community Centres in Zakarpatska oblast will address multiple challenges for the minority group and local integration, UNHCR, 6 February 2024.

201 Roma Integration Phase III Competitive bidding procedure, Council of Europe, 2024.

202 Since 2014, mobile teams from the Kosovo Ministry of Interior, with support from UNHCR and OSCE, have conducted 22 visits to Montenegro, assisting approximately 1,380 individuals in acquiring essential documentation from either Kosovo or Montenegro as outlined in the response to the ODHIR questionnaire from Montenegro, received 30 April 2025.

Text messaging systems and mobile applications have been proposed to improve communication with and engagement among Roma communities. These tools can send registration reminders, document-readiness notifications and other essential updates on civil registration.[203] Mobile solutions, coupled with technological advancement in the digitalization of civil registration and bilateral/regional frameworks for data exchange, are key to ensuring that everyone can access civil registration services, regardless of their status.

At the same time, ensuring both **data protection and community trust** is essential for the successful implementation of digital registration systems. These systems must be designed with robust data protection measures and developed in consultation with Roma community leaders to foster confidence and encourage participation. The process of building trust in public digital solutions should be coupled with **digital literacy education**, particularly within Roma communities where familiarity with technology may be limited. Community-based strategies, such as Roma-led initiatives, peer-to-peer education and engaging with local leaders, can bridge digital literacy gaps and facilitate independent access to digital platforms.

In order to design and implement appropriate solutions, **data collection and analysis on statelessness and undocumented people must be improved**. **Albania**'s recent census, for instance, included a 'stateless' category, enabling a more accurate understanding of the issue.[204] In 2021, at the request of the Ministry of Education and Research and the Agency for Interethnic Relations

203 Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management, United Nations, April 2023, p. 135.

204 Albania, Statelessness Index.

and with donor support, the Roma population was mapped in **Moldova**, providing valuable insights.[205] In **Slovenia**, Roma Civil Monitoring reports have documented the differential treatment of 'autochthonous' Roma (i.e., settled) and 'non-autochthonous' Roma (i.e., recently-arrived), shedding light on the legal and administrative barriers affecting civil registration and access to rights.[206]

In parallel, **training civil registration officials** should be prioritized to ensure the effective provision of assistance. According to data collected by the European Network on Statelessness (ENS), targeted training improves frontline workers' ability to apply inclusive registration practices and interact effectively with marginalized populations. Regular training should be held at all levels of government to ensure policymakers are able to shape policies that reflect the needs of Roma communities and frontline responders have the necessary skills to support those communities properly. Training should focus on legal and policy aspects, as well as on cultural awareness-raising and how to communicate effectively with Roma communities to build bridges and progressively remove the barriers between public administration and beneficiaries.

Besides digitalization, other technical solutions, either *ad interim* (i.e., during the waiting period for recognition of nationality, recognition as stateless or simply during the procedure to finalize birth registration) or permanent, should be introduced to facilitate access to civil registration as well as rights and services.

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205 Report on the mapping of densely populated Roma towns in the Republic of Moldova, 2021 (in Romanian).

206 Civil Society monitoring report on the quality of the national strategic framework for Roma equality, inclusion and participation in Slovenia, Roma Civil Monitor, September 2022, p. 13.

For example, efforts are being made to **increase access to schools and education for undocumented Roma children**. In **Kosovo**, the municipal education directorates enrol children in primary education even without ID, with the expectation that this will be submitted later.[207] In **Montenegro**, children can access education up to the age of 15, although school certificates are withheld in the absence of a birth certificate.[208] Similarly, in **North Macedonia**, undocumented children may attend school, but do not receive official transcripts until documentation is provided.[209] Additionally, to address the exclusion of undocumented individuals from the labour market, **innovative employment schemes** are slowly being piloted. In **Montenegro**, individuals without ID may be employed in municipal sanitation services, allowing them to earn money while working towards formal registration.[210]

To further encourage the active engagement of Roma towards universal registration, countries have explored **financial incentives for birth registration**, although implementation challenges remain. In **Albania**, while financial incentives were introduced, their disbursement was inconsistent, limiting their overall impact.[211]

In **Moldova**, a government campaign launched in 2014 and supported by UNHCR offered **free national ID**, **mobile registration**

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207 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 21.

208 Montenegro, Statelessness Index.

209 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 23.

210 *Ibid*., p. 36.

211 *Ibid*., p. 13.

teams and **legal assistance** to individuals holding only expired Soviet ID. The initiative demonstrated how waiving costs for vulnerable groups, political will and targeted outreach can effectively reduce documentation barriers.[212]

Household numbering (i.e., giving numbers to informal dwellings) and **permitting registration at social work centres** are among the important innovations that help access to ID, which often requires an official address. In **Albania**, the occupants of informal settlements can now register their residence, despite earlier legal barriers.[213] In **Bosnia and Herzegovina**, socially vulnerable and homeless individuals may register their residence at a social work centre.[214] Likewise, **North Macedonia**'s legal amendments in 2023 introduced simplified procedures for registering the residence of homeless individuals at social work centres and for recognizing property ownership in 'non-legalized' houses, enabling access to ID.[215] In **Slovenia**, legalization efforts in Roma settlements, through land conversion and infrastructure development, have aimed to provide formal recognition and improve civil registration outcomes.[216]

These multi-faceted solutions, centred on mobile solutions, digital tools, inclusive education policies, legal reforms and community

212 The campaign reached over 212,000 people by mid-2015, out of more than 220,000 individuals who initially held only expired Soviet identity documents. See OSCE, Handbook on Statelessness in the OSCE Area, pp. 65–66.

213 *Ibid*., p. 15.

214 *Ibid*., p. 17.

215 North Macedonia, Statelessness Index.

216 National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2021–2030, 23 December 2021, p. 59.

engagement, demonstrate the region's gradual shift towards more accessible and equitable civil registration systems for Roma.

4.4. Community engagement and Roma-led initiatives

Roma mediators act as trusted liaisons between communities and authorities, helping to navigate administrative processes and build confidence in public institutions. Awareness campaigns tailored to specific regional contexts, combined with partnerships with CSOs, can improve outreach and ensure culturally sensitive solutions that encourage Roma participation in legal identity processes.

In 2013, **Moldova** institutionalized the position of 'Roma community-based mediator'.[217] Roma mediators have proven very good at overcoming administrative obstacles and empowering Roma communities. They are able to navigate administrative procedures, identify the appropriate authorities for each task and seek professional legal support.[218] There has also been effective cooperation between the ID issuance services of the Agency for Public Services (operating in areas with significant Roma

217 Government Decision No. 557 for the approval of the Framework Regulation on the organization of the activity of the community mediators HG557/2013, 13 May 2007 (in Romanian).

218 For example, during 2023, more than 650 Roma benefited from the services provided by these mediators, including assistance in obtaining legal documentation. See more on the role of mediators in Roma mediators in Moldova enable Roma families to enjoy their human rights, OHCHR, 13 September 2024; Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on the Republic of Moldova, ACFC/OP/V(2023)3, 2023, pp. 16–17.

populations, such as Soroca, Orhei, Nisporeni, Otaci, Drochia) and Roma community mediators, including in providing targeted support and facilitating ID acquisition.[219] Interestingly, in localities with a Roma mediator, there is also an up-to-date record of the number of Roma individuals, which helps to better target support and inclusion efforts.[220] There is, therefore, a compelling argument for the continued recruitment and funding of Roma community-based mediators and for ensuring that these positions are distributed according to the size of the local Roma population and the needs of municipalities.[221]

A similar approach has been effective in **Ukraine** through the ROMED project, coordinated by the Chiricli Roma Women's Foundation and supported by the Council of Europe. Since 2010, the initiative has trained Roma mediators operating in 12 regions, with the aim of improving access to health care and social services for Roma communities, in particular Roma women.[222] Roma mediators have facilitated agreements with State Centres for Homeless to register Roma who needed registration to apply for passports.[223]

The role of Roma mediators in Moldova and Ukraine demonstrates how community engagement and Roma-led initiatives can play

219 Response to the ODIHR questionnaire from Moldova, received 8 May 2025.

220 Report on the mapping of densely populated Roma towns in the Republic of Moldova, pp. 16–17 (in Romanian).

221 Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on the Republic of Moldova, ACFC/OP/V(2023)3, 2023, para. 74.

222 Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis, OSCE/ODIHR, August 2014, p. 22.

223 Facts about ROMED in Ukraine, Council of Europe infographic.

a transformative role in supporting access to civil registration and the exercise of basic rights. The success of these mediators stems from their dual role as trusted community members and trained facilitators who can bridge the divide between Roma and administrative institutions.

Efforts have also been initiated in South-Eastern Europe to empower Roma communities. In **Albania**, **local community centres** have been established to provide holistic support to Roma individuals. These centres not only facilitate access to health care but also offer targeted assistance in obtaining ID.[224] By combining social support with civil registration services, they serve as accessible and trusted venues where individuals can seek help with navigating bureaucratic procedures.

In **Bosnia and Herzegovina**, Roma mediators working from social care centres strengthen institutional outreach by ensuring that Roma individuals can access services in a culturally sensitive and supportive environment.[225] They help overcome mistrust towards public authorities and ease the administrative burden faced by social workers unfamiliar with the specific challenges Roma individuals may encounter. It is important that mediators receive appropriate training to assist the community while ensuring effectiveness on the side of public administration.

North Macedonia has taken further steps to expand the role of Roma mediators through specialized training programmes.

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224 UNDP, Roma Access to Personal Documentation in the Western Balkans, p. 15.

225 Special Report on the Status of Roma in Bosnia and Herzegovina, Human Rights Ombudsman of Bosnia and Herzegovina, OSCE, 28 March 2012, p. 35.

These focus on building competencies in human and minority rights, anti-discrimination measures, advocacy and community outreach.[226] With this knowledge, mediators are well-positioned to identify and support individuals without legal identity, guide them through the registration process and continue supporting them to access all their rights and assistance from public institutions.

These examples highlight the importance of institutionalizing Roma mediation roles and ensuring their adequate funding, distribution and recognition within public service frameworks. This can only be done when states allocate internal budget for mediators, particularly those with public officials on civil registration. For example, **Croatia** doubled the funds for activities targeting Roma in 2022–2023 and increased them by a further 30 per cent in 2024.[227] To optimize their impact, the mediators should be appointed in line with the demographics and specific needs of Roma communities at the municipal level. Furthermore, awareness about available funding mechanisms at the national and international levels needs to increase, to ensure the sustainability of these roles.

226 Republic of North Macedonia: Training for Roma and Human Rights, Mobilization and Public Participation, OSCE/ODIHR, 8–11 May 2021.

227 Response to the ODHIR questionnaire from Croatia, received 30 April 2025.

4.5. Civil registration and awareness campaigns

Proactive civil registration campaigns focused on communities with historically low registration rates can quickly resolve documentation and registration issues for many individuals. Led by civil registration authorities and supported by the international community and CSOs, these campaigns also raise awareness, foster trust between communities and institutions, and help prevent the intergenerational lack of civil registration that increases the risk of statelessness among marginalized groups.

Complementing the operational solutions discussed earlier, **targeted civil registration awareness campaigns** educate both communities and institutions about the importance of legal identity and the processes involved in obtaining documentation. In **Albania**, initiatives such as the Roma Belong campaign led by Tirana Legal Aid Society (TLAS) and the ENS have successfully highlighted the importance of birth registration. The campaign informed Roma communities about their rights and advocated for the integration of statelessness prevention into EU enlargement processes, thereby promoting sustainable policy change at regional level.[228] Similarly, the 'Thank you Mr. Mayor' initiative of Roma Active Albania focused on local and national strategies for Roma inclusion, emphasizing civil registration as a foundational step for participation in public life.[229]

228 ERRC, Roma Belong – Statelessness, discrimination and marginalization of Roma in Albania.

229 Addressing the problems of persons without document and access to right, Roma Active Albania, 2020, p. 3.

In **Croatia**, the Equality for Roma through Enhanced Legal Access initiative seeks to strengthen the enforcement of anti-discrimination legislation while simultaneously raising awareness of legal rights and access to services.[230]

In **Georgia** in 2022, a door-to-door campaign was carried out by the Public Services Development Agency with UNHCR[231] to proactively identify individuals without official documents or those with unknown nationality. By removing bureaucratic barriers, the campaign ensured that undocumented individuals received support without needing to navigate complex administrative processes on their own.

In **North Macedonia**, the National Roma Centre's Registration Campaign has helped encourage Roma individuals to register and obtain ID, contributing to improved access to health care, education and social protection.[232]

In **Ukraine**, the National Police have taken proactive steps to support Roma inclusion through their 2024–2025 Plan of Preventive Measures to Prevent Offences Related to the Violation of the Equality of Citizens. The plan assigns dedicated police officers — including from community and juvenile prevention units — to Roma communities across the country. Awareness-raising meetings were held at the places of residence of Roma communities, focusing on personal safety and improving cooperation between

230 Equality for Roma through Enhanced Legal Access (ERELA): Increasing Roma access to justice in Bulgaria and Croatia, Minority Rights Group, February 2021-January 2023.

231 Georgia, Statelessness Index.

232 Strategy for Inclusion of Roma 2022–2030, North Macedonia, p. 56.

Roma communities and law enforcement.[233] These sessions have consistently emphasized the importance of obtaining ID and informed residents about recent regulatory changes that simplify the documentation process.[234]

Alongside public-facing campaigns, it is equally important to **extend awareness efforts to institutions** that frequently engage with undocumented or stateless individuals. For example, in **Montenegro**, the Interior Ministry and UNHCR jointly developed operational instructions in 2013 to guide officials from different sectors, including health care, social care and education, on how to identify and assist children without birth registration.[235] By providing clear, practical guidance, these efforts help to ensure that frontline service providers can play an active role in early identification and referral, reducing the risk of long-term exclusion.

These campaigns and initiatives underscore the importance of combining community engagement and institutional capacity building with simplification of civil registration processes. They demonstrate that sustainable results can be achieved when authorities, international actors and Roma-led organizations work together to raise awareness, provide practical support and advocate for inclusive legal frameworks.

233 In 2024 alone, 3,369 awareness-raising meetings were held at places of residence of Roma communities. Response to the ODIHR questionnaire from Ukraine, received 30 April 2025.

234 *Ibid.*

235 Study on Statelessness in Montenegro, United Nations High Commissioner for Refugees, October 2024, p. 15. Publication provided by UNHCR Montenegro, available upon request.

5.

Comparative insights and lessons learned

5. Comparative insights and lessons learned

Ensuring access to civil registration and documentation for Roma communities remains a significant challenge across the OSCE region. While country contexts vary, comparative analysis reveals common structural barriers, recurring patterns of exclusion and emerging good practices that offer valuable lessons for reform.

5.1. Cross-cutting obstacles

Roma communities across the region often face multiple, overlapping forms of exclusion that impede access to legal identity. Geographic marginalization, limited institutional trust and long-standing discrimination shape their interaction with public institutions. In many countries, procedural requirements — such as proof of parental identity, legal residence or consistent documentation across generations — function as practical barriers, even where inclusive legal norms exist.

While legislative frameworks in many places formally guarantee universal birth registration and access to ID, implementation is often uneven. Bureaucratic complexity, limited outreach and inconsistent local practices mean that Roma families may be unaware of procedures or face informal discrimination when attempting to navigate them. Even when fast-tracked procedures or reduced residency requirements are available, they may be undermined by financial costs, inaccessible administrative language or the requirement to produce documentation that many Roma have never possessed.

Similarly, pathways to legal status and nationality remain formally available in some countries, but the conditions attached — such as extended residency periods, language tests or proof of income — tend to be disproportionate to the lived realities of stateless and undocumented Roma. In certain cases, legal frameworks fail to recognize forms of residence associated with statelessness or irregular status, effectively closing off regularization routes.

Roma women face distinct and compounding barriers in this context. As primary caregivers, and very often the parent responsible for navigating birth registration procedures for their children, Roma women encounter gender-specific obstacles such as limited mobility, lower literacy levels and exposure to intersectional discrimination. These challenges are made worse when women lack their own documentation, making it even more difficult to register their children or access essential services. Addressing documentation gaps therefore requires gender-sensitive strategies that empower Roma women as central actors in securing legal identity for themselves and their families.

Conflict and displacement intensify existing vulnerabilities. The war in Ukraine illustrates how crises can disrupt even basic registration mechanisms. Many Roma, particularly those already facing structural exclusion, have found themselves unable to secure birth registration or replacement documents due to lost records, restricted mobility or limited institutional responsiveness. In such contexts, documentation is not just an administrative issue but a matter of immediate survival and access to protection.

5.2. Promising practices and emerging models

Experiences across the OSCE region demonstrate that addressing Roma exclusion from civil registration is not merely a technical exercise but a broader issue of equity, human rights and governance. Success depends on building trust, dismantling systemic barriers and aligning national policy with the lived experiences of marginalized populations.

Despite challenges, examples of effective practice offer important guidance. Tailored outreach — through mobile units, paralegal networks and community mediators — has proven instrumental in bringing registration services closer to underserved Roma populations. In a number of countries, collaboration between CSOs and local authorities has resulted in pragmatic, flexible approaches that take into account the diverse documentation histories and needs of Roma communities.

Efforts have also been made to integrate Roma-specific concerns into broader national strategies on statelessness, civil registration and social inclusion. These include targeted amendments to legislation, improved inter-agency coordination and the establishment of data systems capable of identifying trends and disparities without compromising individual privacy or increasing the risk of stigmatization.

5.3. Key lessons

The lessons drawn from comparative efforts to address civil registration of Roma underscore the value of flexible, community-informed solutions that can respond to entrenched inequality and shifting socio-political conditions alike.

- **Outreach must be adaptive and localized**. Standardized procedures alone are insufficient; mechanisms must reflect the realities of communities with limited mobility, literacy or trust in public institutions.

- **Documentation strategies must address root causes, not just symptoms**. Policies that focus solely on issuing documents without tackling the underlying exclusions — such as poverty, segregation and discrimination — risk being ineffective or unsustainable.

- **Legal reforms need institutional commitment and capacity building**. Legislative change must be accompanied by sufficient human and financial resources, and investments in training, monitoring and public awareness to ensure consistent and rights-based implementation across jurisdictions.

- **Inter-institutional cooperation and awareness are essential.** Effective coordination between national and local authorities, civil registries, law enforcement and social services is crucial to ensuring that all actors understand their roles and responsibilities in addressing documentation gaps and promoting inclusion.

- **Recognition must lead to protection**. Statelessness determination and registration should serve as entry points to

a broader rights framework — ensuring access to education, health care, housing and legal status — rather than functioning as isolated or symbolic acknowledgments.

- **Conflict sensitivity is essential**. In crisis-affected areas, civil registration systems must be agile enough to respond to displacement, loss of documents and border-crossing scenarios, with particular attention to the vulnerabilities of women and children.

- **Gender-sensitive approaches are crucial, especially for Roma women**. Roma women face intersectional discrimination, often carrying the burden of securing documentation for themselves and their children while navigating social stigma, limited mobility and gender-based inequalities. Strategies must account for their distinct vulnerabilities and empower them as key agents in the registration process.

- **Civil society and Roma mediators play a vital role.** Engagement with Roma communities must go beyond consultation and involve them in the design and delivery of solutions. Roma-led CSOs and trained community mediators help to build trust, raise awareness and provide essential support in navigating legal and administrative systems.

6.

Recommendations

Recommendations

Policy reforms and institutional frameworks

1. Ratify and incorporate the conventions on statelessness and nationality in national legislation, including the 1997 European Convention on Statelessness and the 2006 Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, to ensure that domestic legislation includes all necessary safeguards for undocumented and stateless individuals.

2. Establish and improve the Statelessness Determination Procedures, ensuring that they are accessible to all, non-discriminatory, place the burden of proof equally between the public administration and the applicant, and award individuals determined as stateless with access to rights and services.

3. Ensure automatic birth registration and acquisition of nationality for all children born on the state's territory who would otherwise be stateless. Remove barriers connected to the status of the parents.

4. Facilitate naturalization procedures for stateless individuals by introducing simplified procedures void of excessive fees and burdensome evidentiary requirements.

5. Include safeguards against statelessness in nationality laws ensuring that no loss, denunciation or deprivation of nationality results in statelessness.

6. Include Roma representatives in the development of policy and legislation by creating advisory and consultative bodies to better reflect the needs of marginalized communities.

7. Include safeguards against lack of access to documentation in readmission agreements to facilitate access to civil registration for Roma communities.

8. Integrate statelessness prevention and response strategies into national development and anti-poverty plans to ensure coordinated, cross-sectoral approaches.

Simplification of civil registration and ID issuance procedures

1. Remove procedural barriers and advanced documentary requirements from procedures on late birth registration. Eliminate fees and time constraints that disproportionately affect marginalized communities.

2. Decentralize civil registration services to improve accessibility and introduce the use of mobile registration teams to reach remote areas.

3. Provide better access to free legal aid in judicial and administrative proceedings for marginalized communities.

4. Expand multilingual services and culturally competent staff within registration offices to ensure equitable service delivery to Roma individuals.

Innovative technical and digital solutions

1. Improve the technical infrastructure of civil registration systems, including the possibility of cross-border data exchange.

2. Digitalize the mobile registration units by providing devices directly linked to civil registries and ensure adequate training for officials.

3. Consider introducing a text messaging system to inform and remind beneficiaries of their obligations on civil registration.

4. Ensure data protection safeguards are included in digital solutions to build trust among potential users.

5. Design, develop and roll out digital literacy programmes for marginalized communities.

6. Provide regular training to policymakers and frontline officers on birth registration, nationality laws and assistance to vulnerable beneficiaries, as well as cultural differences and intercultural communication.

7. Extend the right to primary education for children to ensure adequate early childhood development.

8. Consider introducing innovative employment schemes for people in the process of obtaining ID.

9. Consider introducing financial incentives for birth registration supported by efficient disbursement systems.

10. Introduce solutions to regularize informal settlements through address registration at social work centres or municipalities to facilitate access to ID for inhabitants of informal dwellings.

11. Improve data collection and analysis of stateless and undocumented people to ensure targeted and inclusive policy development.

Community engagement and Roma-led initiatives

1. Establish local community centres offering support for Roma communities to access state services such as health care, education and civil registration. Ensure that support is offered in multiple languages.

2. Institutionalize Roma mediators within public administration with official mandates, sustainable funding and adequate training.

3. Promote peer-to-peer outreach and testimonies from Roma individuals who have successfully navigated civil registration processes to encourage participation and trust-building.

Civil registration and awareness campaigns

1. Organize targeted civil registration awareness-raising campaigns that reach Roma communities and the authorities in charge of legislation and implementation.

2. Disseminate guidelines and awareness-raising materials on birth registration and access to ID to various public authorities, including health services, social services, schools, etc.

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