

Global Forum of Communities Discriminated on Work and Descent (GFD) Submission to the OHCHR Call for inputs on universal birth registration and the use of digital technologies¹

Introduction: Roma as Communities Discriminated on Work and Descent

Discrimination based on Work and Descent (DWD) affects more than 270 million people worldwide. Communities Discriminated on Work and Descent (CDWD) can be found on all continents: Dalit communities in South Asia and Buraku in Japan, Roma communities in Europe, Haratin, Osu and other communities in West Africa and Quilombola or Palenque communities in Latin America. DWD is a unique type of discrimination that takes the form of social exclusion based on inherited status and ancestral occupation. DWD is often associated with notions of “purity and pollution” and practices of untouchability.² Consequently, CDWD are faced with harassment and violence on a daily basis and face extreme forms of discrimination in accessing employment, education, healthcare, housing, water and sanitation and other basic services. CDWD are often bound by bonded labour or modern/ancestral slavery practices. Discrimination and poverty hinder access to birth registration and identity documents for Dalits in South Asia. Social exclusion and lack of awareness contribute to low registration rates among Haratins in Africa. For the Quilombola in Brazil, geographic isolation and poverty impede access to administrative services. Discrimination, statelessness, and bureaucratic barriers result in many Roma lacking identity documents. This submission focuses on the situation of Roma in Europe.

The lack of identity documents and birth certificates among Roma

The lack of identity documents among the Roma population in various European countries is a significant issue. A report by the European Union Agency for Fundamental Rights (FRA) in 2020 found that about 6% of Roma in Bulgaria do not possess a birth certificate. The same FRA report indicated that around 3% of Roma in Slovakia lack birth certificates. Estimates suggest that a significant number of Roma in Romania are without

¹ This submission has been coordinated by Simona Torotcoi (GFD, Coordinator for Europe), with the input of the following GFD rights experts: Marina Csikós, Fikrija Tair Selmani.

² For the full definition please see - Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Human Rights Council 11th Session, 18 May 2009, Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent, available at: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session11/A-HRC-11-CRP3.pdf>

identity documents. A study by the World Bank in 2014 estimated that up to 30% of Roma in some areas might lack birth certificates or identity documents. A survey conducted by the European Roma Rights Centre (ERRC) in 2016 indicated that a small but notable percentage of Roma in Hungary face issues with obtaining identity documents, though exact percentages were not provided. In Serbia, the issue is also prevalent among the Roma community. A report by the United Nations Development Programme (UNDP) and the World Bank found that around 15% of Roma children were not registered at birth. According to the UN Human Rights Monitoring Mission in Ukraine, the lack of identification documents by some Roma has been one of the factors that has significantly limited their access to healthcare since the beginning of the COVID-19 pandemic. Many Roma have also lost their jobs due to border closures and involvement in the seasonal and informal sectors of work.³ This has significantly impacted the possibility for Roma at the outbreak of the war to move to other countries and register as refugees. About 30,000 Roma in Ukraine are undocumented, and some do not identify themselves as Roma due to fear, discrimination, and certain prejudices.

Many Roma children and young adults remained unregistered at birth. The risk was heightened for children born to parents who themselves were undocumented. Many Roma cannot fulfill the conditions for acquiring an ID card because the legislation requires among other things a document showing the applicant's housing status. The lack of formal property rights contributes to the marginalization of Roma, as it denies access to infrastructure, social services, and credits, and restricts economic opportunities.⁴

In order to access any of the public services, to which all citizens are entitled to, one is required to possess proper documentation. The birth certificate is, perhaps, the most important of all, as based on it, Roma can receive other documents such as national identity cards or health care cards. In order to have a birth certificate, one's birth needs to be registered by one or both parents. The issue many Roma living in SRS are facing is that in order to register your child's birth, you need to have documents of your own, which they seldom do. Thus, the enchanted circle continues. Without the necessary documentation, a person is unable to register at the employment office, access health care, have a legal job or open a bank account.⁵

According to Đorđe Jovanović of the European Roma Rights Centre, the main barrier to the rights of citizenship is lack of birth registration. This is the primary requirement for being entered into citizenship registries. 'This is not an issue of culture or poverty,' says Jovanović. 'Romani parents are being denied registering their children at birth – either because of their own statelessness, or because of discrimination from state officials.' Parents who are undocumented are commonly barred from registering their children's births, thereby passing on the risk of statelessness from generation to generation, perpetuating the problem.⁶

³ ["About 30,000 Roma in Ukraine have no documents." The story of a Roma activist | United Nations in Ukraine](#)

⁴ The Situation of Roma in Europe and Beyond. Available online at: <https://globalforumcdwd.org/status-of-roma-in-europe-regional-report-summary>

⁵ Substandard Romani Settlements: Environmental Racism and Disinvestment. Available online at: [informal-settlements-report-for-web-pages.pdf](#) (romalitico.org)

⁶ [How Roma are made stateless for generations | New Internationalist](#)

According to a 2017 survey by the European Union Agency for Fundamental Rights (FRA), approximately 1% of Roma children in the EU do not have a birth certificate. This percentage can be higher in certain countries and among marginalized subgroups within the Roma community. In Bulgaria, the FRA reported in 2020 that about 6% of Roma children do not possess a birth certificate. In Romania, a World Bank study in 2014 estimated that up to 30% of Roma children in some areas might lack birth certificates or other identity documents. However, more recent and comprehensive data is needed for an updated figure. The same FRA report indicated that around 3% of Roma children in Slovakia lack birth certificates. According to a report by the United Nations Development Programme (UNDP) and the World Bank, around 15% of Roma children in Serbia were not registered at birth. UNICEF estimates that as many as 10% of Roma children in Bosnia and Herzegovina are not registered at birth.

Access to birth certificates for Roma children

The main challenge for Roma is that many Romani children are not born in hospitals. This is often due to parents lacking a health card or being unable to afford the minimal hospital fees. Consequently, state institutions are not automatically notified of these births. Additionally, a significant number of Romani parents are very young and unaware of the necessary procedures or the importance of registering their children's births, leading to many home-born children going unregistered.

Another complicating factor is that many Romani women give birth at a very young age. The drafters of the laws did not take into account the possibility of births among young teenagers. In practice, this gap does not always create problems, as other citizenship documents are accepted and exceptions can be made for young parents. However, the specific needs of the Roma are still addressed outside the standard legal framework and procedures, rather than being fully integrated into them.

Once a person has a residence card, obtaining other documents, such as health cards and proof of unemployment (which provides access to social welfare), is relatively straightforward. However, in several countries, many documents, such as birth certificates, are only valid for six months. This means that every time individuals need to present a birth certificate (for example, to register for school at each new level of education), they must navigate the bureaucratic processes described.

The Roma in Hungary

In Hungary, ensuring universal birth registration for Roma children faces significant challenges due to complex registration procedures, discriminatory practices, geographical isolation, and lack of awareness among marginalized communities. These barriers result in many Roma children not being registered at birth, severely impacting their access to healthcare, education, and social services. Without legal identity, these children are more vulnerable to exploitation and statelessness, perpetuating cycles of poverty and exclusion and hindering their full participation in society.

The Hungarian government has taken several steps to ensure universal birth registration including simplifying the birth registration process to reduce bureaucratic hurdles and minimizing the required documentation and streamlining the steps involved in registering a birth. To address geographical barriers, mobile registration units have been deployed in remote and segregated areas to reach communities that have limited access to registration offices. The government has implemented regulations that require hospitals and health professionals to ensure that all births are registered promptly. The government collaborates with non-governmental organizations to assist Roma families in navigating the registration process. NGOs provide legal aid and support to ensure that children receive their birth certificates. The Hungarian government is using digital technologies to make birth registration easier and more accessible for everyone. Parents can now register births online from home through user-friendly websites. Apps have been developed to help register births in remote areas. These apps can work without the internet and upload data later. Digital systems allow hospitals, registration offices, and social services to share birth data quickly and accurately. The government is exploring the use of biometric data (like fingerprints) for newborns to ensure accurate identification. Laws have been updated to support electronic submissions and digital signatures, making digital records legally valid. For example, the eBirth System is a nationwide program allowing hospitals to register births electronically. The Government Gateway Portal is an online site for parents to register their child's birth and request birth certificates. Despite this, the digital divide exacerbates inequalities, as many marginalized families lack internet access and digital literacy, preventing effective use of these platforms.

Some of the key challenges is that not all families, especially those in marginalized Roma communities, have access to the internet or digital devices, which can limit their ability to use online registration systems. Some Roma parents may lack the digital literacy needed to navigate online platforms and mobile apps. Marginalized communities such as the Roma may be skeptical about how their data is used and protected, leading to reluctance in using digital services. In remote or rural areas, there may be inadequate digital infrastructure, such as poor internet connectivity, which hampers the effectiveness of digital registration efforts. Some marginalized groups, like the Roma, may lack initial identification documents needed for digital registration, perpetuating their exclusion.

In Hungary, mechanisms to close the gap between reported births and the issuance of birth certificates exist, but they face significant challenges, particularly for marginalized children, Roma and those in vulnerable situations. The integrated Civil Registration and Vital Statistics System (CRVS) aims to streamline the registration process and ensure timely issuance of birth certificates. However, in practice, bureaucratic delays and inefficiencies, especially in rural and marginalized areas, often hinder the timely issuance of birth certificates.

The Roma in North Macedonia

A study by the Macedonian Young Lawyers Association (MYLA) in 2018 found that around 10% of the Roma population, which includes children, could be stateless or at risk of

statelessness due to lack of documentation. In 2018, the Ministry of Labor and Social Policy, mapped 700 persons without birth certificates. In 2020, the same Ministry adopts a Law on unregistered persons in the civil registry book and introduction of a special civil registry for unregistered persons. Between July – December 2021 Romalitico and partners supported 223 undocumented Roma to obtain a “Special Identity Card”. In 2023, there were two cases of death of young undocumented Roma (not having medical insurance to be treated in the hospital). The Law on Civil Registry to be adopted, which allows every child born in the country to receive a birth certificate within 45 days, regardless of their parents’ status in the country. In total 526 persons have submitted requests for issuing birth certificates. The total number of requests that have been processed at the end of December 2023 is 447. From those 447, 217 are female and 230 are male. From this number also 240 are minors.

Some of the key challenges are the following. State institutions rely on the CSOs and international organizations cooperation for simplifying the civil registration procedures (identification of people/children without birth certificates or no documentation and doing advocacy following legislative changes). There is also the issue of intergenerational transmission of civil registration among Roma, statelessness, no birth certificates which increases the risk of non-involvement in education and health care, child trafficking, disappearance of children, risks to vulnerable categories and violation of children's safety etc. Lack of inter- institutional cooperation for exchanging information.(civil registry, ministries, police, social workers, educational and health care institutions, etc.)

The lesson learned and good practices is that the law amendments are crucial, but also the partnership with CSOs and International Organizations such as the UNHCR- ENS Roma Belong project., OSCE, Romalitico, MYLA etc., are crucial since every actor contributes with expertise, resources and support for the process of registration of persons without documents-birth certificates.

In addition, there is a possibility for issuing birth certificate documents through filling an online form and doing the payment for it through an online platform. However, the process is not accessible to everyone, especially the Roma and it is not well presented to the public - see: <https://e-portal.uvmk.gov.mk/> There is also a lack of knowledge and of conditions to use digital technology among the state employees.

The Roma in Romania

While efforts have been made to address discrimination and improve the situation of the Roma community in Romania, challenges persist (see GFoD country report on the situation of Roma in Romania).⁷ In Romania, there have been initiatives aimed at improving the situation of Roma people, such as educational programs, employment opportunities, and efforts to combat discrimination. However, there are still significant barriers to full inclusion and equality for the Roma community, including discrimination, poverty, and limited access to education and healthcare.

⁷ https://drive.google.com/file/d/10WdDhWunOABIU_La1cKyx-b3jX0hB-j1/view?usp=sharing

As indicated in the preliminary census results of 2021 there are about 569.500 representing 2.98% of the total population. Roma sociologists and activists are questioning these numbers as Roma choose not to declare their identity, due to fear of discrimination or potential threats or risks to their life. This problem can also be seen through the difficulties faced related to the issuance of identity documents, citizenship, and the lack of birth certificates and birth registration of some children. Many Roma children and young adults remained unregistered at birth. The risk was heightened for children born to parents who themselves were undocumented.

In Romania, Roma women are denied birth certificates for their newborns at some maternity hospitals or are not offered the necessary medical help in public hospitals. The reasons given are that Roma women are neither able to pay for the necessary medical treatment nor to prove that they have any kind of medical insurance. Although unofficially there is an impressive number of cases of discrimination in maternity hospitals, a very small number of women talk about this. In most cases, Roma women are afraid to make their experiences public because the effect on them could be that in the future they will be denied medical help even in urgent matters. Cateluța, a woman from Bucharest shares about her experience as a Roma mother in the maternity system: "I gave birth to my Georgiana small, 1,950 kg. Although she was so small, they kicked me out of the hospital after two days, without letting me go out, because I was hospitalized in a salon where I shouldn't have been, having no places in our gypsy salons". She continues "The first time they took me to a salon with only ethnic girls. There we had to stay two in one bed. And I don't know who came and said "It's not normal for two to stay in one bed" says Cateluța about her experience in a maternity hospital in Bucharest, after giving birth to her little girl.

It was not the only experience of this kind. "At "Giulești", after I gave birth to the boy, they only kept an eye on me, they didn't allow me to go outside, for fear of leaving the child in the hospital. If I leave and leave the child in the hospital, because he's darker and I'm a little whiter?", the woman recalls.⁸

Recommendations

1. We urge the UN mechanisms to adhere to key human rights standards and adopt a Declaration for the rights of CDWD.
2. Recognize antigypsyism and the specific form of discrimination Roma and other Communities Discriminated on Work and Descent (CDWD) encounter, including the hierarchical systems of oppression surrounding these communities.
3. The Global Forum of Communities Discriminated on Work and Descent (GFoD) calls for the design and implementation of programs to increase public education on descent based discriminatory practices and calls on all types of institutions and civil society organizations to implement such learnings. We call for justice and the protection of CDWD rights to be free from discrimination, violence, and exclusion.

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<https://www.libertatea.ro/stiri/marturiile-unor-femei-rome-din-spitalele-romanesti-a-spus-ca-nu-vrea-sa-stea-cu-mine-in-rezerva-ca-nu-suporta-tiganii-3723293>

4. Contribute to the full realisation of the human rights of persons DWD by considering ways to include this issue in the regular work of the Human Rights Council.
5. Ensuring that births of Romani children outside medical institutions are registered properly and in a timely fashion is a more challenging problem. Education programmes targeting young Roma (especially prospective parents), highlighting the benefits and importance of obtaining documentation, are essential.
6. Streamline and simplify the administrative processes for birth registration to make it easier for Roma families to obtain birth certificates.
7. Ensure that laws and policies do not discriminate against Roma or other marginalized groups in the registration process.
8. Deploy mobile units to reach remote and segregated Roma communities, providing on-the-spot registration services.
9. Provide training for local officials and healthcare providers on the importance of non-discriminatory birth registration and how to assist Roma families in the process.
10. Offer financial assistance or waive fees associated with birth registration to alleviate the economic burden on Roma families.
11. Provide free or low-cost legal aid to help Roma families navigate the registration process and address any legal barriers they may encounter.
12. Implement mechanisms to collect and monitor data on birth registration among Roma children to identify gaps and measure progress.



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