

A Step towards a Solution of the Problem of Legally Invisible Persons

In Belgrade, 4th September 2012

Law on Amendments to the Law on Non-Contentious Procedure, adopted by the National Assembly of the Republic of Serbia on 31st August 2012, prescribes a procedure for determination of date and place of birth of persons not registered in birth registry books. Thus, the first step was made towards solving the problem of several thousands of legally invisible persons in Serbia. Through the aforementioned procedure, the persons who do not fulfil conditions for registration in birth registry book in an administrative procedure will be able to exercise their rights through a separate court procedure which recognizes the particulars of the problems they are facing.

What preceded the amendments to the Law on Non-Contentious Procedure were many years of non-governmental organizations requesting adoption of a systemic solution, as well as efforts to draw attention of the state to the difficult position of persons who failed to subsequently register in birth registry book on the grounds of the existing regulations. Namely, it is estimated that at least 6,500 legally invisible persons live in Serbia, who are, almost exclusively, members of Roma national minority. Due to the administrative obstacles, generations-long social exclusion, poverty and lack of legal solutions which would enable them to prove their identity and obtain a birth certificate, those persons cannot enjoy any of the rights guaranteed by the Constitution and ratified international documents – they cannot find employment, enjoy rights from social welfare and health care, receive education without impediments, to be registered as parents of their children or enjoy a series of other rights available to other citizens of the Republic of Serbia.

Coalition against Discrimination and Coalition for Access to Justice welcome the adoption of the Law that eliminates the first obstacle in exercise of the right to recognition as a person before the law and that forms basis for registration in birth registry books for those persons who have not been able to prove their fact of birth so far. At the same time, we would like to point out that full respect of rights of the above category of persons will be achieved only when the efficient implementation of the adopted solutions is provided, as well as the implementation of the supporting regulations relating to acquisition and determination of citizenship, registration of permanent and temporary residence and obtaining of ID card.

Signatory organizations:

Coalition against Discrimination

Coalition for Access to Justice

Coalition against Discrimination: Center for Advance Legal Studies, Civil Rights Defenders, CHRIS – Network of the Committees for Human Rights in Serbia, Gayten LGBT, Labris, Praxis, Regional Centre for Minorities, Association of Students with Disabilities

Coalition for Access to Justice: Center for Advance Legal Studies, Civil Rights Defenders, CHRIS – Network of the Committees for Human Rights in Serbia, Humanitarian Law Center, Youth Initiative

for Human Rights, Independent Journalists' Association of Vojvodina, Praxis, Sandžak Committee for Protection of Human Rights and Freedoms