

DEPARTMENT OF HUMAN RIGHTS

2009 Special Report Summary

“REGISTERING GREEK ROMA ON THE MUNICIPAL ROLL”

1. The problems faced by Greek Roma across the entire range of administrative action, highlight the urgent need for members of this population group to be registered on the municipal roll.
It is a need that is particularly evident in the case of housing, which is the starting-point of every plan to provide social support to Roma. The administration is used to dealing with and recognising only those who have a permanent residence. Those who lack housing or who do not have a permanent residence are unable to have access to social benefits or exercise their rights. More specifically, the recent broad-reaching programme to finance home-ownership through state-guaranteed bank loans, is available only to those who are already registered on municipal rolls and have proof of a permanent residence. However, this constitutes an inherent contradiction of the system, denying state support to those who need it most.
2. In practice, Roma who keep the relevant documents up to date are precisely those who display the highest rate of social integration and participation. In addition, social characteristics such as dynamic demographics, mobility and illiteracy make completion of any registration largely impossible. Thus, many Greek Roma currently have no proof of citizenship and their status is similar to that of foreign nationals. In addition, given the existing institutional framework, the competent municipalities have, in practice, almost unlimited discretion in assessing whether conditions have been met for registration on municipal rolls and granting of a permanent resident certificate in each case, which entails obvious risks of abuse.
3. To have a better understanding of the action suggested and the relevant alternatives, previous attempts to register vulnerable population groups on municipal rolls en masse must also be assessed. The first case similarly pertained to Greek Roma who were registered on municipal rolls in accordance with circulars issued by the Ministry of the Interior (1978-79) applying the provisions of the Greek Citizenship Code on stateless persons born in Greece. The second case pertained to persons of Greek descent who had repatriated from the former Soviet Union and were registered on municipal rolls under Ministerial Decisions (1990-93) issued in accordance with international treaties signed between the two World Wars and pertained to the citizenship of persons of Greek descent. A comparison of the two cases reveals that while in the case of Roma, invoking specific provisions was a clear and correct solution, in the case of “persons of Greek descent”, this was of dubious legality. In addition, in the case of Roma, an advisory body was set up, whereas in the case of “persons of Greek descent”, the relevant checking was left to private associations or foundations.
4. The Ombudsman suggests three alternative versions of a programme for quick, safe and effective registration. All three start from the fact that Greek Roma, including those who have not been registered on municipal rolls, have had Greek citizenship since birth by virtue of essential provisions of the Civil Code, hence there is no issue of naturalisation.

4a. Simply by applying the current legal framework that governs approval of citizenship appears to be the most straightforward alternative. Consequently, all those with proof of ancestral citizenship will adduce such proof and declare themselves "unregistered", while the remainder will declare themselves stateless and born in Greece. In the event that no record of their birth can be produced, a birth certificate should be drawn up, following a court order, or one of the alternative pieces of evidence already provided for should be adduced. Following approval of citizenship, the interested parties will be registered on a municipal roll. Legally speaking, this procedure is easier since new regulations are not needed. On the whole, however, it remains very time-consuming as it involves a number of stages, and it is doubtful that it will cover a significant number of actual beneficiaries while the current inflexible list of alternative supporting documents prevails.

4b. The second alternative consists of bypassing approval of citizenship and registering on municipal rolls on the basis of birth registrations. For such a short-cut, a legislative regulation is needed, according to which formal approval of citizenship will be replaced by fast-track, en masse recognition of citizenship on the basis of a special census. The competent body will register Greek Roma by freely assessing evidence and then the General Secretary of the Region will issue a registration certificate which will simultaneously approve citizenship and order registry on the municipal roll. To make such registry possible, interested parties should provide a birth certificate. If such certificate does not exist, it should be drawn up following a court order or be substituted by alternative documentary evidence provided for by the law. This procedure is shorter than that mentioned above. However, giving priority to settlement of registry office affairs remains problematic; to draw up a complete sequence of family relationships requires the preparation of detailed birth registration documents from scratch, based on fictitious or unsafe data, while the overall duration of such a procedure remains excessive.

4c. The third alternative consists of direct registry on the municipal roll, bypassing both approval of citizenship and registration of birth. A legislative regulation is needed for this arrangement, according to which formal approval will be replaced by fast-track, en masse recognition of citizenship based on a special census, while, by way of exception, registry on the municipal roll will be made possible even without an existing birth certificate. The competent body will record Greek Roma and enter them on municipal rolls on its own initiative, based on the details provided by the special census; namely, without specific approval of citizenship and even without the full details that are usually required. If necessary, i.e., if no family relationship is proven, the registry will be made separately for individuals and not for families. Compared to the previous two, this procedure is simpler and shorter: only one administrative act (and no court order) is required for each person, even with incomplete or uncorroborated details. The main disadvantage of this alternative is that details which are incomplete or not cross-checked will be recorded. However, it is the necessary price of rapid, simple, en masse registration and is open to subsequent correction under a system of "legality".

5. In the framework of the above third alternative, specific issues remain to be settled. The Ombudsman suggests that the most competent body is a regional committee with the participation of representatives from local government authorities and staff from departments that have experience in the housing, welfare and education of Roma. The committee will have the discretion and competence to make a free assessment of any relevant proof, chiefly with a

view to establishing parental citizenship or birth in Greece. Any legislative enumeration of evidentiary means will be indicative only. In addition to details of civil status, any public documents will be evaluated jointly, including private documents with basic guarantees of reliability. The committee will also be authorised to conduct any relevant own-initiative investigations. In the event that a court order for drawing up documents of registration of birth is needed, the rapidity of the relevant procedure and exemption of beneficiaries themselves from any costs should be ensured by extending legal aid to all those who are registered on the municipal roll 'en masse'. The competent committee must adhere to clear criteria for selecting the municipality where each entry on the municipal roll will take place. Should any disputes occur, the committee may apply the criteria and evidentiary means relating to residence used for applications of transfer to another municipality. In addition, the General Secretary of the region should be able to oblige municipalities to make entries on the municipal roll or to bypass them through direct enrolment. The whole procedure must be supported technically from the very start by a single computerised system; provision for continuous checking by an independent central agency would be useful. Finally, a decentralised, flexible mechanism for continuous monitoring should be set up, to ensure that new cases continue to be recorded in registry offices and that municipality registers are updated on a permanent basis.

6. In the long run, even the most faultless legislative planning is insufficient if not accompanied by a long-term communication strategy. Adequate preparation of the whole procedure and its dissemination to younger generations, through education, can erase any hesitancy or prejudice and form the basis for the social integration of Greek Roma and the unhindered exercising of their individual and collective rights.