



# **DEMOCRACY AND HUMAN RIGHTS ASSISTANCE**

**Programme on Freedom of Movement: Population  
Registration to Promote Effective Exercise of  
Fundamental Human Rights (1300539)**

**FUNDED THROUGH  
EXTRABUDGETARY CONTRIBUTIONS**

Warsaw, September 2012

# **Programme on Freedom of Movement: Population Registration to Promote Effective Exercise of Fundamental Human Rights (1300539)**

Current budget: EUR 107,704<sup>1</sup>

## **1. Background**

The principle of freedom of movement and choice of place of residence has been affirmed and reaffirmed in numerous OSCE documents.<sup>2</sup> In many OSCE participating States, citizens are required to register their place of residence with relevant authorities. Residency registration indirectly but decisively determines to what extent people enjoy certain basic rights and freedom of movement.<sup>3</sup> Reform of a population registration system can therefore remove obstacles to freedom of movement. ODIHR approaches this by encouraging participating States to eliminate administrative provisions that may prevent free choice of place of residence.<sup>4</sup>

In many OSCE participating States, the voter register is linked to the population register or produced from it. In such cases the quality of the population register directly affects the exercise of universal and equal suffrage. Reports from a number of recent election observation missions indicate that in those participating States where population registration is a standard practice, voter lists tend to be more accurate if they are based on data from the population register, assuming that the register is updated in a timely manner.

In terms of facilitating contacts among citizens and cross border travel, OSCE participating States have come a long way since the 1975 Helsinki Final Act. Presently, there are large regions within the OSCE area, established on the basis of multilateral agreements, in which citizens enjoy visa-free travel. Facilitating increasingly liberalized cross-border travel requires that a certain number of issues of political, security-related and technical nature are addressed by participating States. ODIHR encourages OSCE participating States to meet their commitments related to facilitating cross-border movement, in particular to ensure sufficient safeguards for the protection of freedom of movement and choice of place of residence.

## **2. Approach**

The programme's objectives are: to follow-up on recommendations made in ODIHR election observation mission reports, so as to assist those OSCE participating States which use population registration to develop systems that assure freedom of movement and free choice of place of residence; to support, on request, reform of the regulatory framework to address shortcomings related to freedom of movement commitments, including cross-border travel; to

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<sup>1</sup> For the period 8 December 2011 to 31 December 2013.

<sup>2</sup> Helsinki 1975, Madrid 1983, Vienna 1989, Copenhagen 1990, Paris 1990, Moscow 1991, Budapest 1994, Ljubljana 2005

<sup>3</sup> Registration information is used for the purposes of planning and delivery of state services and to contact people. Failure to register residency limits access to state social services and the job market and is sometimes punishable by administrative fines.

<sup>4</sup> The OSCE's involvement with population registration derives from the commitment of participating States "[...]to build democratic societies based on [...] the rule of law. [...]" (Preamble and Paragraph 2 of the 1990 OSCE Copenhagen Document). Other provisions of international law are relevant to population registration, but do not specify legal and administrative frameworks for States to meet these obligations and commitments.

assist OSCE participating States in ensuring that population registration systems are an effective and accurate data source for the compilation of voter registers.

## *2.1 Planned activities for 2012-2013 (funds permitting)*

### Awareness raising amongst policy makers

Within the OSCE region, and in co-operation with OSCE field operations (where present) ODIHR will promote knowledge and understanding of its *Guidelines on Population Registration* amongst policy makers in participating States and of the OSCE commitments related to freedom of movement, including cross-border travel.

### Policy advice and expertise provision

ODIHR will assist participating States in developing policy strategies for the reform of population registration systems to support the exercise of freedom of movement and free choice of place of residence. ODIHR will provide specific policy advice and expertise to ensure synergies and effective linkages between voter registers and population registration systems (where the latter are used for voter registration purposes), in order to guarantee universal and equal suffrage. ODIHR will provide policy advice to OSCE participating States on meeting their freedom of movement commitments, in particular related to mixed migration flows, to address legitimate concerns related to ensuring the protection of human rights, anticipated labour migration and higher numbers of asylum seekers.

## *2.2 Indicators of achievement (examples)*

- Emergence of a common understanding among policy- and opinion-makers in a given participating State of the links between the quality of the population registration system, freedom of movement (including free choice of place of residence) and universal and equal suffrage;
- Population registration strategies and/or legislation adopted by participating States on the basis of ODIHR assistance.
- Initiatives taken by participating States to cooperate, as part of a cross-border travel liberalization process, in addressing legitimate concerns related to increased mixed migration flows

## *2.3 Strategy/methodology*

The programme promotes a long-term, sustainable approach to overcoming technical obstacles to freedom of movement and accurate voter registration by facilitating reform of existing systems of population registration. Activities will focus on raising awareness of policy makers, conducting expert assessments, developing reform strategies and providing policy advice to participating State authorities.

ODIHR will offer a thorough assessment of existing population registration procedures and data storage systems to serve as the basis for developing a reform strategy. This will lead to detailed recommendations and proposals for improvement. ODIHR will assist authorities in designing a system that can produce accurate voter lists from the data stored in population registers.

Based on research and expert peer reviews, ODIHR will conduct assessments of existing and good practices among OSCE participating States related to freedom of movement, in particular those which facilitate more liberal cross-border travel. ODIHR's engagement should lead to

tailored policy advice and recommendations to improve the implementation of OSCE commitments in this field.

#### *2.4 Assumptions and risks*

Effective population registration requires a high degree of horizontal co-ordination between government offices and ministries in developing a national strategy which addresses a myriad of user needs. Concrete results are dependant on effective implementation over a sustained period of time. ODIHR will use its best efforts to co-operate with field operations where they exist, to ensure efficient and effective division of labour and a sustainable approach to programmatic activities. Political will among OSCE participating States to initiate and pursue co-operation on policies that ensure freer movement across borders is essential for ODIHR recommendations and expertise to be taken into account.

#### *2.5 Quality factors*

Currently, no other international organization offers assistance to participating States in the reform of population registration systems. The experience of the OSCE Mission in Kosovo and OSCE involvement in registering population and building voter registers in Bosnia and Herzegovina and Ukraine provide a solid knowledge base for ODIHR to provide its expertise. The OSCE has also successfully concluded a multi-year project to reform the Albanian population registration system which provides for long-term sustainable voter registration as recommended by OSCE/ODIHR Election Observation Mission reports.<sup>5</sup> Given ODIHR's extensive network of experts and co-operation with field operations, it is in a unique position to conduct research and facilitate exchange of experiences among OSCE participating States on freedom of movement, also related to cross-border travel.

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<sup>5</sup> This project benefited, especially in the design phase, from ODIHR's expertise.