

Birth and Death Registration Amidst Conflict

Due to the challenges posed by the ongoing war in Ukraine, the government has introduced special legal procedures to recognize births and deaths in the non-government-controlled areas (NGCA). These procedures aim to simplify and ensure that these facts can be registered despite the difficult circumstances.

Regarding the registration of the fact of birth

Nowadays, there are two procedures in Ukraine for recognizing births that occurred in non-government controlled areas or that occurred outside a healthcare facility recognized by the Ukrainian government.

	Administrative procedure	Court procedure
Legislative regulation	Cabinet Resolution # 9 dated January 9, 2013 stipulates that a specially created commission shall consider the confirmation of the fact of a child's birth in NGCA.	Art. 317 of the Civil Procedure Code of Ukraine allows persons residing in the temporarily occupied territory to apply to the courts in the government-controlled territory to establish the fact of birth or death in a simplified manner.

<p>Process</p>	<p>The commission may include representatives of international organizations.</p> <p>Documents required for submission to the commission:</p> <ol style="list-style-type: none"> 1) Application 2) a copy of the passport of a citizen of Ukraine or other identity document 3) results of tests, ultrasound examinations conducted during pregnancy of a woman who gave birth to a child in NGCA; 4) an extract from the medical record of the patient; 5) other documents confirming the provision of medical care to the woman in connection with pregnancy and childbirth. <p>The application and documents may be submitted to the commission by the woman who gave birth to the child, her relatives, and other persons authorized to representatives.</p> <p>The necessary medical documents can be accepted by the commission only if they are issued by a representative of an international humanitarian organization.</p> <p>The commission decides on the examination of the woman and child and sends them to a healthcare facility or representatives of a healthcare facility for such examination. The commission may also order a genetic test. Both</p>	<p>The courts are obliged to consider the application for establishing the fact of birth first.</p> <p>A list of documents to be submitted to any court in Ukraine, regardless of the place of registration or residence:</p> <ul style="list-style-type: none"> - an application from the person concerned (parents or one of them, their representatives, family members, guardian, custodian, person who maintains and educates the child, or other legal representatives of the child) - Documents confirming the applicant's identity. - A refusal from the authority responsible for registering acts of civil status. - Evidence, such as "certificates" issued in the temporarily occupied territories. (Ukrainian legislation does not impose restrictions on the submission of evidence, including documents issued in the temporarily occupied territories, i.e. they are considered acceptable evidence. For example, such documents may include a maternity card, results of screenings, medical examinations) the so-called birth certificate issued in the temporarily occupied territory of Ukraine, written testimonies of witnesses, including the person who delivered the baby, photographs of the child, a tag from a medical institution, etc.)
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<p>Grounds for registration of the fact</p>	<p>procedures can be extremely traumatic for both mother and child.</p>	
	<p>The commissions' decision on the confirmation of the fact of birth is the basis for the state registration of the child's birth in the state civil registration authorities</p>	<p>The court decision is the basis for the state registration of the birth in the civil registry office.</p>
<p>Cost</p>	<p>Free of charge</p>	<p>The court fee for filing such applications to the court is not charged in accordance with clause 21, part 1, Article 5 of the Law of Ukraine "On Court Fees"</p>

It is worth noting that, based on the analysis of existing practice, the administrative procedure **is not de facto operational and has never been applied in practice.**

On registration of the fact of death

Obtaining a Ukrainian certificate is possible only through a court procedure - by establishing the fact of death in the occupied territories. Applying to the court for recognition of the fact of death is very similar to applying for recognition of the fact of birth. The courts are obliged to consider the application for establishing the fact of death as a matter of priority. The court fee for filing such applications to the court is not charged in accordance with clause 21, part 1, Article 5 of the Law of Ukraine "On Court Fees".

The list of documents to be submitted to any court in Ukraine, regardless of the place of registration or residence:

- application from the interested person (a relative of the deceased, proxies of the deceased's relatives authorized to apply to the court by a notarized power of attorney, heirs of the deceased, representatives of guardianship authorities or healthcare institutions, in which the person died, other persons)

- with a request to establish the fact of death in the occupied territory or NGCA
- explaining the purpose of the request and why you cannot obtain the documents through administrative procedure,
- the application must be accompanied by documents proving the fact of death.
- documents confirming the applicant's identity
- a refusal from the authority responsible for registering acts of civil status.

The court decision is the basis for the state registration of the fact of death with the state civil registration authorities.

Regarding missing persons and deaths caused by hostilities

In relation to missing persons and war-related deaths, the International Committee of the Red Cross (ICRC) plays a key role in documenting and searching for missing persons in conflict zones, as well as in registering war-related deaths.

The documentation procedure involves the collection of evidence, testimonies and other information that can help identify the dead or missing. Such procedures and processes are not public. Access to information about missing relatives is provided through cooperation between

government agencies, the ICRC and other international and national non-governmental organizations. Relatives can ask these organizations for assistance in finding information.

The Unified Register of Missing Persons has been operating in Ukraine since May 2023. It includes all data on civilians and military personnel who are missing. This register is a fully secure database. It is accessible to certain officials: representatives of the Office of the Commissioner for Missing Persons, employees of the National Police and the Department of Data of the Ministry of Internal Affairs of Ukraine.

1 First of all, if you believe that a person has gone missing, you should file a report with the nearest territorial office of the National Police of Ukraine. You can also send an e-mail to rozshuk_znyklyh@police.gov.ua or call the hotline (0894) 200-18-67 or 0 800 212 151.

For each fact of disappearance, the police open a case, which is registered in the Unified Register of Pre-trial Investigations (URPI). Be sure to record the registration number of the application, as well as take an extract from the URPTI, which will indicate the name of the investigator.

2 As a next step, relatives can contact the National Information Bureau, which collects and processes information about missing, captured and killed persons. In addition, relatives can get advice and explanations on how to proceed from the NIB.