

Joint Submission to the Human Rights Committee

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Macedonian Young Lawyers Association



European
Network on
Statelessness



Institute on
Statelessness and
Inclusion

Joint Submission
to the Human Rights Committee
at its 133rd Session.

Civil society written contribution
for the adoption of list of issues prior to reporting
on the issue of statelessness and the right to a nationality

North Macedonia

Introduction

1. The Macedonian Young Lawyers Association (MYLA),¹ Bairska Svetlina – Centre for Development of Roma Community,² AVAJA,³ the European Network on Statelessness (ENS),⁴ and the Institute on Statelessness and Inclusion (ISI),⁵ welcome the opportunity to make this submission to Human Rights Committee ('the Committee') ahead of the adoption of the List of Issues Prior to Reporting ('LOIPR') in advance of the periodic report on North Macedonia at its 133rd session in October 2021.
2. This submission sets out our organisations' key concerns about the fulfilment of the International Covenant on Civil and Political Rights ('the Covenant' or 'ICCPR'), and in particular with regard to the child's right to nationality (Article 24), the right to a legal identity (Article 16), to freedom of movement (Article 12) and the prohibition of discrimination (Articles 2 and 26).
3. Considering North Macedonia's obligations under the Covenant and the importance of eradicating statelessness expressed by the United Nations High Commission for Refugees (UNHCR) in its #IBelong Campaign,⁶ the submitting organisations ask that the Committee consider these issues for inclusion in the LOIPR. Moreover, it is our hope that the Committee makes our proposed recommendations to the Government of North Macedonia to further prevent and reduce statelessness as well as protecting stateless persons.
4. This submission will set out some of the key challenges and rights violations faced by stateless persons and persons at risk of statelessness in North Macedonia drawing on the expertise of the submitting organisations.⁷ Firstly, this submission will outline previous recommendations to North Macedonia made by the Human Rights Committee and during the Universal Periodic Reviews and provide an overview of statelessness in North Macedonia. Thereafter each of the following issues will be addressed in a separate section which includes recommended questions to include in the LOIPR:
 - I. Article 24: Child's right to a nationality and birth registration
 - II. Article 26: Discrimination against minorities and reduction of statelessness in *in situ* populations
 - III. Articles 16 and 24: Stateless determination procedure and protection status
 - IV. The impact of COVID-19 on the enjoyment of civil rights and discriminatory practices against stateless people

In conclusion, the submission outlines draft recommendations that may be drawn on by the Committee in formulating its 'Concluding Observations' to North Macedonia. An Annex is included to outline the relevant international obligations of North Macedonia.

¹ See Annex II of this submission. For further info: <https://myla.org.mk/?lang=en>.

² See Annex II of this submission. For further info: <http://bairskasvetlina.mk/>

³ See Annex II of this submission. For further info: <https://avaja.org/>

⁴ See Annex II of this submission. For further info: www.statelessness.eu .

⁵ See Annex II of this submission. For further info: www.institutesi.org/ourwork/children.php.

⁶ See further: <https://www.unhcr.org/ibelong/>.

⁷ See Annex II of this submission.

Previous recommendations

5. North Macedonia has received two recommendations from the Human Rights Committee in relation to children's rights, birth registration and legal identity.⁸ It was recommended that North Macedonia "accelerate its efforts to identify children whose birth has not been registered and children without identity documents and to ensure the retroactive registration of births and the issuance of documents for those children. It should also ensure that children without identity documents are not refused access to health, education and other public services. The State party should strengthen its efforts to ensure birth registration and the provision of birth certificates for all children, particularly in rural areas, through interventions such as awareness-raising programmes and by simplifying registration procedures". It was also recommended that North Macedonia "should take measures to eliminate all forms of institutional and de facto discrimination against children, particularly children who are members of minority communities [...]".⁹
6. North Macedonia has received four recommendations during the third cycle of the Universal Periodic Review (UPR) in 2019, all of which were accepted.¹⁰ Senegal recommended that North Macedonia should "integrate more the concerns of minorities, indigenous peoples and stateless persons in existing political programmes",¹¹ and the United States of America recommended that it "fully implement the recommendations of the Ministry of Labour and Social Policy Strategy for the Roma 2014–2020, including recording every individual in the registry of births, in order to combat socioeconomic marginalization and labour discrimination faced by individuals belonging to the Roma community".¹² Ukraine and Honduras both recommended that North Macedonia accede to the Convention of the Reduction of Statelessness,¹³ which the Government of North Macedonia implemented in 2020. During the first and second UPR cycles in 2009 and 2014 respectively, North Macedonia had also received six recommendations related to statelessness or nationality, five of which focused on issues related with birth or civil status registration.¹⁴
7. In 2020, the Committee on the Elimination of Discrimination against Women (CEDAW) made several recommendations to North Macedonia to combat discrimination against Roma women and girls, on issues that are detailed in this submission. Some of these included recommendations for North Macedonia to "collect, analyse and make available statistics, disaggregated by sex, on stateless persons within its territory", "ensure that women and girls have equal access to identity documentation, including proof of nationality, and adopt measures to expedite legal procedures and reduce administrative fees relating to the issuance of identity

⁸ UN Human Rights Committee, 'Concluding observations on the third periodic report of the former Yugoslav Republic of Macedonia' (17 August 2015) UN Doc CCPR/C/MKD/CO/3.

⁹ *ibid*, para. 20-21.

¹⁰ United Nations General Assembly, Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: North Macedonia' (9 April 2019) UN Doc A/HRC/41/11; United Nations General Assembly, Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: North Macedonia – Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review' (13 June 2019) A/HRC/41/11/Add.1.

¹¹ *ibid*, recommendation 104.58.

¹² *ibid*, recommendation 104.156.

¹³ *ibid*, recommendations 104.6 and 104.14.

¹⁴ United Nations General Assembly, Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: The former Yugoslav Republic of Macedonia' (26 March 2014) UN Doc A/HRC/26/10; United Nations General Assembly, Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: The former Yugoslav Republic of Macedonia' (5 June 2009) UN Doc A/HRC/12/15.

documentation”; and “redouble its efforts to ensure access to birth registration across the State party and ensure that public authorities uphold the rights of Roma women to acquisition, change and retention of nationality in all proceedings covered by legislation on citizenship”.¹⁵

8. The Committee on the Rights of the Child (CRC) has also made specific recommendations to North Macedonia to promote children’s right to a nationality and birth registration. In 2010, it recommended that North Macedonia “undertake a survey to identify children lacking birth registration and/or identity documents and take immediate administrative and judicial measures to ensure retroactive birth registration and issuance of documents for these children”, and also “continue fulfilling its international obligations and raising protection standards with regard to stateless children, in particular by establishing a specific statelessness determination procedure”.¹⁶

Statelessness in North Macedonia

9. North Macedonia lacks comprehensive, official data and statistics on the number of stateless persons in its territory. The last census, held in 2002, recorded 17,652 people ‘without citizenship’.¹⁷ Not only is this data outdated, but North Macedonia also doesn’t publish statistics regarding refugees and asylum seekers, nor on stateless people in detention.¹⁸
10. A Government-initiated campaign in 2018-2019 to identify and register people who lack a birth certificate or other civil documentation resulted in 750 people at risk of statelessness being identified, the majority of whom were Roma, Ashkali and Egyptian.¹⁹ This figure is likely an underestimation of the total population at risk, there may be others who either did not hear about the public call or were unable to register during the timeframe. UNHCR and its implementing partner, MYLA, reported that 554 people were stateless or at risk of statelessness as of July 2021,²⁰ 283 of whom have unregulated nationality²¹ and 271 undetermined nationality.²²
11. Despite the lack of reliable quantitative and disaggregated data on stateless people on its territory, available information shows that statelessness in North Macedonia occurs both in *in*

¹⁵ Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the sixth periodic report of the former Yugoslav Republic of Macedonia’ (14 November 2018) UN Doc CEDAW/C/MKD/CO/6, paragraph 32.

¹⁶ Committee on the Rights of the Child, ‘Consideration of reports submitted by States parties under article 44 of the Convention – Concluding observations: The former Yugoslav Republic of Macedonia’ (23 June 2010) UN Doc CRC/C/MKD/CO/2, paragraph 33.

¹⁷ Republic of Macedonia State Statistical Office, ‘Census of Population, Households and Dwellings in the Republic of Macedonia, 2002 (2002) available at: [naslovna-9PUB \(stat.gov.mk\)](http://naslovna-9PUB.stat.gov.mk).

¹⁸ A census is due to be held in September 2021 after being delayed twice. MYLA has met with the Director General of the State Statistical Body and prepared a brochure with information about stateless persons in North Macedonia, the causes of statelessness, and recommendations on how to ensure statelessness is properly identified in the upcoming census. See: https://www.stat.gov.mk/Dokumenti/ZakonZaPopis_mk.pdf, Official gazette of North Macedonia N.19/21.

¹⁹ Ministry of Labour and Social Policy, ‘Action for Registration of Persons in the Birth Register’ (2014) available at: <http://www.mtsp.gov.mk/akcija-za-evidencija-na-lica-vo-maticna-kniga-na-rodenite.nspix> (MK).

²⁰ UNHCR’s 2020 Global Trends Report specifies that “the great majority are former Yugoslav citizens who have yet to have their nationality of North Macedonia formally recognised through the issuance of documents proving nationality”. For more information, see: UNHCR, ‘Global Trends 2020, Annex table: Persons under UNHCR’s statelessness mandate’, available at: <https://www.unhcr.org/2020-global-trends-annex-table-statelessness>.

²¹ Individuals at risk of statelessness due to unregistered births and personal names.

²² Casework information from UNHCR supported project ‘Prevention and Reduction of Statelessness’, implemented by the Macedonian Young Lawyers Association (MYLA).

situ populations and within the context of migration.²³ Historic causes of statelessness stemming from the dissolution of the former Yugoslavia are compounded by, among others, the lack of a dedicated procedure to identify and determine statelessness, insufficient safeguards to ensure that children born in North Macedonia acquire a nationality, barriers to birth registration and unregulated civil status, as well as gaps in measures taken to prevent and reduce statelessness more broadly.²⁴ Findings from the 'Roma Belong' project,²⁵ conducted by the co-submitting organisations, established how State succession, changes in citizenship laws, and large-scale displacement in the 1990s left many in the Western Balkans at risk of statelessness. Minorities such as Roma, Ashkali and Egyptians were disproportionately impacted across the region, were more likely to have been displaced, and more likely to have been viewed as outsiders in the successor states due to persistent antigypsyism.

12. Barriers to birth registration and unregulated civil status are serious and complex problems in North Macedonia, which perpetuate the risk of statelessness and fail to prevent new risks arising, with a disproportionate impact on the Roma community. The inability to meet documentary evidence requirements, the discriminatory attitudes of registry officials, poverty, lack of awareness and marginalisation are all factors which impact on access to civil registration.²⁶ Overly complex and bureaucratic civil registration procedures constrain the realisation of the child's right to a nationality.²⁷
13. The marginalisation and discrimination of minorities in North Macedonia mean that Roma, Ashkali and Egyptian communities are disproportionately impacted by statelessness or the risk of statelessness.²⁸ Comprehensive data on statelessness is lacking in North Macedonia, including a lack of any disaggregated data on ethnicity. Available information is indicative only.²⁹ A mapping study of people at risk of statelessness among Roma, Ashkali and Egyptian communities carried out by UNCHR in 2011 across 70% of the North Macedonian territory evidenced a high number of persons affected by statelessness among these communities at the time.³⁰
14. The Government of North Macedonia has taken some partial steps towards reducing statelessness in recent years. In 2019, the Government introduced a regularisation route under the Law on Foreigners for citizens of the former-Yugoslavia who continued to live in North Macedonia after 1991 without acquiring any nationality (and their children under five) to acquire

²³ See further information at European Network on Statelessness, 'North Macedonia' (2021) *Statelessness Index*, available at: <https://index.statelessness.eu/country/north-macedonia>.

²⁴ See further information at European Network on Statelessness, 'North Macedonia' (2021) *Statelessness Index*, available at: <https://index.statelessness.eu/country/north-macedonia>.

²⁵ European Network on Statelessness, European Roma Rights Centre, Institute on Statelessness and Inclusion, 'Roma Belong. Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine' (26 October 2017) available at: <https://www.statelessness.eu/updates/publication/roma-belong-statelessness-discrimination-and-marginalisation-roma-western>.

²⁶ 'North Macedonia' (n23).

²⁷ *ibid.*

²⁸ 'Roma Belong' (n25) 53.

²⁹ The majority of unregistered persons who completed the public call questionnaire in 2018-19 were Roma. This information is presented in the Ombudsperson's Special Report of May 2021 on the implementation of the Law on undocumented persons in birth registry book, available at: http://ombudsman.mk/upload/Posebni%20izvestai/2021/Neevidentirani%20lica-2021.pdf?fbclid=IwAR2_ercjJ9a54COrieEYcBmMOciAUq7TWA1MXiZ-8CCC6eu-xEzxF2uMQcY. However, this data relates only to those who came forward to register under this specific public call and does not include others affected by this issue, including long-term habitual residents affected by the dissolution of the former Yugoslavia, about whom no official data exists.

³⁰ Information provided by MYLA, UNHCR implementing partner. Further information at: <http://www.unhcr.org/pages/49e48d8f6.html>.

permanent residence. In January 2020, North Macedonia acceded to the Convention on the Reduction of Statelessness ('1961 Convention'). In 2020, a new 'Law on undocumented persons in birth registry book' came into force, enabling some people at risk of statelessness without personal documentation to apply for a 'special registration' to enable them to access social, health and employment rights, although this new law has significant gaps in scope and protection that are further addressed below. Finally, in July 2021, amendments were made to the North Macedonian Law on Citizenship, which provide possibilities for nationals of the former Yugoslavia to obtain Macedonian nationality.³¹ Although it is proclaimed that this will address issues of statelessness, statelessness is not mentioned in the amendments and Article 7A of the North Macedonian Law on Citizenship³² which pertains to statelessness remains unchanged.

15. As outlined in Annex I of this submission, North Macedonia has acceded to most relevant human rights treaties and thus has clear obligations to protect the rights of stateless persons on its territory. However, it must be noted that North Macedonia has not yet acceded to two international legal instruments that safeguard the rights of stateless persons, namely the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession and the International Convention on the Rights of Migrant Workers and Members of their Families.

Article 24: Child's right to a nationality and to birth registration

16. Article 24 of the Covenant states that "[e]very child shall be registered immediately after birth" as well as that "[e]very child has the right to acquire a nationality". This Committee elaborated in its General Comment No. 17 that the purpose of a child's right to nationality as provided for in Article 24 is "to prevent a child from being afforded less protection by society and the State because he is stateless".³³ States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when she is born. In this connection, "no discrimination with regard to the acquisition of nationality should be admissible under internal law as between legitimate children and children born out of wedlock or of stateless parents or based on the nationality status of one or both of the parents".³⁴ Nevertheless, in North Macedonia birth registration remains a complicated and exclusionary process, heightening the risk of childhood statelessness, and there are gaps in the legal safeguards in North Macedonian nationality law to prevent childhood statelessness.

³¹ The amendments allow citizens of other States formerly part of Yugoslavia or citizens of the former Yugoslavia who lived on the territory of Macedonia until 8 September 1991 or until Macedonian independence, to be granted Macedonian citizenship if they submit a request within three years of the day this law enters into force along with one of these pieces of evidence issued by a competent Macedonian institution: birth certificate, school certificate, proof of employment in Macedonia, paid electricity bill, water bill, phone bill, evidence of paid taxes, Yugoslavian ID card or passport, healthcare card, healthcare bill or other evidence issued by the authorities.

³² Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 7(a).

³³ Office of the High Commissioner for Human Rights, 'General Comment No. 17. Article 24 (Rights of the Child)' (7 April 1989) UN Doc HRI/GEN/1/Rev.9(Vol. i) para 8.

³⁴ *ibid.*

Child's right to birth registration

17. Lack of birth registration heightens the risk of leaving children without a nationality.³⁵ Article 24(2) ICCPR applies irrespective of the nationality, statelessness, or residence status of the parents,³⁶ and States should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.³⁷ Birth registration must be free and take place immediately after birth without delay. In order to ensure that all children have their births registered regardless of their or their parents' residence or documentation status, international norms and good practice urge States to prohibit data-sharing between health or registration officials and immigration enforcement authorities.³⁸
18. North Macedonian law provides for immediate birth registration,³⁹ and hospitals must report births to the civil registration office. However, parents must present at the civil registration office within two months of the birth to complete the registration, register the name of the child, and obtain the birth certificate. After 30 days, the birth can only be registered through a procedure for subsequent birth registration on the authority of the Ministry of Justice. Formal proof of the civil status and identity of both parents is required in practice to complete the registration of the child's personal name at the registry office.⁴⁰ However, no detailed legislative provisions are in place that set documentary evidence requirements for parents, so requirements vary at the discretion of the registry officer. The law allows officials to require evidence for administrative procedures as they see fit. In practice, evidential requirements for unmarried parents are particularly cumbersome, creating additional hurdles for children born out of wedlock, contrary to General Comment 17.

³⁵ For further information, see ENS (2020), *Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers*:

https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Birth_registrations-StatelessnessINDEX_briefing-revised.pdf

³⁶ UN High Commissioner for Refugees (UNHCR), 'Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness' (21 December 2012) UN Doc HCR/GS/12/04, available at: <https://www.refworld.org/docid/50d460c72.html>.

³⁷ See also, at the regional level, Council of Europe: Committee of Ministers, Recommendation CM/Rec(2009)13 and explanatory memorandum of the Committee of Ministers to member states on the nationality of children, 9 May 2009, CM/Rec(2009)13.

³⁸ See, for instance: Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23, available at:

<https://www.refworld.org/docid/5a12942a2b.html>

³⁹ Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16 и 64/18 of the Republic of North Macedonia N.97/2018: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabd9454> (MK); <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabd9894> (ENG); European Network on Statelessness, 'Ending Childhood Statelessness: A Study on Macedonia' (2015) *Working Paper 02/15*, available at: http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf.

⁴⁰ According to Article 4 of the Law on records of birth, death and marriages:

"The following data shall be entered in the register of births: 1) data on the birth of the child, that is: name and surname; child's gender; hour, day, month, year and place of birth of the child; citizenship; and personal identification number; 2) data on the child's parents, that is: name and surname (including the mother's maiden name); day, month, year and place of birth; nationality; citizenship; personal identification number; place of permanent residence and address"; Law on Births, Deaths and Marriages, Official Gazette of North Macedonia N. 8/1995, 38/2002, 66/2007, 98/2008, 67/2009, 13/2013, 43/2014, 148/2015, 27/2016 and 64/2018).

19. Late birth registration is possible in practice, but it is a very complex administrative procedure that puts additional requirements on parents. Parents must present additional documents at the discretion of the registry official, including: ID cards; marriage certificate (or birth certificates if not married); medical and education certificates for the child; and in some cases, additional notary verified statements or DNA testing.⁴¹ Further, birth registration is not free. Parents must pay 250 MKD (approx. 4 EUR) for the procedure.
20. Such requirements can be extremely difficult to meet among marginalised communities, particularly affecting Roma, Ashkali and Egyptians.⁴² These communities are disproportionately affected due to a range of factors, including inability to meet documentary evidence requirements, discriminatory attitudes of registry officials, and poverty and marginalisation. There are credible reports from MYLA, UNHCR, UNICEF, the European Commission, UN treaty bodies and others that some births are not being registered due to lack of documentation, and that this disproportionately affects minority groups.⁴³
21. A further issue arises due to the fact that the nationality of a child born in North Macedonia is determined upon birth registration only if the child is Macedonian, or there is proof of nationality. There is no legal framework for the subsequent determination of a child's nationality if they are not North Macedonian. If there is no proof of nationality, the 'nationality' field on the birth certificate is left blank. This has reportedly been the case for some children born to refugees, leaving them at increased risk of statelessness.⁴⁴
22. There are also credible reports by lawyers that medical authorities are being required to report undocumented migrants to the immigration authorities, which can discourage some parents from accessing healthcare due to fear of any repercussions.⁴⁵ Undocumented migrants who delay or avoid accessing healthcare due to a fear of being reported to immigration authorities are also less likely to obtain full updated information about procedures to register their child's birth and determination of nationality/statelessness through other institutions or services.

Child's right to a nationality

23. International norms for the prevention of statelessness also expand on States' obligation to ensure that every child has the right to acquire a nationality, protected by Article 24(3) ICCPR. States should implement legal safeguards to ensure that all children born on their territory who would otherwise be stateless acquire the nationality of the State where they were born.⁴⁶ However, to establish if a child would 'otherwise be stateless' and meet their obligations under the ICCPR and the 1961 Convention, States must be able to determine whether the child has acquired the nationality of another State. The examination of whether the child would otherwise

⁴¹ Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16 и 64/18 of the Republic of North Macedonia N.97/2018, article 23(3).

⁴² European Commission, 'Commission Staff Working Document. The Former Yugoslav Republic of North Macedonia.' (10 November 2015) 61, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/neighborhood/files/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf.

⁴³ European Network on Statelessness, 'ENS Statelessness Survey 2021: North Macedonia' (2020) 19, available at: https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-North_Macedonia-2020.pdf.

⁴⁴ 'ENS Statelessness Survey' (n433) 15.

⁴⁵ Information collected by MYLA through its casework.

⁴⁶ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 7; Convention on the Reduction of Statelessness (adopted on 30 August 1961, entered into force 13 December 1975) 989 UNTS 175, art 1.

be stateless should be carried out by a competent authority with the necessary expertise, through an established procedure for determining the child's nationality or whether they would otherwise be stateless and resolved immediately after birth registration or as soon as possible.⁴⁷ The nationality of the child should remain undetermined for as short a period as possible and never longer than five years. All actions involved in determining whether a child would otherwise be stateless must be undertaken with the best interests of the child as a primary consideration, and the authority responsible for such a procedure should ensure that its decision-making staff are trained on nationality and statelessness law. The procedure should be free of charge and regulated by transparent guidance.⁴⁸ Where determination of nationality requires an application procedure, information on how to apply must be provided to individuals whose children would otherwise be stateless or of undetermined nationality.⁴⁹

24. There is a partial safeguard in North Macedonian citizenship law, which stipulates that a child who was found or born in the territory of North Macedonia whose parents are unknown, have unknown citizenship or are stateless, may acquire nationality.⁵⁰ However, this provision focuses on the status of the parents rather than the statelessness of the child, and does not prevent statelessness in the case of children born to parents who may have a nationality but cannot confer this to their child, for example due to gender discrimination in the nationality laws of a mother's country of nationality. Moreover, as North Macedonia has not introduced a statelessness determination procedure (SDP), it may be challenging for stateless parents of children born in North Macedonia to prove their statelessness in practice.
25. As seen above, due to significant gaps in law and policy, the Government of North Macedonia is failing to protect the right of every child to birth registration and to acquire a nationality, and to prevent childhood statelessness.

In light of the above, the Committee is urged to ask North Macedonia:

- a. **What steps, in line with North Macedonia's international obligations, is the Government taking to ensure that all children born on the territory enjoy their right to immediate birth registration and to acquire a nationality, without discrimination?**
- b. **What measures is the Government taking to prevent discrimination and other barriers to birth registration particularly affecting marginalised communities, including Roma, Ashkali and Egyptians?**
- c. **How will the Government ensure that all children who are born stateless in its territory are identified and acquire a nationality automatically or as soon as possible after birth, in compliance with Article 24(3) of the Covenant?**

⁴⁷ 'Guidelines on Statelessness No. 4' (n36).

⁴⁸ *ibid*, para 54. For further information, see ENS (2020), *Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers*: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Birth_registrations-StatelessnessINDEX_briefing-revised.pdf

⁴⁹ Council of Europe, 'The Nationality of Children' CM/Rec (2009) 13, Principle 6.

⁵⁰ Law on Citizenship of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Article 6: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabca124> (MK); <https://www.refworld.org/pdfid/3f54916b4.pdf> (ENG).

Article 26: Discrimination against minorities and reduction of statelessness in situ populations

26. This Committee has elucidated in its General Comment 18 that Article 26 of the Covenant “not only entitles all persons to equality before the law as well as equal protection of the law but also prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.⁵¹ This Committee added that Article 26 of the Covenant is in itself an autonomous right, it thus “prohibits discrimination in law or in fact in any field regulated and protected by public authorities”.⁵² Article 2 also requires States to ensure all individuals within its territory enjoy the rights recognised in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
27. Roma, Ashkali and Egyptian communities are disproportionately at risk of statelessness in North Macedonia. Despite recent progress, including accession to the 1961 Convention in January 2020, North Macedonia is still failing to protect these minorities from discrimination and steps taken to reduce statelessness in recent years have been insufficient.
28. In 2019, the Government introduced a regularisation route under the ‘Law on Foreigners’.⁵³ This allows former citizens of Yugoslavia who continued to live in North Macedonia after 8 September 1991 without acquiring any nationality (and their children under five) to apply for permanent residence if they register their stay within three years of the adoption of the law. This development removed the costs and obligations to renew temporary residence permits for some of those who lost their citizenship due to State succession who can meet the criteria set out in the law. Previously, burdensome documentary and administrative requirements had resulted in breaks in legal stay in North Macedonia which, in turn, affected access to naturalisation. However, the law is timebound and only provides a solution for those who can meet the criteria. Furthermore, it only provides a route to permanent residence and naturalisation, rather than facilitating immediate acquisition of nationality for those recognised to be stateless former citizens of Yugoslavia in North Macedonia.
29. In February 2020, the new ‘Law on undocumented persons in birth registry book’ was adopted, offering a solution for those who have been unable to obtain personal identification documents. This enables people at risk of statelessness without personal documentation to apply for ‘special registration’ to enable them to access social, health and employment rights.⁵⁴ Although the law sets out to reduce the number of unregistered persons living in North Macedonia, it does not facilitate access to nationality for this group and does not resolve their nationality status, nor does it resolve the remaining gaps in the legal framework for civil registration to prevent new risks of statelessness arising. Moreover, the new law only applies to individuals identified to be without personal documentation in a Government-led public call conducted in 2018-19, and to children born after the public call who cannot obtain a birth registration certificate. On this

⁵¹ UNHRC, ‘General Comment No. 18. Non-Discrimination’ (10 November 1989) UN Doc HRI/GEN/1/Rev.9 (Vol. I) para 1.

⁵² *ibid*, para 12.

⁵³ Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018, Articles 71(1), 120, available at: <https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf>.

⁵⁴ Law on undocumented persons in birth registry book, <https://myla.org.mk/wp-content/uploads/2021/03/Zakon-za-neevidentirani-lica-Feb-2020.pdf>. See also MYLA, ‘Regulating the Status of Persons not Registered in the Register of Births’, available at: <https://myla.org.mk/7859-2/?lang=en>.

subject, the delegation of North Macedonia asserted in response to the list of issues at the third UPR cycle in 2019 that: “In 2019, the aim of the Government was to provide unregistered persons with access to education, health protection and employment. To ensure that unregistered persons enjoyed their rights a special law had been drafted and three laws would have to be amended.”⁵⁵

30. At the time of writing, the ‘Law on undocumented persons in birth registry book’ is still not fully implemented.⁵⁶ Although the law requires undocumented persons to submit applications within six months of the date of the adoption of the law (i.e. up until August 2020), this deadline was extended during the pandemic.⁵⁷ Between January and June 2021, only 211 persons of the 700 initially identified submitted requests for registration through the procedure provided for by the law.⁵⁸ Moreover, the Government of North Macedonia has not yet issued temporary documents to those who did come forward. These individuals are therefore still unable to access basic services such as healthcare, a particularly troubling situation in the midst of a global pandemic.⁵⁹
31. Procedures under the Law on Foreigners are conducted by the police, and the procedure under the ‘Law on undocumented persons in birth registry book’ is conducted by civil registry officials. Neither are specialised in statelessness and there is no centralised cooperation between agencies that may have contact with stateless people.

In light of the above, the Committee is urged to ask North Macedonia:

- a. What measures is the Government implementing to protect Roma, Ashkali and Egyptian communities from discrimination and to reduce statelessness in North Macedonia, including within these communities?**
- b. What steps is the Government taking to ensure that stateless people who are eligible to apply for permanent residence under the ‘Law on Foreigners’ have access to information about this route to protection, eligibility requirements and the application process? How will the Government ensure that those granted permanent residence under this route are able to resolve their statelessness through facilitated naturalisation and/or acquisition of North Macedonian citizenship?**
- c. What is the status of the implementation of the ‘Law on undocumented persons in birth registry book’, including the number of requests for registration submitted and the number of personal identity documents issued? How does the Government intend to ensure individuals registered under the ‘Law on undocumented persons in birth registry book’ are also able to enjoy their right to a nationality?**

⁵⁵ UNHRC, ‘Report of the Working Group on the Universal Periodic Review. North Macedonia’ (24 June-12 July 2019) UN Doc A/HRC/41/11, para 43.

⁵⁶ On 3rd of July the Ombudsman published a report for the implementation of the Law on undocumented persons in birth registry book, available at: http://ombudsman.mk/upload/Posebni%20izvestai/2021/Neevidentirani%20lica-2021.pdf?fbclid=IwAR2_ercjJ9a54COrieEYcBmMOciAUq7TWA1MXjZ-8CCC6eu-xEzxF2uMQcY.

⁵⁷ The deadline was extended for one year, until 30 June 2022 with amendments adopted in the Parliament on July 30 2021.

⁵⁸ Information internal to MYLA.

⁵⁹ Remzi Medik, ‘The Only Way to Overcome COVID-19 is to Work Together: Involving Stateless People in Europe’s COVID-19 Response’ (28 May 2020) *ENS Blog*, available at: <https://www.statelessness.eu/updates/blog/only-way-overcome-covid-19-work-together-involving-stateless-people-europes-covid-19>.

Articles 16 and 24: Statelessness determination procedure and protection status

32. To provide the protection and rights enshrined in the ICCPR and the Convention Relating to the Status of Stateless Persons ('1954 Convention'), including a residence permit, the right to study and facilitated naturalisation, States must identify stateless people on their territory. Article 16 of the Covenant requires that "everyone shall have the right to recognition everywhere as a person before the law." Article 16 must also be read in conjunction with Article 2(1) which proscribes discrimination "of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Moreover, this Committee has also recently found that the failure to identify statelessness and assess a child's nationality status led to a violation of the right to nationality under Article 24(3), and stating that the Netherlands (the State under review in that case) should ensure that a procedure for determining statelessness status is established to prevent further violations.⁶⁰
33. Identifying stateless people is a necessary first step to providing them a secure legal status as well as protecting and ensuring their enjoyment of basic human rights. Given the barriers that stateless people face in accessing their human rights, it is important to determine statelessness to ensure that laws and policies do not directly or indirectly discriminate against stateless persons in the enjoyment of such rights. Without early identification and formal determination of statelessness, stateless persons cannot enjoy their civil, political, economic, social and cultural rights, as well as other rights protected under the 1954 Convention (such as the right to administrative assistance, and exemption from requirements which by their nature a stateless person is incapable of fulfilling).
34. Identifying statelessness is also essential to protecting everyone's right to a nationality. While stateless migrants and refugees in North Macedonia may have had their right to a nationality denied or deprived by another country, North Macedonia is obligated under the 1954 Convention to facilitate the naturalisation of such persons. Although this obligation does not require North Macedonia to guarantee Macedonian nationality to all stateless persons (some may not fulfil naturalisation criteria for example), identifying stateless persons, determining their statelessness in a formal procedure, and thereby granting them access to facilitated naturalisation (among other rights) is often the only pathway to solve statelessness, and ensure that stateless migrants and refugees can enjoy their right to a nationality, as secured under international human rights law.
35. The determination of statelessness is best fulfilled through a dedicated statelessness determination procedure (SDP) with the necessary safeguards and procedural guarantees in line with UNHCR guidelines.⁶¹ The absence of a dedicated SDP in North Macedonia is one of the root causes of human rights violations against stateless people, the lack of adequate protection of stateless persons and, ultimately, facilitating the right to a nationality for all. Establishing a

⁶⁰ *Zhao v. the Netherlands* (2020) CCPR/C/130/D/2918/2016 (UN Human Rights Committee, 28 December 2020), para 10.

⁶¹ UNHCR, 'Handbook on Protection of Stateless Persons Under the 1951 Convention Relating to the Status of Stateless Persons' (Geneva, 2014) available at: <http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>.

dedicated SDP also helps States understand the issue of statelessness at national level, through the collection of data and information on trends and developments, to which it can adequately respond and therefore meet its duty to protect the rights of stateless persons and reduce statelessness.

36. As addressed in the section above, North Macedonia is further obligated to ensure that no child is born stateless in the country. It is essential to have safeguards in place to determine the child's nationality or whether a child would otherwise be stateless as soon as possible after birth. Stateless children or children at risk of statelessness should be referred to an SDP (with due consideration for confidentiality and the primacy of resolving any outstanding asylum claim before initiating contact with State authorities to determine statelessness) so that their statelessness is formally identified and recognised, and they receive full protection and enjoyment of their rights, including their right to acquire a nationality. Additional procedural and evidentiary safeguards for child applicants should be put in place, including 'priority processing of their claims, provision of appropriately trained legal representatives, interviewers and interpreters as well as the assumption of a greater share of the burden of proof by the State'.⁶² The principle of upholding the best interests of the child must also be adhered to in any decision-making relating to their nationality status and stateless protection status.⁶³
37. North Macedonia's legal framework continues to contain several gaps which prevent some persons from obtaining or proving their legal identity. North Macedonian law contains a definition of a stateless person in line with Article 1(1) of the 1954 Convention.⁶⁴ However, there is no mechanism to identify or determine statelessness nor a stateless protection status. There is a route to regularisation under the 'Law on Foreigners' for some stateless people who were citizens of the former Yugoslavia (see paragraph 28 above) and some people may be able to obtain a temporary residence permit granted at the Government's discretion,⁶⁵ but for other stateless people in a migratory context, the only option is applying for asylum.
38. A temporary residence permit may be granted on humanitarian grounds for some stateless people eligible under the 'Law on Foreigners', although very limited rights are attached to it.⁶⁶ Stateless people with a temporary residence permit may acquire a 1954 Convention travel document, have a right to free legal aid,⁶⁷ primary and secondary education,⁶⁸ and access to

⁶² *ibid*, para 19.

⁶³ *ibid*.

⁶⁴ Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018, Articles 120:

<https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf>.

⁶⁵ Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018, Articles 71(1), 120:

<https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf>.

⁶⁶ Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018, Articles 120, 166, 168 & 174:

<https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf>.

⁶⁷ Law on Free Legal Aid, Article 15, Official Gazette of the Republic of North Macedonia N.101/2019:

<https://www.pravda.gov.mk/Upload/Documents/Zakon%20za%20besplatna%20pravna%20pomos.pdf>.

⁶⁸ Law on Secondary Education, Article 5, Official Gazette of the Republic of North Macedonia N: 44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 116/2010, 156/2010, 18/2011, 42/2011, 51/2011, 6/2012, 100/2012, 24/2013, 41/2014, 116/2014, 135/2014, 10/2015, 98/2015, 145/2015 и 30/2016) :

<http://www.sonk.org.mk/documents/Zakon%20za%20sredno%20obrazovanie.pdf> and Law on Primary Education, Article 13, Official Gazette no. 161/2019 and amendment 229/2020:

<https://mon.gov.mk/stored/document/Zakon%20za%20osnovnoto%20obrazovanie%20-%20nov.pdf>.

employment in very limited cases while the residence permit is valid.⁶⁹ Stateless people do not have the right to vote in any elections in North Macedonia.

39. A stateless person can obtain Macedonian nationality by naturalisation after six years of legal and permanent residence in the country, which is accelerated in comparison to other 'foreigners', but they must fulfil the remaining conditions under the Law on Citizenship and there are no exemptions for stateless people (these include submitting proof of birth registration and a certificate of non-conviction/prosecution).⁷⁰
40. There are no obligations in law on the authorities in North Macedonia to examine a claim of statelessness, and no clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention.⁷¹ The burden of proof in all procedures is on the applicants. They must apply, attend interviews where relevant, and provide all necessary documentation to state officials. The 'Law on Administrative Procedure' obliges state officials to guide and assist those who do not understand the law, but this is not fully implemented in practice. The standard of proof applied when establishing statelessness is unclear. There is no clear guidance for officials on how to identify or determine statelessness.⁷² There is no formal training for public bodies on statelessness, but ad hoc training is provided by UNHCR and MYLA, based on the needs of the relevant institutions. There is no training on statelessness for judges.⁷³

In light of the above, the Committee is urged to ask North Macedonia:

- a. **What steps are being taken to introduce a statelessness determination procedure in North Macedonia to ensure that stateless migrants, including children, can access adequate protection?**
- b. **How will the Law on Citizenship be amended, for North Macedonia to comply with its obligations under the ICCPR and the 1954 Convention relating to the Status of Stateless Persons, which requires stateless people to be granted a facilitated route to naturalisation?**

The impact of COVID-19 on access to documentation and the enjoyment of civil rights, and discriminatory practices against stateless people

41. In February 2020, the 'Law on undocumented persons in birth registry book' was adopted. Undocumented and eligible persons could submit applications to receive personal documentation up until August 2020. Due to the pandemic and the closure of services, this was not adequately implemented and the institutions responsible for dealing with applications are still not equipped to register these people according to the law.⁷⁴ As discussed above at

⁶⁹ Stateless persons have the same right to employment as other foreigners according to [the Law on employment of foreigners](#); however, in practice, MYLA's casework shows that stateless people usually have limited access to employment because of lack of formal education, or, in some cases, employers do not want to employ them because of their temporary residence. See also: Law on Social Protection, Article 13, Official Gazette of The Republic of north Macedonia n.104/2019: https://www.pravdiko.mk/wp-content/uploads/2019/03/zakon_za_socijalna_zashtita_skratena_tekst_so_sz_6ti.pdf.

⁷⁰ Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11 and 55/16: <http://www.mvr.gov.mk/Upload/Documents/Zakon%20za%20drzavjanstvo%20precisten%20tekst.doc>.

⁷¹ Ibid.

⁷² information internal to MYLA, see further: [North Macedonia | Statelessness Index](#).

⁷³ Ibid.

⁷⁴ European Policy Institute, 'Skopje, Challenges facing Roma during the crisis caused by COVID-19' (2020) available at: https://epi.org.mk/wp-content/uploads/2020/06/roma_kovid-19_eng.pdf.

paragraph 30, the application deadline has been extended and some amendments to this law have been passed.

42. The impacts of the coronavirus pandemic have disproportionately affected stateless persons as well as those at risk of statelessness and exacerbated their vulnerabilities. These impacts have been felt globally,⁷⁵ including in North Macedonia. The discrimination faced by stateless people, both in the provision of and access to healthcare and across other areas which have been impacted by the pandemic, is in violation of North Macedonia's international obligations and the Covenant.
43. The healthcare system in North Macedonia has collapsed under the pressure of COVID-19. Prior to the pandemic, stateless persons did not qualify for state healthcare, and this has generally remained the same throughout the pandemic. However, through Decree no. 92/20, the Government declared that all persons that are not covered by health insurance will be able to receive health services in healthcare facilities related to the diagnosis and treatment of COVID-19 at the expense of the Health Insurance Fund of North Macedonia.⁷⁶ Stateless and undocumented persons are able to access private healthcare, however, the cost makes it inaccessible to most. Moreover, stateless persons are excluded from vaccination as access to a vaccine requires individuals to present valid personal documents to prove their identity.⁷⁷
44. In the southwest of North Macedonia, stateless people cannot access state and humanitarian relief, experience significant difficulties accessing work, healthcare, education and civil registration services and are subjected to increased antigypsyism and related intolerance. Most of those affected by (risk of) statelessness in the region are Roma. 10% of Roma households do not have access to clean drinking water inside their home,⁷⁸ and 18% do not have access to a sewer system. These poor conditions make them more susceptible to infection. Many Roma do not have access to PPE also increasing their risk of infection.⁷⁹ There have been further barriers to education during lockdowns due to the nature of online classes and the need for access to equipment and the internet.⁸⁰
45. On 18 March 2020, a state of emergency was declared, and the Government received financial assistance from the EU and the International Monetary Fund.⁸¹ Coordination bodies were set up

⁷⁵ See for example: Institute on Statelessness and Inclusion, 'Stateless in a global pandemic, Impact Report, 2020' (2020) available at: https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf; European Network on Statelessness, 'Position Paper, "Even before the pandemic, statelessness has been invisible" - Involving stateless people in Europe's COVID-19 response | European Network on Statelessness' (26 May 2020) available at:

<https://www.statelessness.eu/updates/publication/even-pandemic-statelessness-has-been-invisible-involving-stateless-people-europe-s-covid>; Talha Burki, 'Statelessness in the COVID-19 pandemic' (24 April 2021) available at:

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00901-6/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00901-6/fulltext).

⁷⁶ 'Skopje, Challenges facing Roma during the crisis caused by COVID-19' (n74). See also COVID-19 Health System Response Monitor, 'North Macedonia' (2021), available at:

<https://www.covid19healthsystem.org/countries/northmacedonia/livinghit.aspx?Section=4.1%20Health%20financing&Type=Chapter>.

⁷⁷ A personal number for foreigner and valid alien residence permit.

⁷⁸ See Civil Media broadcast highlighting issue of lack of access to water in 2018, which according to Bairska Svetlina continues until today: <https://www.youtube.com/watch?v=G505CjKiuEc>

⁷⁹ 'Skopje, Challenges facing Roma during COVID-19' (n74).

⁸⁰ Institute on Statelessness and Inclusion, 'Stateless in a global pandemic, Impact Report, 2020' (2020) available at: https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf, p.8.

⁸¹ European Bank for Reconstruction and Development, 'Transition Report 2020-21 The State Strikes Back Country Assessments: North Macedonia' (2020) available at: <https://www.ebrd.com/news/publications/transition-report/transition-re-port-202021.html>.

to facilitate humanitarian actions to help vulnerable citizens.⁸² However, stateless people were excluded from accessing the majority of COVID-19 emergency relief and support in North Macedonia due to the lack of identity documents.⁸³ The Roma community in the southwest of the country has also not been adequately reached by humanitarian actors, further heightening their vulnerabilities.⁸⁴

46. The COVID-19 pandemic significantly affects peoples' employment and income, and consequently the loss of livelihoods amongst stateless people and those at risk of statelessness. The inability to access formal employment is a significant factor in the loss of income. Jobs are mainly found in the informal sector which were brought to a standstill with the implementation of lockdowns and curfews.⁸⁵ The State issued payment cards with which unemployed citizens could shop for groceries up to €150.⁸⁶ The Government has also provided financial assistance to those financially affected by COVID-19, but these measures required access to a bank account, making them inaccessible to stateless persons who cannot open bank accounts without documentation. Stateless people and those at risk of statelessness, who are particularly vulnerable to COVID-19 in the southwest of the country, have been excluded from relief support and socio-economic rights, as access is dependent on being able to present valid identity documents.
47. Discrimination continues to be an underlying and entrenched cause of statelessness, also in the context of the pandemic. There has been a rise in hate crimes, hate speech, and general intolerance targeting Roma communities and other minority groups affected by statelessness. During a three-month period in 2020, there were four recorded instances of hate crimes committed against members of the Roma community. On one occasion, victims were beaten by police, and in the other cases, they were assaulted by Macedonians. The office of the Roma NGO 'Bairska Svetlina' was extensively damaged with vandals breaking the doors and windows and graffitiing xenophobic slurs on the walls for their work with the Roma community.⁸⁷

In light of the above, the Committee is urged to ask North Macedonia:

- c. What steps is the Government taking to ensure that stateless people are not discriminated against in the provision of and access to healthcare, vaccination, information, state and humanitarian relief and other measures aimed at protecting vulnerable populations during the COVID-19 pandemic?**
- d. What measures are in place to ensure that COVID-19 does not impact on the ability of undocumented and stateless people to apply to receive personal documentation under the new 'Law on undocumented persons in birth registry book', and to resolve their (risk of) statelessness through confirmation or acquisition of nationality?**

⁸² Government of the Republic of Macedonia, 'Decision to Adopt a Coordination Headquarters during the COVID-19 Pandemic' (2020) available at: <https://koronavirus.gov.mk/wp-content/uploads/2020/05/%D0%9E%D0%B4%D0%BB%D1%83%D0%BA%D0%B0-%D1%84%D0%BE%D1%80%D0%BC%D0%B8%D1%80%D0%B0%D1%9A%D0%B5-%D0%BA%D1%80%D0%B8%D0%B7%D0%B5%D0%BD-%D1%88%D1%82%D0%B0%D0%B1.pdf>.

⁸³ 'The Only Way to Overcome COVID-19 is to Work Together' (n59).

⁸⁴ More information is available at Institute on Statelessness and Inclusion, 'Together We Can' (2021), pp. 57-58, available at: https://files.institutesi.org/together_we_can_report_2021.pdf.

⁸⁵ *ibid*, p. 8.

⁸⁶ Government of the Republic of North Macedonia, 'Economic measures for dealing with the consequences of COVID-19' (2020), available at: <https://koronavirus.gov.mk/merki/ekonomski-merki>.

⁸⁷ Vera Karanika, 'New Report on the Impact of Coronavirus on Stateless People Lays out a Roadmap for Change' (16 June 2021) *ENS Blog*, available at: <https://www.statelessness.eu/updates/blog/new-report-impacts-coronavirus-stateless-people-lays-out-roadmap-change>.

Recommendations

48. The following recommendations are made, which we hope the Committee will consider in urging the Government of North Macedonia to ensure the right of every child to acquire a nationality, and to protect the rights of all stateless people in North Macedonia:
- I. **Amend the Law on Citizenship to implement a full safeguard to ensure that all children born in North Macedonia who would otherwise be stateless acquire nationality automatically or as soon as possible after birth, regardless of the status or identity of their parents.**
 - II. **Simplify the birth registration procedure and remove all practical barriers to birth registration, including evidential requirements and fees, and ensure that the status of parents or criteria for late birth registration does not prevent immediate registration.**
 - III. **Ensure that all stateless people on the territory, including members of Roma, Ashkali and Egyptian communities, have access to fundamental rights in law and in practice without any discrimination.**
 - IV. **Establish a statelessness determination procedure and protection status in law and in line with good practice, to give full effect to the rights enshrined in the 1954 Convention to stateless migrants in the Republic of North Macedonia.**
 - V. **Accede to the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession and the International Convention on the Rights of Migrant Workers and Members of their Families.**
 - VI. **Improve the legislative framework to identify stateless people and those at risk of statelessness due to lack of civil documentation, and put in place effective, sustainable mechanisms to confirm or grant Macedonian citizenship for all those with an entitlement to it now and in the future. This includes ensuring that all those identified through the 'Law on undocumented persons in birth registry book' can access a facilitated route to confirmation or acquisition of citizenship.**
 - VII. **Ensure that the right to a nationality and other rights of stateless people are not undermined as a result of disruptions during the COVID-19 pandemic or for any other reason, and that all stateless people have adequate access to vaccines, information and healthcare, regardless of their documentation or residence status.**
 - VIII. **Improve the collection and monitoring of disaggregated quantitative data on stateless persons in the Republic of North Macedonia and build the capacity of officials to accurately identify and record statelessness across government agencies at all administrative levels.**
 - IX. **Enhance cooperation and collaboration between governments and other actors in the Western Balkans, to find durable regional solutions and approaches to strengthening nationality rights, documentation and legal status of Roma people.**
 - X. **Recognise that discrimination is one of the primary causes of statelessness and that stateless people face additional discrimination. In particular, develop campaigns to combat antigypsyism and hate speech against Roma people and to penalise the instigators of hate speech.**

Annex I – North Macedonia’s International Obligations

1. North Macedonia has acceded to both the Convention Relating to the Status of Stateless Persons (1954 Convention) and the Convention on the Reduction of Statelessness (1961 Convention).
2. In addition to the ICCPR, North Macedonia is party to most international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention on the Rights of the Child (CRC), the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and the Convention on the Rights of Persons with Disabilities (CRPD). It is also a party to other relevant regional treaties, including the European Convention on Human Rights (ECHR) and the European Convention on Nationality (ECN). However, North Macedonia is not party to the European Convention on the Avoidance of Statelessness in Relation to State Succession, nor the International Convention on the Protection of the Rights of all Migrant Workers and their Families.

Annex II - The Co-Submitting Organisations

1. The Macedonian Young Lawyers Association (MYLA)⁸⁸ has been actively working on the problem of statelessness in the direction of its prevention and eradication for more than ten years. Within the Project Prevention and Reduction of Statelessness, which MYLA implement with the UNHCR Office in Macedonia, the organisation provides free legal aid to those in procedures for additional registration in the Republic of North Macedonia, regulation of residence and admission to citizenship. MYLA is a member of the coordinating body – working group within the action for additional inscription of births and personal names. Since 2014, in parallel with UNHCR's #IBelong campaign to end statelessness, MYLA started a campaign for raising awareness among the population about the problem of statelessness. MYLA broadcast a video on the prevention of childhood statelessness⁸⁹ on several national television channels. MYLA also published a brochure "Our Invisible Children"⁹⁰ about stateless children and organised a photo exhibition. MYLA participated in "Regional Research on Statelessness"⁹¹ together with organizations from Serbia, Kosovo, Croatia, Bosnia and Herzegovina and Montenegro. MYLA also participated in the adoption of the new 'Law on Foreigners'⁹² from 2018.
2. The civil movement AVAJA⁹³ was created in 2019, merging the missions of three organisations: the Institute for Research and Policy Analysis 'Romalitico', the Association for Citizens 'Romaversitas' and the Association for Strengthening and Organising the Roma Community 'Romano Avazi'. Romalitico aims to promote a dynamically open society through analysis, evidence-based research and advocacy on Roma in Macedonia and Europe, Romaversitas aims to build the capacity of young people and prepare them for key positions through personal and professional development, and Romano Avazi contributes by strengthening and empowering the Roma community to take collective action.
3. Based in Bitola, North Macedonia, Bairska Svetlina⁹⁴ is a non-governmental organisation that aims to strengthen the capacity of Roma communities, improve their socio-economic status, build the skills of young Roma activists and improve their level of education. The organisation promotes the enjoyment of basic human rights as well as direct inclusion and integration of the Roma community in social processes. Bairska Svetlina relies on a methodical approach to issues by implementing activities in priority areas (education, social welfare, healthcare, housing, discrimination, employment, police abuse, criminality etc.), introducing civil initiatives, establishing partnerships as well as identifying and documenting cases in the field through our Legal Clinic. Bairska Svetlina runs a Help Desk to assist members of the Roma community to address issues they are facing during the pandemic.

⁸⁸ For more information about MYLA, please see <http://myla.org.mk/en/>.

⁸⁹ For further information see: https://www.youtube.com/watch?v=Z_URh2-EsK8.

⁹⁰ For further information see: <http://myla.org.mk/wp-content/uploads/2016/09/Nasite-nevidlivi-deca.pdf>.

⁹¹ For further information see: <http://myla.org.mk/wp-content/uploads/2016/09/Regionalno-istrazivanje-za-bezdrzavjanstvo-V01-01-MK-Preview.pdf>.

⁹² Law on Foreigners (Official Gazette of the Republic of Macedonia No. 97/2018 from the 28.05.2018) 6. See: <http://myla.org.mk/wpcontent/uploads/2018/06/%D0%9A%D0%BE%D0%BC%D0%B5%D0%BD%D1%82%D0%B0%D1%80%D0%B8-%D0%BD%D0%B0-3>.

⁹³ For more information see: <https://avaja.org/>

⁹⁴ For more information see: <http://bairskasvetlina.mk/>

4. The European Network on Statelessness (ENS)⁹⁵ is a civil society alliance of NGOs, lawyers, academics, and other independent experts committed to addressing statelessness in Europe, with over 170 members in 41 European countries. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments. This submission partially draws on information and analysis from the Statelessness Index on North Macedonia,⁹⁶ maintained and developed by ENS and its members. The Index is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice.
5. The Institute on Statelessness and Inclusion (ISI) is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realising and protecting everyone's right to a nationality.⁹⁷

⁹⁵ For more information see: www.statelessness.eu.

⁹⁶ Available at: <https://index.statelessness.eu/country/north-macedonia>

⁹⁷ For more information see: www.institutesi.org