

Joint Submission to the  
Human Rights Council

# Universal Periodic Review

46<sup>th</sup> Session  
4th Cycle

## NORTH MACEDONIA

11 October 2023



MYLA



errc

european roma rights centre



European  
Network on  
Statelessness



Institute on  
Statelessness and  
Inclusion

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## Introduction

1. The Macedonian Young Lawyers Association (MYLA), the European Roma Rights Centre (ERRC), the Institute on Statelessness and Inclusion (ISI) and the European Network on Statelessness (ENS) make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness in North Macedonia.
2. This submission focuses on:
  - I. Reduction of statelessness of *in situ* populations
  - II. Children's right to a nationality and birth registration
  - III. Economic and social rights of stateless people
  - IV. Statelessness determination procedure for migratory stateless populations
3. The [Macedonian Young Lawyers Association](#) (MYLA)<sup>1</sup> has been actively working on the problem of statelessness in the direction of its prevention and eradication for more than 12 years. Within the Project Prevention and Reduction of Statelessness, which MYLA implements with the UNHCR Office in North 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 statelessness<sup>2</sup> on several national television channels. MYLA also published a brochure "Our Invisible Children"<sup>3</sup> about stateless children and organised a photo exhibition. MYLA participated in "Regional Research on Statelessness"<sup>4</sup> together with organizations from Serbia, Kosovo, Croatia, Bosnia and Herzegovina and Montenegro.

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<sup>1</sup> For more information, see <http://www.myla.org.mk/index.php/en/>.

<sup>2</sup> For further information see: [https://www.youtube.com/watch?v=Z\\_URh2-EsK8](https://www.youtube.com/watch?v=Z_URh2-EsK8).

<sup>3</sup> For further information see: <http://myla.org.mk/wp-content/uploads/2016/09/Nasite-nevidlivi-deca.pdf>.

<sup>4</sup> For further information see: <http://myla.org.mk/wp-content/uploads/2016/09/Regionalno-istrazivanje-za-bezdrzavjanstvo-V01-01-MK-Preview.pdf>.

MYLA also participated in the adoption of the new ‘Law on Foreigners’<sup>5</sup> from 2018. In addition, MYLA prepared the draft amendments to the Law on Civil Registry adopted by the Parliament in June 2023.

4. The [European Roma Rights Centre](#) (ERRC)<sup>6</sup> is a Roma-led international public interest law organisation, working to combat anti-Romani racism and human rights abuse of Roma in Europe. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.
5. The [European Network on Statelessness](#) (ENS)<sup>7</sup> is a civil society alliance of NGOs, lawyers, academics, and other independent experts committed to addressing statelessness in Europe. Based in London, it currently has over 180 members in 40 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 ENS’s Statelessness Index, which covers North Macedonia.<sup>8</sup>
6. The [Institute on Statelessness and Inclusion](#) (ISI)<sup>9</sup> 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. The Institute has made over 100 country specific UPR submissions on the human rights of stateless persons. ISI has also compiled summaries of the key challenges related to statelessness in all countries under review under the 23<sup>rd</sup> to the 44<sup>th</sup> UPR Sessions.

## Previous UPR and UN Treaty bodies’ recommendations to North Macedonia

7. North Macedonia has received four recommendations during the third cycle of the Universal Periodic Review (UPR) in 2019, all of which were accepted.<sup>10</sup> Senegal recommended that North Macedonia should “integrate more the concerns of minorities, indigenous peoples and stateless persons in existing political programmes”,<sup>11</sup> 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”.<sup>12</sup> Ukraine and Honduras both recommended that North Macedonia accede to the Convention of the Reduction of Statelessness,<sup>13</sup> which the Government of North Macedonia implemented in 2020.

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<sup>5</sup> Law on Foreigners (Official Gazette of the Republic of Macedonia No. 97/2018 from the 28.05.2018).

<sup>6</sup> For more information, see <http://www.errc.org/>.

<sup>7</sup> For more information, see <https://www.statelessness.eu>.

<sup>8</sup> ENS, Statelessness Index: North Macedonia, <https://index.statelessness.eu/country/north-macedonia>.

<sup>9</sup> For more information, see <https://www.institutesi.org/>.

<sup>10</sup> 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.

<sup>11</sup> *ibid*, recommendation 104.58.

<sup>12</sup> *ibid*, recommendation 104.156.

<sup>13</sup> *ibid*, recommendations 104.6 and 104.14.

8. North Macedonia has received two recommendations from the UN Human Rights Committee in relation to children's rights, birth registration and legal identity.<sup>14</sup> 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 [...]".<sup>15</sup>
9. 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 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".<sup>16</sup>
10. 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 2022, it recommended that North Macedonia "ensure that registration of birth and the issuing of birth certificates are free of charge" and "that citizenship is granted to children residing in the State party who would otherwise be stateless".<sup>17</sup> Similarly, 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".<sup>18</sup>
11. The Committee on Economic, Social and Cultural Rights (CESCR) also recommended North Macedonia in 2016 to "take all measures necessary to issue identity cards to all Roma and to address the situation of stateless persons in line with the requirements of the

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<sup>14</sup> 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.

<sup>15</sup> *ibid.*, para. 20-21.

<sup>16</sup> 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.

<sup>17</sup> Committee on the Rights of the Child, 'Concluding observations on the combined third to sixth periodic reports of North Macedonia' (20 October 2022) UN Doc. CRC/C/MKD/CO/3-6, paragraph 21.

<sup>18</sup> 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.

Convention relating to the Status of Stateless Persons of 1954.”<sup>19</sup>

12. The Committee on the Elimination of Racial Discrimination (CERD) issued a recommendation to North Macedonia to “take measures to identify children whose births were not registered and who lack identity documents and continue to proceed with retroactive birth registration and issuance of documents, including, if possible, by simplifying the entire process.”<sup>20</sup>

## North Macedonia’s International obligations

13. 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).
14. North Macedonia has international obligations to fulfil the right to a nationality and protect the rights of stateless persons based on other UN treaties to which it is a party. Under Article 118 of the Macedonian Constitution, all ratified international instruments are incorporated into the national legal framework. These include, among others:<sup>21</sup>
  - International Covenant on Civil and Political Rights (Article 24.3)
  - International Covenant on Economic, Social and Cultural Rights (Articles. 2.2 and article 3)
  - Convention of the Rights of the Child (Articles 2, 3, 7 and 8)
  - Convention on the Elimination of All Forms of Discrimination against Women (Article 9)
  - Convention on the Elimination of All Forms of Racial Discrimination (Article 5(d)(iii))
  - Convention on the Rights of Persons with Disabilities (Article 18)
  - Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)
15. North Macedonia 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. Furthermore, the right to a nationality is included in Article 15 of the Universal Declaration on Human Rights.

## Snapshot of Statelessness in North Macedonia

16. Statelessness in North Macedonia occurs mostly among *in situ* populations, and while there is limited data available, it may also occur in the context of migration.<sup>22</sup> Historic causes of statelessness stem from the dissolution of the former Yugoslavia, compounded by various factors such as the lack of a dedicated procedure to identify and determine statelessness, insufficient safeguards to ensure that children born in North Macedonia

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<sup>19</sup> Committee on Economic, Social and Cultural Rights (CESCR), ‘Concluding observations on the combined second to fourth periodic reports of the former Yugoslav Republic of Macedonia’ (15 July 2016) UN Doc. E/C.12/MKD/CO/2-4, paragraph 24.

<sup>20</sup> Committee on the Elimination of Racial Discrimination (CERD), ‘Concluding observations on the combined eighth to tenth periodic reports of the former Yugoslav Republic of Macedonia’ (21 September 2015) UN Doc. CERD/C/MKD/CO/8-10, paragraph 21(c).

<sup>21</sup> See [United Nations Treaty Collection](#).

<sup>22</sup> See further information at ENS, Statelessness Index: North Macedonia, <https://index.statelessness.eu/country/north-macedonia>.

acquire a nationality, barriers to birth registration and unregulated civil status, discrimination against minority groups, and gaps in measures taken to prevent and reduce statelessness more broadly.<sup>23</sup> Findings from the 'Roma Belong' project,<sup>24</sup> confirmed how State succession, changes in nationality 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, more likely to have been displaced, and more likely to have been viewed as outsiders in the successor States due to persistent antigypsyism.

17. It is commendable that North Macedonia has taken significant steps to implement the recommendations accepted in the last UPR cycle and issued by the different UN Treaty Bodies (as outlined above). In recent legal reforms, North Macedonia has created solutions to address the lack of identity documents and birth registration of a significant part of the population who had unregulated civil status, and is therefore stateless or at risk of statelessness. The Government is in the process of implementing measures to document the individuals with unregulated status and adopting provisions to prevent further cases of statelessness from arising population, although the effectiveness of these solutions will depend on their implementation in practice. Some concerns also remain due to gaps that have not yet been addressed by the Government, as detailed below.
18. North Macedonia lacks comprehensive, accurate data and statistics on the number of stateless persons and lacks robust procedures for the identification of statelessness and in its territory. There is also a lack of disaggregated data on ethnicity. The most recent national census was conducted in 2021, and 'stateless' was specifically listed as a census category. The official results published in March 2022 indicated that there were 584 people recorded as stateless.<sup>25</sup> However, there are concerns that some stateless people in North Macedonia remain unidentified.<sup>26</sup>
19. Separately, as of August 2023, MYLA reported 353 identified people at risk of statelessness; of whom 105 had undetermined nationality (long-term habitual residents affected by the dissolution of the former Yugoslavia) and 248 had unregulated nationality (people at risk of statelessness because their births or names are not registered in the civil registry).<sup>27</sup> A 2018-2019 Government-initiated campaign to identify and register people who lack a birth certificate or other civil documentation resulted in the identification of 700 people at risk of statelessness (the majority of whom were Roma, Ashkali and Egyptian).<sup>28</sup> It is unclear whether these 700 people who responded to the public call were also identified as stateless during the 2021 census.

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<sup>23</sup> See further information at ENS, Statelessness Index: North Macedonia, <https://index.statelessness.eu/country/north-macedonia>.

<sup>24</sup> 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>.

<sup>25</sup> Republic of North Macedonia, State Statistical Office, available at: <http://www.stat.gov.mk/Publikacii/knigalX.pdf>, p. 591.

<sup>26</sup> Republic of Macedonia State Statistical Office, 'Census of Population, Households and Dwellings in the Republic of Macedonia, 2002 (2002)' available at: <http://www.stat.gov.mk/Publikacii/knigalX.pdf>.

<sup>27</sup> Casework information from UNHCR supported project "Advocacy, legal assistance and representation to PoCs and Prevention and Reduction of Statelessness", implemented by the Macedonian Young Lawyers Association (MYLA).

<sup>28</sup> 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). 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 Persons without regulated civil status, available at: [http://ombudsman.mk/upload/Posebni%20izvestai/2021/Neevidentirani%20lica-2021.pdf?fbclid=IwAR2\\_ercj9a54COrieYcBmMOciAUq7TWA1MXjz-8CCC6eu-xEzxF2uMQcY](http://ombudsman.mk/upload/Posebni%20izvestai/2021/Neevidentirani%20lica-2021.pdf?fbclid=IwAR2_ercj9a54COrieYcBmMOciAUq7TWA1MXjz-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.

20. These figures are likely an underestimation of the total population at risk. Some people may not have heard about the public call, were unable to register during the timeframe, or were not registered for other reasons. Some people may have also not declared themselves as stateless due to fear of detention for lack of personal documentation, such as a foreigners' residence permit or an extract from the special birth register. MYLA has identified around 20 undocumented people who were not registered in the public call. A new facilitated procedure has been introduced to allow the registration in the regular registry books of people who had not been identified in the public call but who remain unregistered.<sup>29</sup>
21. 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 territory of North Macedonia reached 13,770 members of these communities and found that many lacked personal documentation, birth and/or personal name registration, or had unregulated legal residence or nationality.<sup>30</sup>
22. North Macedonia's legal framework enshrines some safeguards to prevent and reduce statelessness, but further efforts are needed. There is a provision in law for children born on the territory to stateless parents or parents of unknown nationality to automatically acquire Macedonian nationality, but it contains significant restrictions, making it ineffective for many children. There are also safeguards in law to prevent statelessness among foundlings and children born to Macedonian nationals abroad.
23. There have been barriers to birth registration and unregulated civil status in North Macedonia for many years, which has perpetuated the risk of statelessness and failed to prevent new risks arising, with a disproportionate impact on Roma and other minority communities. The inability to meet documentary evidence requirements, discriminatory behaviour of registry officials, poverty, lack of awareness, and marginalisation have prevented access to civil registration.<sup>31</sup> Positively, this year North Macedonia has taken significant steps to address the gaps in its legal framework, allow the registration of people who have unregulated civil status, and ensure that all children are registered as soon as possible after birth. In June 2023, North Macedonia's Parliament adopted crucial amendments to the Law on Civil Registry.<sup>32</sup> Among the most significant changes was the introduction of Article 4-a, which mandates the immediate registration of every child born within the territory of North Macedonia, no longer than 45 days after the birth, irrespective of the nationality or status of the child's parents. Article 4-a is already in effect and being implemented by the authorities. The continuous and adequate implementation of this safeguard would prevent many children from growing up stateless, as the birth certificate is an essential document to demonstrate ties to the country. More information on children's right to nationality and birth registration is provided under Issue 1.
24. In the last couple of years, new cases of people at risk of statelessness have been arising. In particular, this is the case of refugees from Kosovo's refugee crisis from 1999, whose subsidiary protection was stopped and who have continued living in North Macedonia without lawful residence and documents. Their children, usually born in North Macedonia, are facing difficulties to have their births registered and to regulate their

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<sup>29</sup> Official Gazette of Republic of North Macedonia no.129/2023 from 21 June 2023.

<sup>30</sup> UNHCR Representation in the Republic of North Macedonia, available at: <http://www.unhcr.org/pages/49e48d8f6.html>.

<sup>31</sup> See further information at ENS, Statelessness Index: North Macedonia, <https://index.statelessness.eu/country/north-macedonia>.

<sup>32</sup> North Macedonia: Law on Civil Registry, 21 June 2023, available at: <https://www.refworld.org/docid/64e5c8b54.html>.

residence because their parents often do not possess valid personal documents, which leaves them at risk of statelessness. There are also cases of intergenerational statelessness, as the parents of some of these children had already been born in North Macedonia but did not have their own births registered. MYLA has identified around 40 cases with this problem so far, although some of these cases are being resolved through existing procedures for facilitated naturalisation and for the registration of people identified in the public call.

25. North Macedonia has a definition of a stateless person in national law that aligns with the 1954 Convention, but it does not have a comprehensive legal framework in place to identify and protect stateless people. There is no statelessness determination procedure nor stateless protection status. There is a route to regularisation for some stateless people residing in North Macedonia since the dissolution of the former Yugoslavia, but the only other options are an application for asylum or a temporary residence permit at the discretion of the Government.

## Issue 1 – Reduction of statelessness of *in situ* populations

26. It is important to distinguish between the solutions required to address *in situ* statelessness and statelessness in a migratory context. For people who are stateless *in situ*, who have long-established ties to the countries where they are living, the solution is not to grant a protection status that prolongs their statelessness, but States should resolve *in situ* statelessness by granting identity documents, registering births, and confirming or granting nationality, including through targeted nationality campaigns or nationality verification efforts. States should also work to identify and eliminate discriminatory laws, policies, and practices that perpetuate intergenerational (risk of) statelessness affecting minoritized and marginalised populations.<sup>33</sup>
27. North Macedonia has taken significant steps towards reducing statelessness in recent years, including recent legal amendments to its legislation on civil registration and introducing a regularisation route for stateless people residing in North Macedonia since the dissolution of the former Yugoslavia, but some gaps remain.
28. As mentioned above, the 2018 Government-led public call resulted in the identification of 700 people at risk of statelessness. In 2020, a new Law on Persons without Regulated Civil Status came into force,<sup>34</sup> although it failed to provide a systemic and effective solution to the lack of documentation and civil registration amongst a significant part of the population. The law initially provided for the issuance of temporary documents accompanied by a ‘special registration’ to persons who responded to the public call identifying themselves as persons without personal documentation. This would have enabled the persons registered under the law to access essential services such as healthcare, education, social assistance, and employment, and would also apply to children born thereafter who cannot obtain a birth registration certificate. However, the responsibility lay with the authorities to subsequently provide regular identification documentation and birth registration within 30 days of the temporary document’s issuance. In practice, the authorities failed to fulfil this critical obligation, leaving the

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<sup>33</sup> Statelessness Index, Statelessness Determination and Protection in Europe: Good Practice, Challenges, and Risks, 2021: <https://index.statelessness.eu/resources/statelessness-determination-and-protection-europe>.

<sup>34</sup> Law on Persons without Regulated Civil Status: <https://www.slvesnik.com.mk/Issues/606043d405e847ee92c7eaed5c8bd389.pdf>.



affected individuals in limbo. Moreover, the temporary documents and the ‘special registration number’ provided were not officially recognised, rendering them useless for accessing the intended services. This law did not facilitate access to nationality for the group of people identified as undocumented nor did it resolve the remaining gaps in civil registration to prevent new cases of statelessness from arising.

29. In July 2022, the Ombudsman requested that the Government extend the deadline to apply for ‘special registration’ and notified the Government of the gaps that remained in practice. Upon the initiative of a member of Parliament, the Parliament of North Macedonia held a supervisory session in February 2023 to hear the concerns of several stakeholders with regards to the implementation of the Law on Persons without Regulated Civil Status, concluding that the law did not fulfil the purpose for which it was enacted.
30. As a response to the failure of the authorities to effectively grant access to economic and social rights for people with unregulated civil status, in November 2022 the European Roma Rights Centre (ERRC) and the Macedonian Young Lawyers Association (MYLA) jointly initiated litigation in an ‘actio popularis’ case against the Directorate for Keeping the Registers of Births, Marriages and Deaths in North Macedonia.<sup>35</sup> The complaint was submitted to the Basic Civil Court in Skopje, as a collective effort aimed at representing unregistered individuals who were discriminated against and effectively denied access to their fundamental rights as guaranteed by the 2020 Law on Persons without Regulated Civil Status, with a particular impact on Romani individuals. This situation highlighted a pressing need for changes in the legislation to ensure that the rights and welfare of all unregistered persons on the Macedonian territory, including the Romani population, were appropriately safeguarded and respected. Several hearings were already held in relation to this case.
31. In response to several joint advocacy and litigation efforts, including those made by civil society, in June 2023 the Parliament adopted amendments to the Law on Civil Registry to regularise the situation of the 700 people without personal documentation identified through the 2018 Government-led public call. These amendments provide for a simplified and facilitated procedure for birth registration with the aim of ensuring that everyone identified in the public call is registered in the regular birth register by end of 2023. This is a very welcome step by North Macedonia, and it is positive to see that there are ongoing media campaigns for stateless people to approach legal advice providers (including MYLA) for support in submitting requests for naturalisation and birth registration. Civil society organisations report that new cases of unregistered people are being identified regularly and also in the process of being regularised. The success of the recent legislative amendments depends on a continuous, effective and comprehensive implementation of the new legal provisions. As mentioned above, there are some people who remain without regulated civil status and who were not identified in the public call. To break the cycle of statelessness in North Macedonia, it is important that the authorities continue to create facilitated procedures for the regularisation and documentation of everyone on its territory, regardless of whether they were identified in the 2018 call.
32. In order to resolve all known cases of statelessness in the country, it is essential that the registration of people with unregulated civil status is followed by the issuance of identity

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<sup>35</sup> ERRC, North Macedonia ERRC & MYLA sue authorities for discrimination of Roma & other unregistered persons (December 2022): <http://www.errc.org/press-releases/north-macedonia-errc--myla-sue-authorities-for-discrimination-of-roma--other-unregistered-persons>.

documents to all those entitled to Macedonian nationality, or by ensuring access to facilitated routes to naturalisation for residents of North Macedonia who are not automatically entitled to Macedonian nationality (e.g. because their parents migrated from another country and are not Macedonian nationals). In August 2021, amendments to the Law on Citizenship were introduced<sup>36</sup> which provide that all persons who can prove that they continued to live on the territory of North Macedonia after 8 September 1991 (by presenting at least one document issued by the Macedonian institutions at that time), may submit a request to acquire Macedonian nationality in a shorter procedure and are exempted from certain conditions that are mandatory for other foreigners. These amendments will be in force until August 2024, and are in addition to the already existing facilitated naturalisation for stateless people and recognised refugees. It is hoped that these amendments will resolve most statelessness cases of people who became stateless due to the dissolution of the former Yugoslavia. Since the adoption of the amendments to the Law on Citizenship in 2021, around 216 stateless persons acquired Macedonian nationality, of which 200 were under the simplified procedure and 16 were on the basis of marriage or facilitated naturalisation for stateless people (article 7a of the Law on Citizenship).

## Issue 2 – Child’s right to a nationality and to birth registration

33. Every child has the right to a nationality and to be registered immediately after birth.<sup>37</sup> These are core principles of international law which, if applied in a comprehensive and non-discriminatory manner, would end childhood statelessness.<sup>38</sup> States should have provisions in law to prevent statelessness at birth, including for children born to nationals abroad, foundlings, in the context of adoption, and provisions to grant nationality to all children born on the territory who would otherwise be stateless.<sup>39</sup>
34. Macedonian law contains some partial safeguards against childhood statelessness, but there are gaps. According to Article 6 of the Law on Citizenship, a child who is found or who was born on the territory of North Macedonia automatically acquires nationality if the parents are unknown, of unknown nationality, or stateless.<sup>40</sup> However, this provision focuses on the status of the parents rather than the statelessness of the child, so it does not cover children born to parents who may have a nationality but cannot confer this to their child. Moreover, as there is no procedure for determining statelessness in North Macedonia, proving the statelessness of the parents can be very challenging in practice. In order to align its legislation with the UN Convention on the Rights of the Child and the 1961 Convention on the Reduction of Statelessness, Article 6 of the Law on Citizenship should be amended to automatically grant Macedonian nationality to any child born or found on the territory of North Macedonia who would otherwise be stateless.
35. In MYLA’s experience, there have been no cases of children who were granted Macedonian nationality under this provision on the basis that their parents are stateless. It is not clear whether the provision is applied in practice in relation to

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<sup>36</sup> Amendments to the Law on Citizenship: <https://mvr.gov.mk/zakon/11>.

<sup>37</sup> UN Convention on the Reduction of Statelessness, 1961, Articles 1 and 4; International Covenant on Civil and Political Rights, 1966, Article 24(2); Convention on the Rights of the Child, 1989, Articles 3 and 7; UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7; UN Sustainable Development Goal 16.9.

<sup>38</sup> See Article 7 of the UN Convention on the Rights of the Child, read in conjunction with Articles 2 and 3.

<sup>39</sup> See, e.g., UN Convention on the Reduction of Statelessness, 1961: Articles 1-4. European Convention on Nationality, 1997: Articles 2 and 6.

<sup>40</sup> Amendments to the Law on Citizenship: <https://mvr.gov.mk/zakon/11>.

children of stateless parents, although it is applied in other cases.

36. As mentioned above, many children in North Macedonia are stateless or at risk of statelessness due to intergenerational barriers to civil registration, which prevent their parents from confirming their Macedonian nationality and particularly impact Romani communities. A significant amendment made to the Law on Civil Registry, in June 2023, was the introduction of Article 4a, which now provides that all children born on the territory of North Macedonia must be registered in the birth register immediately after birth, and no later than 45 days after birth, regardless of the nationality or personal status of the parents. The introduction of this safeguard brings Macedonian legislation in line with the provisions of the UN Convention on the Rights of the Child with regards to the child's right to immediate birth registration. With the continuous, rightful, and effective application of this provision in practice, this amendment has the potential to provide a systemic solution to the current lack of birth registration among many children in North Macedonia.<sup>41</sup>

### Issue 3 – Economic and social rights of stateless people

37. Statelessness may leave people at risk of living in poverty, destitution, marginalised, and subject to discrimination in their everyday life. As such, it is particularly important to ensure that mechanisms are in place to provide stateless people with access to economic and social rights, as mandated by the 1954 Convention. In North Macedonia, stateless people and those who are not registered in the birth register have limited or no access to fundamental rights such as healthcare, education, employment, financial assistance, and other social rights.
38. Stateless people have access to healthcare only if they are married to a Macedonian national or if they possess a valid foreigners' residence permit. Children who are not registered in the birth register are not allowed to attend classes in some schools, or they may attend classes but are not issued school certificates. Stateless people usually do not have access to employment, unless they hold a foreigners' residence permit.
39. It should be noted that stateless people are not the only population who faces discrimination and lack of access to their basic rights because of their status. There are many reported cases where former stateless people who have acquired Macedonian nationality may not register their residence and obtain a Macedonian identity card because they live in 'non-legalised houses' or informal settlements, or live in destitution.
40. Amendments to the Law on Registration of Residence and the Law on Identification Documents were adopted on 5 October 2023. Leading up to the adoption of these amendments, MYLA provided recommendations to improve this situation. On 13 June 2023, the ERRC recommended the establishment of a working group in the Government to adopt the necessary amendments to the laws preventing Romani communities living in informal housing from obtaining ID cards. The ERRC argued that the Law on Identity Documents and the Law on Registration of Residence discriminate against Roma without a legalised address, as well as anyone who does not own or rent property. The ERRC also submitted a complaint to the Commission for Prevention and Protection against Discrimination arguing that this amounts to

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<sup>41</sup> See Statelessness Index, [North Macedonia takes a positive step towards ending statelessness through amendments to its law on birth registration](#) (September 2023).

discrimination based on property status and ethnicity against Roma.<sup>42</sup> In September 2023, the Commission published an opinion<sup>43</sup> recommending that the law be amended, and found that the Ministry indirectly discriminated against Roma living in informal or ‘non-legalised’ homes through the Law on Registration of Domicile and Residence. The decision comes in the wake of the death of 20-year-old Romani man, Memet Kamber, who died on 24 May 2023 of diabetes-related ketoacidosis due to his inability to access timely healthcare without a personal ID.

41. On 5 October 2023, the Parliament adopted amendments to the Law on Registration of Residence and the Law on Identification Documents, which introduces a simplified procedure for homeless people to register their residence at the addresses of social work centres. People who are accommodated in a health or social institution can register their address as that of the respective institution. Additionally, the new amendments foresee several options for people living in ‘non-legalised houses’ to document ownership of the property and obtain an identity document. These amendments were also the result of a holistic approach and willingness by policy-makers to address statelessness and tackle the systemic challenges in North Macedonia, although it remains to be seen how these new legal provisions will be implemented in practice.

## Issue 4 – Statelessness determination procedure for migratory stateless populations

42. In contrast to the situation of *in situ* stateless populations, in the case of stateless migrants or refugees, States should first identify who is stateless on their territory, formally determine their statelessness (giving primacy to any asylum claim), and then grant them an adequate protection status and rights in line with the 1954 Convention and international human rights law. The determination of statelessness is best fulfilled through a dedicated statelessness determination procedure (SDP) that is fair, efficient, and easily accessible, in line with UNHCR guidelines.<sup>44</sup> Statelessness status should include a residence permit, access to economic, social, civil, and political rights, the right to administrative assistance, exemption from requirements they cannot meet because they are stateless, and other rights protected by international law. States should also establish a facilitated route to naturalisation so stateless people can acquire a nationality and resolve their statelessness.<sup>45</sup>

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<sup>42</sup> ERRC, North Macedonian Equality Body finds discrimination against Roma who cannot access ID following death of young Romani man (September 2023): [http://www.errc.org/press-releases/north-macedonian-parliament-ordered-to-change-law-following-death-of-romani-man-in-hospital-who-lacked-id?fbclid=IwAROMNpgluS8uPEBqRxlLtliqHZmKkKgOrq6Zgfiwi6tJYPEGbAxT9dOp\\_BY](http://www.errc.org/press-releases/north-macedonian-parliament-ordered-to-change-law-following-death-of-romani-man-in-hospital-who-lacked-id?fbclid=IwAROMNpgluS8uPEBqRxlLtliqHZmKkKgOrq6Zgfiwi6tJYPEGbAxT9dOp_BY).

<sup>43</sup> Commission for Prevention and Protection against Discrimination, opinion, 29 August 2023: [http://www.errc.org/uploads/upload\\_en/file/5522\\_file2\\_errc-%D0%9C%D0%98%D0%A1%D0%9B%D0%95%D0%8A%D0%95-08-401.pdf](http://www.errc.org/uploads/upload_en/file/5522_file2_errc-%D0%9C%D0%98%D0%A1%D0%9B%D0%95%D0%8A%D0%95-08-401.pdf).

<sup>44</sup> UNHCR, Handbook on Protection of Stateless Persons, 2014: <http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>. See also European Court of Human Rights, *Hoti v. Croatia* (application no. 42321/15), 26 July 2018, holding that a State has a positive obligation to provide an effective and accessible procedure enabling applicants to have their issues of further stay and status determined, paragraph 32; Statelessness Index, *Statelessness Determination and Protection in Europe: Good Practice, Challenges, and Risks*, 2021: <https://index.statelessness.eu/resources/statelessness-determination-and-protection-europe>.

<sup>45</sup> UNHCR, Handbook on Protection of Stateless Persons, 2014: <http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>. See also European Court of Human Rights, *Hoti v. Croatia* (application no. 42321/15), 26 July 2018, holding that a State has a positive obligation to provide an effective and accessible procedure enabling applicants to have their issues of further stay and status determined, paragraph 32; Statelessness Index, *Statelessness Determination and Protection in Europe: Good Practice, Challenges, and Risks*, 2021: <https://index.statelessness.eu/resources/statelessness-determination-and-protection-europe>.

43. There is no statelessness determination procedure nor statelessness protection status in North Macedonia. Options for many stateless people are limited to applying for asylum or a temporary residence permit at the discretion of the Government, providing only very limited rights. While most cases of statelessness that have been identified in North Macedonia are *in situ* stateless individuals, the absence of a dedicated statelessness determination procedure prevents stateless refugees and migrants from being identified and accessing protection.
44. Despite the lack of a dedicated statelessness status, temporary or permanent residence permits issued to some stateless people by the Ministry of Interior indicate 'XXX' in the "nationality" section, which indicates that these persons have unknown or undetermined nationality. This is considered as proof that they are stateless in the naturalisation procedure, and they may therefore acquire nationality through facilitated naturalisation (which reduces to six years the requirement to have lawful and permanent residence, instead of seven). However, the co-submitting organisations reiterate the importance of adequately identifying and determining statelessness, including through the introduction of an SDP.

## Recommendations

45. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to 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. Effectively and comprehensively implement the amended Law on Civil Registry, to ensure that all children are registered immediately after birth regardless of the status or identity of their parents, including by removing any practical barriers to birth registration and addressing discriminatory practices by the authorities.
  - 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, irrespective of documentation or citizenship status, including primary and secondary education, healthcare (including reproductive rights and maternity care for women), work, accommodation, and freedom from violations of rights such as child and early marriage.
  - IV. Continue the effective implementation of the amended Law on Civil Registry and continue to strengthen measures to register persons with unregulated civil status, and provide them with civil documentation and a facilitated route to confirmation or acquisition of nationality. This includes introducing facilitated procedures for the registration of people who were not identified in the Government-led public call.
  - V. 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.

- VI. Establish a national 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 people in North Macedonia, including residence rights.