

Joint Submission to the Human Rights Committee

NORTH MACEDONIA

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European
Network on
Statelessness



MYLA

JOINT SUBMISSION

TO THE HUMAN RIGHTS COMMITTEE

AT THE 144TH SESSION

NORTH MACEDONIA

INTRODUCTION

1. The Macedonian Young Lawyers Association (MYLA),¹ and the European Network on Statelessness (ENS),² welcome the opportunity to make this submission to the Human Rights Committee ('the Committee') in advance of the periodic report on North Macedonia at its 144th session in June-July 2025.
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 Commissioner for Refugees (UNHCR) on the occasion of the launch of the Global Alliance to End Statelessness, the submitting organisations ask that the Committee consider these issues in advance of the periodic report on North Macedonia. Moreover, it is our hope that the Committee makes our proposed recommendations to the Government of North Macedonia to further prevent and reduce statelessness and to protect the rights of 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.

Firstly, this submission will provide an overview of statelessness in North Macedonia. Thereafter, each of the following issues will be addressed in a separate section:

- I. Article 24: Child's right to a nationality and birth registration
- II. Article 26: Discrimination against minorities and reduction of statelessness among *in situ* populations
- III. Articles 16 and 24: Statelessness determination procedure and protection status
- IV. Available data on stateless persons in the country

In conclusion, the submission outlines draft recommendations that may be drawn on by the Committee in formulating its 'Concluding Observations' to North Macedonia. The annex to this

¹ For more information, see <https://myla.org.mk/en/>

² For more information, see <https://www.statelessness.eu> and ENS, Statelessness Index: North Macedonia, <https://index.statelessness.eu/country/north-macedonia>

submission outlines previous recommendations to North Macedonia made by the Human Rights Committee and other bodies, as well as during the Universal Periodic Review.

STATELESSNESS IN NORTH MACEDONIA

5. 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.³ 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 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.⁴ Findings from the ‘Roma Belong’ project,⁵ 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.
6. North Macedonia lacks comprehensive, accurate data and statistics on the number of stateless persons and lacks robust procedures for the identification of statelessness on its territory. 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.⁶ However, there are concerns that some stateless people in North Macedonia remain unidentified.⁷ UNHCR recorded 179 stateless people in North Macedonia in mid-2024,⁸ and MYLA’s caseload indicates that there are 150 stateless people as of April 2025.
7. North Macedonia has made important progress towards preventing and reducing statelessness in recent years. In 2023, the country adopted a series of legal reforms aimed at addressing the lack of identity documents and birth registration of those with unregulated civil status including amendments to the Law on Civil Registry, the Law on Registration of Residence, and the Law on Identification Documents. As a result, almost 500 people (mainly children) were successfully inscribed in the birth register in 2023. However, obstacles remain in terms of implementation of the new provisions arising from limited institutional capacity on one hand and challenges engaging parents of newborn children to access registration on the other. It is vital that the focus now turns to effectively and comprehensively implementing the amended laws and ensuring the immediate registration of all children at birth regardless of their parents’ status or identity.
8. There are also still several remaining legal and policy gaps to resolve. There is no statelessness determination procedure nor protection status for stateless migrants on the territory. There is a lack of reliable data on the stateless population, and despite the 2021 census including a specific ‘stateless’ category, the results did not provide a clear picture on the number of stateless persons in

³ See further information at ENS, Statelessness Index: North Macedonia, <https://index.statelessness.eu/country/north-macedonia>

⁴ Ibid.

⁵ 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-romawestern>

⁶ Republic of North Macedonia, State Statistical Office, available at: <http://www.stat.gov.mk/Publikacii/knigalX.pdf>, p. 591.

⁷ 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>

⁸ UNHCR Refugee Data Finder, <https://www.unhcr.org/refugee-statistics/download?url=X2P8n6>

the country. There is only a partial safeguard in citizenship law to prevent children being born stateless in North Macedonia and there is no framework for identifying where a child would otherwise be stateless at or after birth registration.

9. The issue of statelessness in North Macedonia disproportionately impacts on Romani communities, so engagement and sensitisation, as well as measures to combat antigypsyism are an essential component to work to prevent and reduce statelessness. The role of NGOs that provide free legal aid to people at risk of statelessness also continues to be indispensable. Free, state-funded legal aid is only available to stateless people who have a residence permit or otherwise have a right to stay. Many Romani individuals affected by risk of statelessness are unable to navigate the legal processes to register in civil registries, acquire citizenship, and obtain personal documents on their own, and cannot afford lawyers to represent them, making the availability of free legal assistance essential.

ARTICLE 24: CHILD'S RIGHT TO A NATIONALITY AND TO BIRTH REGISTRATION

10. 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". 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 he is born."⁹ In this connection, "no discrimination concerning the acquisition of nationality should be admissible under internal law as between legitimate children and children born out of wedlock or stateless parents or based on the nationality status of one or both of the parents".¹⁰
11. Significant progress has been made in North Macedonia concerning birth registration in recent years. Nevertheless, for some cases, implementing these reforms remains complicated, heightening the persistent risk of childhood statelessness, and there are gaps in the legal safeguards in North Macedonian nationality law to prevent childhood statelessness.

Child's right to birth registration

12. Article 24(2) ICCPR applies irrespective of the nationality, statelessness, or residence status of the parents,¹¹ 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.¹² 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.¹³

⁹ 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.

¹⁰ Ibid.

¹¹ 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>.

¹² 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.

¹³ 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

13. In 2023, North Macedonia adopted crucial amendments to the Law on Civil Registry whereby all children born on the territory of North Macedonia after June 2023 must be registered in the birth register immediately after birth, and no longer than 45 days, regardless of the personal status or the citizenship of the parents (Article 4a).¹⁴ According to Article 9 of this same amendment, if the parents do not register the child within 45 days of birth, the child will be registered by a specially appointed legal guardian from the Centre for Social Work. The Registry Office, in collaboration with the Centre for Social Work, has begun implementing this process. Beyond the 45 days, birth registration can only be completed through a subsequent birth registration procedure under the authority of the Directorate for Managing Registry Records.
14. If fully implemented, these amendments provide for the possibility to address some of the challenges related to unregistered births, which was previously a complicated and costly process, and go some way to facilitating universal birth registration, particularly for Romani and other marginalised communities who have been disproportionately affected by a lack of birth registration. However, full implementation of the new provisions remains challenging for several reasons. Firstly, there is a lack of awareness among the relevant authorities about how to implement the amendments, particularly when the mother lacks valid identification documents or a temporary residence permit. Additionally, delays in processing the cases by some social work centres negatively impact full implementation, limiting children's access to immediate birth registration. This challenge is compounded by difficulties in delivering the first birth certificate to the parents of a newborn when registration is carried out by a legal guardian and the parents have changed their address. Furthermore, children born before 2023 who are still unregistered must still undergo a subsequent (late) registration process to be recorded in the birth register, thereby retaining additional administrative hurdles for those not impacted by the recent amendments.
15. Despite the significant improvements to immediate birth registration procedures, there are several remaining barriers that prevent universal birth registration in North Macedonia. While hospitals must report births to the civil registration office, 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. By law, formal proof of the civil status and identity of both parents is required to register a child's personal name at the registry office. However, the legislation does not clearly define the specific documentary evidence that parents must provide, and it allows officials to require evidence for administrative procedures as they see fit. As a result, requirements vary at the discretion of civil registry offices and can be cumbersome, particularly for unmarried parents. In addition, this process can sometimes lead to challenges when the authorities or legal aid providers are unable to contact the parents to complete the final registration of their child's birth, further complicating and delaying the process.
16. Furthermore, although hospitals are required to provide access to maternity care, challenges arise when mothers do not have health insurance, identity documents, or foreigners' residence permits. In such cases, mothers must cover the costs of hospitalisation and medical intervention themselves. If they are unable to pay, hospitals often refuse to issue a written notification to the registry office, which includes essential details such as the child's date of birth, sex, and the mother's information. The lack

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>.

¹⁴ Law on Changing and Amending the Law on Civil register (Official Gazette 129/2023) <https://www.slvesnik.com.mk/Issues/8e4c3510b5b245458d384111b871390c.pdf>

of health insurance and inability to pay can also lead to mothers choosing to give birth outside of healthcare institutions. As a result, the new-born's birth may go unregistered in the birth register.

17. While late birth registration is possible, and there is no fine or other penalty for non-registration, it is a complex administrative process that places an additional burden on parents. They must pay a fee of 250 MKD (4 EUR) and provide additional documents (total cost of around 15 EUR) as required at the discretion of the registry office, including ID cards, marriage certificates (or birth certificates if not married), medical and education certificates for the child, and in some cases, additional notary verified statements or DNA testing. Such requirements are difficult to meet and disproportionately impact Romani communities due to a range of factors, including inability to meet documentary evidence requirements, discriminatory attitudes of registry officials, and poverty and marginalisation.
18. Finally, there are credible reports by lawyers that medical authorities are being required to report undocumented parents to the immigration authorities in practice. There are no restrictions preventing authorities from sharing information regarding registration.

Child's right to a nationality

19. 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.¹⁵ However, to establish if a child would 'otherwise be stateless' and meet their obligations under the ICCPR and the 1961 Convention on the Reduction of Statelessness ('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 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.¹⁶ 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.¹⁷ 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.¹⁸
20. There is a partial safeguard in North Macedonian citizenship law, which stipulates that a child who was found or born on the territory of North Macedonia whose parents are unknown, has unknown

¹⁵ 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.

¹⁶ 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>.

¹⁷ *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_registrationsStatelessnessINDEX_briefing-revised.pdf.

¹⁸ Council of Europe, 'The Nationality of Children' CM/Rec (2009) 13, Principle 6.

citizenship or are stateless, may acquire nationality.¹⁹ 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. Furthermore, although the law on administrative procedures provides for a clear obligation for active assistance from the authorities, these are not proactive in informing parents at risk of statelessness about their child's nationality rights and relevant procedures, which may further hinder children's access to nationality. Therefore, 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.

ARTICLE 26: DISCRIMINATION AGAINST MINORITIES AND REDUCTION OF STATELESSNESS FOR *IN SITU* POPULATIONS

21. 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".²⁰ 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".²¹ 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.
22. North Macedonia has taken several positive steps in recent years towards reducing *in situ* statelessness which disproportionately impacts Romani communities. In January 2020, it acceded to the 1961 Convention. Between 2019 and 2022 a regularisation route was introduced under the Law on Foreigners for citizens of the former-Yugoslavia who continued to live in North Macedonia after 1991 without acquiring any nationality, enabling them to acquire permanent residence. At the end of 2023, amendments to the Law on Foreigners were also introduced to provide an opportunity for refugees from Kosovo to acquire permanent residence in the country.²² Under the Law on Citizenship, between August 2021 and August 2024, stateless persons and refugees who were citizens of the former Yugoslavia had access to a time-limited facilitated route to naturalisation, which consisted of a shorter procedure and exemptions from certain conditions. 273 stateless people acquired Macedonian citizenship under this simplified procedure.
23. Romani communities remain disproportionately impacted by the risk of statelessness in North Macedonia. Following the amendments to the Law on Civil Registry concerning immediate birth

¹⁹ 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).

²⁰ UNHRC, 'General Comment No. 18. Non-Discrimination' (10 November 1989) UN Doc HRI/GEN/1/Rev.9 (Vol. I) para 1.

²¹ *ibid*, para 12.

²² Law on Amending the Law on Foreigners (Official Gazette of Republic of North Macedonia 284/2023) <https://www.sivesnik.com.mk/Issues/4fab85048cc24a228e1c6747aa74c9f1.pdf>

registration, in October 2023, the Parliament also adopted amendments to the Law on ID Cards²³ and the Law on Registration of Residence.²⁴ These amendments were in response to many reported cases where former stateless people who had acquired Macedonian citizenship (the majority of whom were from the Romani community) could not register their residence and obtain a Macedonian identity card because they lived in 'non-legalised houses', informal settlements, or in destitution. The amendments simplify the residence registration process for vulnerable groups providing several options for people living in 'non-legalised houses' to document ownership of the property and obtain an identity document. They enable homeless people to register their residence at the addresses of social work centres, and people who are accommodated in a health or social institution to register their address at the institution. The reforms were followed by media campaigns to encourage affected individuals to approach legal advice providers for support in submitting requests for naturalisation and birth registration.

24. However, despite these advancements, unregistered people are being identified regularly and around 150 known cases of statelessness are in the process of being regularised and require continued and sustained efforts to be resolved. In the first three-month period of 2025, MYLA identified 10 new cases of statelessness, highlighting the importance of sustained outreach and identification efforts. The complete resolution of all cases of statelessness, both those that have been identified and those that are currently unknown, continues to pose a substantial challenge for the country. In May 2025, an additional 10 new cases were identified by MYLA. This means that the institutions should be dedicated to resolving the remaining statelessness cases and to promptly proceed with the newly identified ones.

ARTICLES 16 AND 24: STATELESSNESS DETERMINATION PROCEDURE AND PROTECTION STATUS

25. 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, in 2020 this Committee 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.²⁵
26. 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

²³ Law on ID Cards (Official Gazette of republic of North Macedonia 209/2023)

<https://www.svesnik.com.mk/Issues/3cabf542003b4bb0a4cb31afbd125617.pdf>

²⁴ Law on Registration of Residence (Official Gazette of Republic of North Macedonia 209/2023)

<https://www.svesnik.com.mk/Issues/3cabf542003b4bb0a4cb31afbd125617.pdf>

²⁵ Zhao v. the Netherlands (2020) CCPR/C/130/D/2918/2016 (UN Human Rights Committee, 28 December 2020), para 10.

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).

27. 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.
28. 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.²⁶ The absence of a dedicated SDP in North Macedonia is one of the root causes of human rights violations against stateless people. It undermines any protections provided in law for stateless persons and ultimately hinders the realisation of the right to a nationality for all. Establishing a 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.
29. 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'.²⁷ 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.²⁸
30. North Macedonia's legal framework continues to contain several gaps that 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.²⁹ However, there is no mechanism to identify or determine statelessness nor a stateless protection status. There were some routes to regularisation for some stateless people who were citizens of the former Yugoslavia and some people may be able to obtain a temporary residence permit granted at the Government's

²⁶ 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/handbookprotection-stateless-persons.html>.

²⁷ 1 UNHCR, 'Handbook on Protection of Stateless Persons Under the 1951 Convention Relating to the Status of Stateless Persons' (Geneva, 2014) para 19 available at: <http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbookprotection-stateless-persons.html>.

²⁸ Ibid.

²⁹ 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>.

discretion,³⁰ but for other stateless people in a migratory context, the only option is applying for asylum. 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.³¹ Stateless people with a temporary residence permit may acquire a 1954 Convention travel document, have a right to free legal aid,³² primary and secondary education,³³ but do not have access to employment (with very limited exceptions).³⁴ Stateless people do not have the right to vote in any elections in North Macedonia.

31. A stateless person can obtain Macedonian citizenship 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). 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. 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. 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.

AVAILABLE DATA ON STATELESS PEOPLE IN THE COUNTRY

32. The 2021 census in North Macedonia reported a total of 584 'stateless persons', which is a significant reduction from the 17,652 people recorded as 'without citizenship' in the previous census in 2002. In the database for persons not registered in the birth register, managed by the Registry Office, there are a total of 686 persons, a number that has not changed since 2020.³⁵ Additionally, some stateless individuals may have been classified under other categories of foreigners with regulated residence, for example, as holders of temporary residence permits. The census does not include additional data categories, such as 'unknown' or 'undetermined nationality', which could have identified others at

³⁰ 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>.

³¹ 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>.

³² 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>.

³³ 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>.

³⁴ Stateless people with temporary residence permits only have access to employment if the residence permit is issued to them on the grounds of marriage to a Macedonian citizen. Stateless persons with permanent residence 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.

³⁵ UNHCR, Roadmap on Ending Statelessness in North Macedonia, January 2023, available at: https://www.refworld.org/sites/default/files/2025-03/1_english_roadmap_for_eradication_of_statelessness_in_north_macedonia.pdf, p.5

risk of statelessness. The census data on stateless individuals is further disaggregated by sex, age, and ethnicity. As identified above, the Romani population is disproportionately impacted by statelessness in North Macedonia. It was reported in the 2021 census that there were 46,433 people who declared themselves to be Roma, of which 23,630 were men and 22,803 were women.

33. The reported number of 584 stateless people in the 2021 census is questionable for several reasons. Firstly, data collected through the government public call for registration of undocumented people in 2018 and 2019 recorded almost 600 people. Secondly, the census data on stateless persons does not include those officially registered as 'foreigners with temporary residence permits', even though their residence may be based on their statelessness. Thirdly, new cases are identified each year, which means that in the census, the number should be at least several hundred more than in 2018. Fourthly, stateless people are not only those with unregulated civil status, but also those left stateless after the dissolution of the former Republic of Yugoslavia, as well as stateless people in other migratory contexts, such as people who reside in North Macedonia after being displaced by the Kosovo crisis in 1999, among others. However, the census methodology remains unclear, and it does not specify which groups were considered in the 'stateless' category, raising concerns about whether all stateless populations were fully captured in the data. Finally, from the second figure above, it can be noted that most of the stateless people identified in the census are Albanians, which casework practice demonstrates is not the case. These questions lead to the conclusion that new and accurate data is necessary to effectively plan measures to address statelessness in the country. Improvements are required in the collection and monitoring of disaggregated quantitative data on stateless people and capacity of officials to accurately identify and record statelessness across government agencies at all administrative levels.
34. The Government predominantly relies on NGOs conducting field visits to identify new cases of people who are stateless or at risk of statelessness and refer them to the relevant institutions, rather than having its own plan to identify and resolve remaining cases. Implementation of Article 4a of the Law on Civil Registry provides an opportunity for the Registry Office to gather and monitor data on new cases of children who may be at risk of statelessness and ensure they are able to acquire a nationality.
35. There is no comprehensive data available on stateless refugees and migrants residing in North Macedonia or transiting through the territory. All asylum seekers and people on the move are registered as having a nationality. However, nationality is often not thoroughly assessed or correctly identified by responsible officials who lack knowledge about statelessness. In many cases, the country of origin is registered as the country of nationality, leading to the conclusion that there are no stateless people in migratory context in the country, despite the fact that this is practically impossible given that around 20 to 30 thousand people cross into North Macedonian territory each year.

RECOMMENDATIONS

36. 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. 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;

- II. Amend the Law on Citizenship to ensure that all children born in North Macedonia who would otherwise be stateless acquire nationality automatically or right after birth, regardless of the status or identity of their parents;
- III. Effectively and comprehensively implement the amended Law on Civil Registry, to ensure the immediate registration of all children after birth, regardless of their parents' status or identity, by removing practical barriers to birth registration and addressing authorities' discriminatory practices;
- IV. Further amend the Law on Civil Registry to require the immediate issuance of a birth certificate, within 48 hours of birth, while the mother is still in the hospital, to reinforce the principle of immediate birth registration and help prevent delays in accessing civil documentation, particularly for children at risk of statelessness.
- V. Ensure that all stateless people, 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 education, healthcare, maternity care, work, accommodation, and protection from rights violations such as child and early marriage;
- VI. Establish a fair, effective, and accessible statelessness determination procedure in law, applicable to all persons in North Macedonia regardless of their legal status, that is fully aligned with international standards and good practices—including the procedural safeguards outlined in UNHCR's Handbook on Protection of Stateless Persons—in order to give full effect to the rights enshrined in the 1954 Convention, ensure access to a dedicated protection status with corresponding residence and fundamental rights, and support its development and implementation through a national task force.
- VII. 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.

ANNEX I - PREVIOUS RECOMMENDATIONS TO NORTH MACEDONIA

1. North Macedonia received several recommendations during the fourth cycle of the Universal Periodic Review (UPR) in 2023,³⁶ all of which were accepted. Costa Rica recommended that North Macedonia should “Grant access to education to all minors, including refugees, stateless persons and those under temporary protection”, and “Ensure that all births are registered immediately, regardless of the immigration status of the parents, and thus reduce statelessness”. The Philippines recommended to “Strengthen mechanisms to facilitate the birth registration of all, including those belonging to the Roma community, migrants, refugees and asylum-seekers, in order for them to enjoy their rights, particularly the right to health social protection and education”. Other States made recommendations urging North Macedonia to adopt greater measures to combat discrimination, including against minority and vulnerable groups and the Roma community (Bolivarian Republic of Venezuela, China, Slovakia), and to ensure equal access to education, healthcare and employment for minority groups (Gambia). More specifically, Mexico recommended that North Macedonia: “Revise the Law on Address and Residence Registration to grant identity documents and personal identification numbers to Roma, including those who live in segregated and informal communities or who do not have sufficient proof of their identity, as a measure to strengthen integration and access to health, education, housing, employment, justice and quality services”. This recommendation has been addressed and amendments to the Law on Address and Residence Registration have been adopted.
2. North Macedonia has received two recommendations from the UN Human Rights Committee in relation to children’s rights, birth registration and legal identity.³⁷ 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 [...]”.³⁸
3. 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”.³⁹ 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

³⁶ OHCHR, Thematic list of recommendations, North Macedonia, 4th Cycle - 46th Session, at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhrbodies%2Fupr%2Fsessions%2Fsession46%2Fmk%2Fupr46-north-macedonia-thematic-list-of-recommendations.docx&wdOrigin=BROWSELINK>

³⁷ 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.

³⁸ Ibid, para. 20-21.

³⁹ 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.

protection standards with regard to stateless children, in particular by establishing a specific statelessness determination procedure".⁴⁰

ANNEX II – THE CO-SUBMITTING ORGANISATIONS

1. The [Macedonian Young Lawyers Association](#) (MYLA) is an independent, non-profit, professional organisation established in 2003, which provides legal aid and strategic litigation for the protection of human rights. MYLA puts the knowledge and innovative capacities of young lawyers towards affirmation and promotion of the rule of law principle and influences public policies by drafting research and analyses. MYLA aims towards a society in which the rule of law is fully established, and the people are proactively requiring respect for their basic human rights and freedoms.
2. The [European Network on Statelessness \(ENS\)](#) 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 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 ENS's Statelessness Index, which covers North Macedonia.

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⁴⁰ 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.