



Macedonian Young Lawyers Association



Institute on
Statelessness and
Inclusion



European
Network on
Statelessness



European roma rights centre

minority
rights
group
international

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Joint Submission to the Human
Rights Council at the 32nd Session
of the Universal Periodic Review

**(Third Cycle, January-February
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MACEDONIA

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Macedonian Young Lawyers Association, Institute on Statelessness and Inclusion, European Network on Statelessness, European Roma Rights Centre & Minority Rights Group International

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Introduction

1. The Macedonian Young Lawyers Association (MYLA), Institute on Statelessness and Inclusion (ISI), European Roma Rights Centre (ERRC), European Network on Statelessness (ENS), and the Minority Rights Group International (MRG) make this joint submission to the Universal Periodic Review (UPR), on the human rights challenges pertaining to statelessness, with a specific focus on discrimination and exclusion of members of the Roma community in Macedonia.
2. This submission focusses on various issues relating to the (risk of) statelessness, discrimination and human rights of those within the Roma community in Macedonia. In particular, it looks at the intergenerational impact of the dissolution of the former Yugoslavia and the (risk) of statelessness still faced by some Roma families as a result, barriers to birth registration, the lack of a statelessness determination procedure and naturalisation.
3. The Macedonian Young Lawyers Association (MYLA)¹ has been actively working on the problem of statelessness in the direction of its prevention and eradication for more than seven years. Within the Project *Prevention and Reduction of Statelessness*, which MYLA implement with the UNHCR Office in Macedonia, the organisation provides free legal aid to those in procedures for additional registration in the Republic of 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. Over the last three years, 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 on several national television channels.² MYLA also published a brochure "Our Invisible Children"³ about stateless children and organised a photo exhibition. MYLA participated in "Regional Research on Statelessness" together with organizations from Serbia, Kosovo, Croatia, Bosnia and Herzegovina and Montenegro.⁴ MYLA also participated in the adoption of the new Law on Foreigners⁵ from 2018.⁶

¹ For more information about MYLA, please see <http://myla.org.mk/en/>.

² See https://www.youtube.com/watch?v=Z_URh2-EsK8

³ See <http://myla.org.mk/wp-content/uploads/2016/09/Nasite-nevidlivi-deca.pdf>

⁴ See <http://myla.org.mk/wp-content/uploads/2016/09/Regionalno-istrazuvanje-za-bezdrzavjanstvo-V01-01-MK-Preview.pdf>

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

⁶ See <http://myla.org.mk/wp-content/uploads/2018/06/%D0%9A%D0%BE%D0%BC%D0%B5%D0%BD%D1%82%D0%B0%D1%80%D0%B8-%D0%BD%D0%B0->

4. The Institute on Statelessness and Inclusion⁷ is an independent non-profit organisation dedicated to promoting an integrated, human rights based response to the injustice of statelessness and exclusion. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. The Institute has made over 30 country specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 30th UPR Sessions.⁸
5. The European Network on Statelessness (ENS)⁹ 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 120 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.
6. The European Roma Rights Centre (ERRC)¹⁰ is a Roma-led international public interest law organisation, working to combat anti-Romani racism and human rights abuse of Roma. 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.
7. Minority Rights Group International (MRG)¹¹ is an international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples’ Rights and is a civil society organisation registered with the Organization of American States.
8. During the process of preparation of this joint submission MYLA consulted with Roma-led organisations in Macedonia active in the field of identification of persons at risk of statelessness. Their views and the positions raised during the official meetings with governmental bodies are reflected in this submission.
9. The joint submission also draws on the recently published report, ‘Roma Belong: Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine’ exploring the nexus between statelessness, discrimination and marginalisation of Romani people in European

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⁷ For more information about ISI, please see www.institutesi.org/

⁸ For more information on the Institute’s UPR advocacy, see <http://www.statelessnessandhumanrights.org/upr-universal-periodic-review/resources-database>.

⁹ For more information about ENS, please see <http://www.statelessness.eu/>.

¹⁰ For more information about ERRC, please see <http://www.errc.org/>.

¹¹ For more information about MRG please see <http://minorityrights.org/>.

Union candidate and neighbourhood countries in the Western Balkans and Ukraine.¹² The report primarily focuses on the Western Balkan countries of Bosnia-Herzegovina, Macedonia, Montenegro and Serbia, with additional anecdotal information from Albania, Kosovo and Ukraine. It highlights factors contributing to the marginalization and exclusion faced by Romani communities, which can be a cause and consequence of statelessness.

Previous UPR of The Former Yugoslav Republic of Macedonia under the First and Second Cycle (2009 and 2014)

10. Macedonia was previously reviewed under the UPR in 2009 (under the first cycle) and in 2014 (under the second cycle).

11. In the first cycle, Argentina recommended that Macedonia should:

“Put in place a national comprehensive plan for civil status registration and the right to identity, which includes awareness raising campaigns for parents, guardians and other responsible persons, which will help to speed up the registration of births.”

Further, Mexico recommended that Macedonia should:

“promote the exercise by the Roma of their economic, social and cultural rights, in particular by implementing programs to facilitate birth registration and the issuing of identity documents for this sector of the population”.

12. The Macedonian Government’s position was that:

“The Law on Birth, Marriage and Death Registers, sets forth the obligation of registering the birth of a child born in a medical facility and the birth of a child born at home. No fees are charged for documents and procedures for registration and entry of data in the Registers of Births, Marriages and Deaths. It has been established that the Roma population has the greatest problems with the registry records. Therefore, a large number of educational and information meetings and debates have been organized by governmental and non-governmental organizations. Aiming at better informing the Roma population about the exercise of their rights and obligations regarding the entry in the Registers, and for purposes of better explaining the procedures for registering the place of residence and procedures for issuance of personal identification cards, brochures in the Roma language have been published and informative spots are broadcast at the state Television and at local TV stations broadcasting programs in the Roma language.”

13. Macedonia also received relevant recommendations under the second cycle. Congo recommended that Macedonia should *“Allow free movement of Albanian and Roma minorities and resolve the problem of lack of identity documents, which constitutes an obstacle to the exercise of their rights”*; Mexico recommended that the country should *“Launch a campaign for the birth registration of children and adults living on the streets and for those belonging to ethnic minorities to facilitate the obtaining of identification documents”*. Namibia and Slovenia recommended that the country

¹²See Roma Belong: Statelessness, Discrimination and Marginalization of Roma in the Western Balkans and Ukraine available at: http://www.errc.org/uploads/upload_en/file/roma-belong.pdf

should “Strengthen efforts to ensure retroactive birth registrations and issuance of documents for children lacking such documentation as well as to ensure that children lacking identity documents are not refused access to health, education and other public services, including child allowances”; and “Ensure full birth registration, including by retroactive registration, and access to public services, including to education for children lacking documentation”.

14. Macedonia accepted all the recommendations and stated that they were being implemented.

Macedonia’s International obligations

15. Macedonia is a state party of the following international and regional mechanisms related to the protection of human rights in general, and the issue of statelessness in particular:

- a) International Covenant on Civil and Political Rights (ICCPR) - acceded in 1994;
- b) International Covenant on Economic, Social and Cultural Rights (ICESCR) – acceded in 1994;
- c) UN Convention on the Rights of the Child (CRC) - acceded in 1993;
- d) UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) - acceded in 1994;
- e) UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - acceded in 1994
- f) UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) - acceded in 1994;
- g) UN Convention Relating to the Status of Stateless Persons –acceded in 1994;
- h) European Convention on Human Rights (ECHR) - acceded in 1997; and
- i) European Convention on Nationality (ECN) – acceded in 2003.

16. Many of these treaties guarantee the right to a nationality for all on a non-discriminatory basis. These include Article 24 of the ICCPR, Articles 7 and 8 of the CRC, Article 9 of the CEDAW, and Article 5 of the CERD. Of particular significance is Article 7 of the CRC, which enshrines every child’s right to be registered immediately after a birth and to acquire a nationality and protects all children from statelessness. Similarly, the CERD sets out in relation to the right to nationality that:

“States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law”.

17. Macedonia is not party to the following international and regional instruments:

- a) UN Convention on the Reduction of Statelessness 1961; and
- b) Council of Europe Convention on the Avoidance of Statelessness in the Context of State Succession 2006.

Statelessness in Macedonia

18. The main causes of statelessness in Macedonia are the dissolution of the Former Yugoslavia, barriers to birth registration and unregulated civil status. These, as will be analysed below, impact disproportionately on Roma, due to discrimination and marginalisation faced by the community.
19. Unfortunately, there is no official data or statistics issued by state authorities on the number of stateless persons in Macedonia, creating a serious problem regarding this issue. The country had its last census conducted in 2002 and it still lacks a complementary strategy for identification and determination of the exact number of stateless persons.
20. The majority of persons at risk of statelessness in Macedonia are of Roma ethnic origin. A significant number of persons of Albanian, Ashkaeli, Egyptian and other ethnic minority groups living on the territory of Macedonia are also at risk of statelessness. The definition of a “stateless person” can be found in the Law on Foreigners and it fully incorporates the definition stipulated in the 1954 Convention relating to the Status of Stateless Persons.¹³

Statelessness in the context of the dissolution of the former Yugoslavia

21. One of the main causes of statelessness in Macedonia is the dissolution of the former Yugoslav Federation. Findings from the ‘Roma Belong’ project¹⁴ establish how the disintegration of Yugoslavia, changing citizenship laws and large-scale displacement in the 1990s left many people in the Western Balkans at risk of statelessness and impact disproportionately on Roma in the region. As minority citizens of the former Yugoslav republics, the conflicts had a huge impact on Romani communities, provoking the forced displacement of hundreds of thousands, as well as significant changes in the determination of citizenship in the newly formed republics, and the loss or destruction of civil registers during the Kosovan conflict in 1999. Thus, Roma were more likely to have been displaced, and more likely to have been viewed as outsiders in the successor states.
22. In Macedonia, the adoption of the new citizenship law¹⁵ and the criteria set to be eligible for citizenship, such as registered permanent residence in the country at the time of independence, regular means of subsistence, and at least 15 years of uninterrupted legal residence,¹⁶ constituted barriers for members of ethnic minorities such as Roma who struggled to prove self-sufficiency and to produce documentation to demonstrate registration and residence due to factors including their marginalisation, exclusion and discrimination.
23. Even though the Law on Changes and Amendments to the Law on Citizenship of 2004¹⁷ foresaw the opportunity to establish citizenship in the successor state for those who continued to live in Macedonia after 8 September 1991 and who established real and effective ties (and met other conditions), not everyone was able to take advantage of its provisions.

¹³https://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf

¹⁴ See http://www.errc.org/uploads/upload_en/file/roma-belong.pdf

¹⁵ Law on Citizenship of the Republic of Macedonia, Official Gazette of the Republic of Macedonia n.67/1992

¹⁶ Ibid. p. 18 – 19. In particular, in the study is noted that the 15 years of uninterrupted residence in the former Republic was criticized for targeting ethnic minorities and was amended in 2004 by a two-year transitional provision ;

¹⁷ Law of Citizenship (Official Gazette of the Republic of Macedonia No. 67/92 from 03.11.1992)

24. Although these people and their children were born and lived their entire lives in Macedonia, due to the factors set out above, many of them lost the ability to prove their right to citizenship and thus became stateless, or at risk of statelessness.
25. Macedonia does however have in place, a safeguard against childhood statelessness. According to the Law on Citizenship of 2004, Macedonian citizenship is acquired by a child who was found or born in the territory of Macedonia whose parents are unknown or have an unknown citizenship or are stateless. This safeguard however, is not comprehensive – it does not protect children who have a parent who cannot pass their nationality onto their children – for example, due to gender discriminatory nationality law in the parent’s country. Furthermore, this provision has not been implemented consistently in practice, with a particular impact on the children of Roma parents, who could not establish their claim to Macedonian citizenship due to the reasons set out above.
26. As a result, these people and their descendants were no longer seen and addressed through the lens of citizenship (as was their right), but through that of foreigners. Hence, Roma, whose right to a nationality had been denied, were left with no option but to attempt to regulate their stay in the Republic of Macedonia under the Law on Foreigners, either on the basis of marriage, if they are married to a Macedonian citizen, or as stateless persons on humanitarian grounds.
27. In this context – having been denied the right to Macedonian citizenship – the new law on Foreigners (of 5 June 2018) is particularly relevant to this group. This law envisages the possibility for persons who had Yugoslavian (Federal) citizenship on 8 September 1991 and who after 8 September 1991, continued to live in Macedonia, to obtain permanent residence in Macedonia if they register their stay within three years of the adoption of the law. According to the law, children over five years old also benefit. This development exempts those who lost their citizenship due to the discriminatory situation arising out of state succession (as described above), from annual costs and obligations to renew the temporary residence permit. This is a positive development, as in some cases, the costs and other barriers associated with renewing temporary residence permits, caused a break in the legal stay of affected persons, thus preventing them from ultimately acquiring Macedonian citizenship through naturalisation.
28. However, the same law in Article 132(3) lacks precision and requires that persons who apply for residence status should support their application with an opinion provided by a competent institution. In practice, this provision can create confusion among the persons applying for residence on the one hand and gives wide discretion to the authorities on the other. In the context of negative stereotypes and prejudicial attitudes towards the Roma, there is a concern that such discretion will be abused, creating further barriers to the regularisation of their status.

Barriers to birth registration and unregulated civil status

29. Barriers to birth registration and unregulated civil status are serious and complex problems in Macedonia, which heighten the risk of statelessness, especially for members of the Roma community. The inability to meet documentary evidence requirements, the discriminatory attitudes of registry officials, poverty, lack of awareness and marginalisation are all factors which impact on

lack of registration.¹⁸ Overly complex and bureaucratic civil registration procedures constrain the realisation of individual rights in practice. While the entire population is affected, marginalised communities and minorities are disproportionately impacted.¹⁹

30. Persons who are undocumented and unregistered face additional barriers in securing the registration of births of their children. This is particularly so in cases where the mother of the child is deceased or has abandoned her child or has no personal documents; children are born outside hospitals; mothers use another person's health cards to access maternity care; or late registrations as adults (over 18 years) are pursued.
31. Further, if the mother of the child is unregistered the child as well cannot be registered until the mother obtains a birth certificate and an ID card or residence permit, if she is a foreigner or a stateless person.
32. This is the core problem regarding birth registration. There are no legal provisions stipulated in the Law on Records of Births, Deaths, and Marriages²⁰ that deal with such cases and the registry officers do not know how to record the children that are in such situations, and thus do not adopt an official decision. The Roma are disproportionately impacted, further entrenching their disadvantage and risk of intergenerational statelessness.
33. The lack of birth registration for children who are born at home is another concern. This is usually due to women not possessing personal identification documents and health insurance, thus being unable to access maternity and reproductive healthcare. In these cases, the authorities usually insist on DNA analysis to prove the relationship between mother and child. However, obtaining DNA analysis is intrusive and expensive and many of the families affected live in extreme poverty, without steady incomes and cannot afford the procedure. The Ministry of Labour and Social Policy covers the fees for 20 to 40 DNA analyses per year, but this is not a systematic or sustainable solution to the inability of many undocumented Romani women in Macedonia to access their rights to maternal and reproductive healthcare.
34. All of these problems make the procedure for additional inscription in the civil records very lengthy (in some cases several years), expensive (a lot of evidence is required, especially an expensive DNA analysis) and thus inaccessible for many. Evidence from the Roma Belong report demonstrates how Roma in Macedonia are disproportionately affected by these barriers to civil registration due to marginalisation and discrimination, with the impact being that the risk of statelessness is perpetuated from one generation to the next, and many unregistered children do not have access to basic rights - above all, the right to citizenship, and then to education, health care, social welfare, and other rights.²¹
35. In this way, the services for civil records, particularly the Directorate for Keeping Records of Births, Deaths and Marriages (the Directorate) violate the basic rights of unregistered persons – including Roma - in the Republic of Macedonia.

¹⁸<https://index.statelessness.eu/country/macedonia>

¹⁹Roma Belong: Statelessness, Discrimination and Marginalization of Roma in the Western Balkans and Ukraine available at: http://www.errc.org/uploads/upload_en/file/roma-belong.pdf, page 53

²⁰Law on Records of Births, Deaths, and Marriages (Official Gazette of the Republic of Macedonia No.8/1995 from 15.02.1995)

²¹ Roma Belong: Statelessness, Discrimination and Marginalization of Roma in the Western Balkans and Ukraine available at: http://www.errc.org/uploads/upload_en/file/roma-belong.pdf.

36. The Government of the Republic of Macedonia identified this problem in 2011, when it signed the Zagreb Declaration on civil documentation and registration in the birth registers at the Conference on Civil Documentation and Enrolment in Civil Records for the countries of South-Eastern Europe. In accordance with the obligations undertaken by signing this declaration, Macedonia undertook, among other things, to remove all obstacles to civil documentation and enrolment in civil records, especially referring to the adoption and amendment of relevant laws, establishment of a national coordination mechanism between the relevant institutions, raising awareness and similar measures.
37. Following these commitments, the Government established a working group, coordinated by the Ministry of Labour and Social Policy, and composed of representatives of the Ministry of Internal Affairs, the Ministry of Justice - the Directorate and representatives of NGOs that work on this particular issue. In 2011, this working group launched an action for additional inscription of births and personal names of persons whose births and personal names are not registered. As part of the action, the group in 2011 identified about 600 people facing this problem. Unfortunately, despite the efforts of the group, little significant progress has been made towards solving this problem. Furthermore, the number of 600 unidentified individuals is not conclusive and does not fully reflect reality on the ground, since the action for identifying non-registered persons was carried out in Skopje and specific cities throughout Macedonia where there are Roma Information Centres. This is also a dynamic process, since while resolving old cases, new cases are identified, especially in the parts of the country that were not covered by the action. Further, babies are born every day into the risk of statelessness due to the lack of documentation of their parents and barriers to registration.
38. In April 2018, the Government demonstrated a greater interest in resolving this issue and a political will to systematically approach the problem. A public call was announced inviting all persons that are not registered in the birth register to apply for additional inscription, regardless of whether they possess all the necessary documents to evidence and substantiate their application.
39. The public call will last until 30 September 2018. The first phase of the process is to identify all persons facing this problem. These persons will be recorded in a separate database and thus the country will finally have an official number of unregistered persons born and living on its territory. The Minister of Labour and Social Affairs, gave an official statement that every person identified in this action will receive a temporary identification number and the same can be used for acquiring health and other social services until the person is properly registered in the system. After the civil registration is done the person will have a permanent identification number, regulated status and access to all rights guaranteed under the Constitution and the laws in the country.
40. The authorities in the second phase of the process aim to amend the legislation or to adopt new legal mechanisms that will provide an appropriate legal solution for the issues at stake. Studying the problem, experts, representatives of NGOs working on this issue, as well as some of the administrative bodies that implement the registration in the civil records agreed that an urgent amendment and addition to the Law on Records of Births, Deaths, and Marriage is needed in order to provide a more sustainable method for prevention of the risk of statelessness. In addition to amending this Law, there is an initiative for introduction of a special non-contentious procedure, for determining the time and place of birth for children born at home and who cannot therefore be

enrolled in the civil records. This was an example in Serbia, which introduced such a procedure in 2012 and reduced significantly the number of unregistered persons in the country.

41. While these developments are welcome, it is important to bear in mind Macedonia's obligation to register all births immediately (CRC Article 7), without discrimination (CRC Article 2). It is only through the immediate birth registration and acquisition of nationality, that a child's best interests are served. In this context, the intersectional discrimination faced by Roma women, who due to their ethnicity, poverty and gender, face barriers to registering the births of their children, must be addressed as an urgent matter that undermines both the equal rights of women and children. A further consideration in this regard is Macedonia's target under Goal 16.9 of the Sustainable Development Goals to provide birth registration for all.

Statelessness Determination and naturalisation

42. Related to the challenges around registration, documentation and acquisition of nationality highlighted above, are those of statelessness status determination and naturalisation.
43. While Macedonia has an obligation to ensure that all persons who have a right to Macedonian nationality can exercise this right without any impediment (including Roma who have been denied documentation), it should also implement a dedicated statelessness determination procedure to ensure that all stateless persons who live in Macedonia (and who do not have a right to Macedonia nationality) are identified, protected and offered pathways to facilitated naturalisation.
44. However, Macedonia does not at present have a specific procedure for the determination of statelessness.²² The identification of stateless persons is critical in a country's ability to guarantee the rights of stateless persons living within its borders. Thus, Macedonia has the obligation to 'identify stateless persons in order to accord them appropriate standards of treatment under the Convention.'²³ A formal statelessness determination procedure would offer the most effective means to protect the rights of stateless persons who do not have the right to Macedonian nationality, and would assist the State in its implementation of its statelessness safeguard.²⁴ It would also allow Macedonia to better understand the extent of statelessness on its territory and to better monitor the status and treatment of stateless persons.²⁵
45. In order to determine statelessness in full accordance with the 1954 Convention, a statelessness determination procedure should, according to the UNHCR Handbook on Protection of Stateless Persons, be simple, accessible to everyone within the territory, and be fair and efficient.²⁶ The procedure should be formalised in law and observe due process guarantees.²⁷ In compliance with these standards, Macedonia's statelessness determination procedure should provide for a shared

²² For more details, see <https://index.statelessness.eu/country/macedonia>

²³ UNHCR, *Statelessness Handbook*, para 144.

²⁴ UNHCR, *Good Practices Paper – Action 6: Establishing Statelessness Determination Procedures to Protect Stateless Persons*, 11 July 2016, available at: <http://www.refworld.org/docid/57836cff4.html>, p. 2.

²⁵ UNHCR, *Global Action Plan to End Statelessness, Action 6*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>; UNHCR, *Mapping Statelessness in Austria*, January 2017, available at: <http://www.refworld.org/docid/58b6e5b14.html>, para 125.

²⁶ UNHCR, *Statelessness Handbook*, paras. 63, 68 and 69.

²⁷ *Ibid*, para 71.

burden of proof, the standard of proof should be reduced and applicants should be offered an individual interview.²⁸ Moreover, information and counselling about the procedure should be widely disseminated in order to facilitate access to the procedure.²⁹ 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'.³⁰ Government officials who may come in contact with stateless persons through their regular work (for example, social services or immigration control) should be trained to identify potential applicants and should refer them to the determination procedure.³¹ Finally, authorities involved in the identification of stateless persons should be provided with training on statelessness and the human rights of stateless persons.

46. Although the legislation of the Republic of Macedonia does not establish such a procedure for determining stateless status, in practice, the Ministry of Interior, when regulating the residence and issuing a temporary residence permit enters the signifier 'xxx' in the citizenship section of those it deems to be stateless. This serves as a confirmation that the person does not have citizenship.
47. Article 7A of the Law on Citizenship provides the possibility of facilitating the naturalisation of stateless persons, by reducing the required residence and other criteria for stateless applicants. For example, the standard requirement of eight years of legal and uninterrupted residence on the territory of Macedonia, is reduced to six years from the moment of determining stateless status. Under this procedure, persons with "xxx" on their residence permit are eligible for simplified naturalisation. However, in order to fulfil this condition, they must provide proof of accommodation and financial support in Macedonia. Financial support is understood as employment or support from a member of their household who is a Macedonian citizen and in employment or in receipt of social security payments. Accommodation must be proven through proof of ownership or a notarised lease agreement. These requirements are extremely difficult to meet for Roma who are marginalised, face very high unemployment rates and discrimination, often live in informal settlements, and have limited rights to employment based on temporary residence permits (usually valid for only one year).

Recommendations

48. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to Macedonia:
 - I. Ensure that all international and regional obligations related to the right to nationality, prevention of statelessness, protection of stateless persons, non-discrimination, and birth registration are fully incorporated into national law and implemented in practice.
 - II. Consider nominating a dedicated lead with responsibility for protecting the rights of Roma whose mandate includes, as part of the eradication of discrimination, the reduction and

²⁸ Ibid, paras. 71, 89-93.

²⁹ Ibid, para 68; UNHCR, *Good Practices Paper – Action 6*, p. 5.

³⁰ UNHCR, *Statelessness Handbook*, para 119.

³¹ UNHCR, *Good Practices Paper – Action 6*, p. 4.

- prevention of statelessness among minorities; National Human Rights Institutions and Ombudspersons should have a mandate to monitor and report on these issues.
- III. Guarantee access (in law and practice) to fundamental rights for all Romani people on their territory, 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. Simplify complex civil registration procedures impacting disproportionately on Roma communities, including where these prevent Roma from registering the births of their children – in particular where the child's mother is deceased or unavailable, when the child's biological father is not part of the household (not married to the mother); for persons that turned 18 (adults) and are not enrolled in the civil records. This should incorporate law and policy reform where necessary, training and capacity building of frontline officials, cooperation and information sharing between countries, and community engagement.
 - V. In developing and implementing its National Action Plan for Development in accordance with the Sustainable Development Goals, ensure that *“no one is left behind”* in the pursuit of Target 16.9 to *“by 2030, provide legal identity for all, including birth registration”*.
 - VI. Amend the Law on Records of Births, Deaths, and Marriages and address any legal gaps, in particular to guarantee universal, free and immediate birth registration for every child irrespective of the parents' status, documentation, insurance or whether the child was born in a medical institution, in accordance with CRC Article 7. Also establish a special procedure (administrative or judicial) for determination of the time and place of birth of persons born at home.
 - VII. Improve the collection and monitoring of data disaggregated by ethnicity including on birth registration, documentation status, and access to fundamental rights such as education and healthcare, with appropriate steps to ensure the data is fully anonymised.
 - VIII. Make available effective remedies for all those seeking to resolve their documentation status, including state-funded legal aid, the removal of barriers to accessing justice such as court fees or fees for DNA testing, judicial oversight, and robust complaints and compensation mechanisms.
 - IX. Take responsibility for proactively identifying, addressing and eliminating any stereotypical or discriminatory views or actions among their staff concerning Roma through improved leadership, training, and capacity building on national and international obligations and good practice, as well as better monitoring and implementation of robust complaints procedures for service users to seek redress.
 - X. Work with Romani communities to identify the needs, concerns and barriers they face, and support the co-development of action to tackle priority issues.
 - XI. Take concrete action to address the multiple discrimination that leads to Romani women being unable to access their rights to reproductive and maternal healthcare and reduce the rate of involuntary home births.
 - XII. Establish in law a statelessness determination procedure and status in line with the 1954 Convention, UNHCR guidance and best practice.
 - XIII. Accede to the 1961 UN Convention on the Reduction of Statelessness.