

# Stateless Roma in Macedonia

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**Many Roma have faced discrimination and prejudice from both private groups and national governments.**

The Roma are a minority population living primarily in Central and Eastern Europe, the Balkans and Western Anatolia who are often not well integrated into local society. For Roma, registering as citizens and obtaining documentation have been especially difficult.

Macedonia,<sup>1</sup> like other states which became independent following the break-ups of Yugoslavia, the Soviet Union and Czechoslovakia, had to decide who would be granted citizenship and has adapted legislation over time. The number of stateless Roma in Macedonia is difficult to ascertain. It includes some of the long-standing Roma population – 53,879 Roma were counted in the 2002 census but estimates of the true number range between 180,000 and 200,000 – and some 5,000 Roma

who fled Kosovo and Serbia in 1999 and have been unable to return.

There are four particular issues regarding access for stateless Roma to Macedonian citizenship: their eligibility under law; wider political concerns of the government; access to documents; and donor projects to reduce statelessness. Access to personal documentation and non-discrimination are centre-pieces of the 2005–2015 Decade of Roma Inclusion<sup>2</sup>, and promoted by organisations active in the region such as the OSCE.

## Eligibility and political concerns

The initial rules on eligibility set in 1991 gave all people registered in Macedonia one year to apply for citizenship. They had to meet certain criteria including their ability to be financially self-supporting and at least 15 years of uninterrupted legal residence in Macedonia. Regardless of ethnicity or which former Yugoslav republic they originated from, people could choose to become Macedonian in 1991 based on their long-term residence in the Republic.

People living in Macedonia who did not apply for citizenship within a year were viewed as foreigners and then had to go through the lengthy procedure set out in the 1992 law on naturalisation. In practice this was especially obstructive to members of ethnic minorities. Roma in particular fell

foul of the requirements to prove self-sufficiency and to produce documentation to demonstrate registration and residence even if they had been in Macedonia for the period stipulated (which many had not).

A 2002 temporary law lessened the strict criteria of the 1992 Law, giving greater access to citizenship for many members of ethnic minorities, particularly those who were stateless but were long-term residents of Macedonia. A 2004 amendment to the law reduced the period of residence required to eight years, and set it at six years for refugees and people recognised as being stateless.

Negotiations with the European Commission on visa facilitation and re-admission ('for persons residing without authorisation')<sup>3</sup> have forced Macedonia to address the problem of stateless long-term residents. In confronting the issue, however, Macedonia is also forced to face the complexities of its geopolitical position, with its neighbours including Kosovo and Serbia, and all the undocumented population 'events' – including migrations, births, marriages and deaths – since 1991. There are fears that some measures taken with the aim of resolving statelessness could encourage population movements and make Macedonia attractive to people who might use fraudulent means to suggest longer-term residence than is actually true. This could potentially shift the fragile ethnic balance in the country, as well as lead to rises in tensions and organised crime.

## Documentation

The absence of documentation demonstrating long-term residence is a major problem for the Roma. Even in those cases where births and marriages have been registered, individuals may never have obtained, or may have lost, the documents proving that registration. The reasons for non-registration and the absence of personal documents include lack of understanding about the importance and benefits of registration and the cost involved.

Felt-making workshop in Skopje for Roma refugees from Kosovo organised by UNHCR and the Macedonian Artisan Trade Association, part of a long-term UNHCR programme to give female refugees in FYR Macedonia the skills to support themselves and reduce their dependence on aid hand-outs.



UNHCR/A Galic

There is also a reluctance to engage with local and national authorities who are usually prone to discriminate against Roma people.

A residence permit, for example, costs about €20, while birth registration costs €2.75 (€5.25 if done two months or more after the birth). While these amounts may not sound excessive, for unemployed individuals – and over 75% of Roma are estimated to be unemployed – in a country where the average wage is around €270 per month, this can be prohibitive. For all that, local NGOs and donors have noted that once people receive information about the benefits of registration, and especially if they need or want to give birth in a hospital for example, they want to be registered and to acquire the appropriate documents.

### NGO programmes

While the problem of statelessness and non-registration persists, a number of donors, including USAID, the American Bar Association, the Swedish Helsinki Committee and UNHCR, are sponsoring, or have sponsored, a variety of programmes and projects run by Macedonian NGOs. These projects flourished during the period 2004-06, when Article 14 of the 2004 amendment to the Citizenship Law gave a two-year window of opportunity to some people to register themselves. 5,571 individuals had applied for naturalisation under this temporary programme, of whom 476 people lack 'effective citizenship' with their decision pending; 4,754 people have been granted citizenship; and 341 citizenship applications have been rejected. The American Bar Association trained staff from more than 100 NGOs to assist with registration and documentation for Roma applying for citizenship between 2004 and 2006.<sup>4</sup>

Donors are keen to ensure that Macedonian NGOs, which are typically very small and totally dependent on foreign funding, are not tempted to help keep the problem alive, for example through lack of clarity on numbers, making slow progress on individual cases

(in order to continue to receive funds for each individual assisted) or 'double-booking' clients (thereby receiving per capita funding from donors to cover the same individuals twice). Some donors are apparently concerned that such things are happening. If this is indeed the case, the donors themselves are surely also not blameless as there has, to date, been little or no donor coordination and little or no accountability. Whatever problems there may be, many individuals have clearly benefited from the projects, gaining documentation and access to rights including citizenship.

While projects between 2004 and 2006 focused on assisting with the submission of citizenship



World Refugee Day events in June 2008. 'Protection' sign made by Roma refugee youth currently accommodated in Suto Orizari municipality, former Yugoslav Republic of Macedonia.

applications, in 2008 they primarily sought to help in the actual provision of documents. For example, a Roma-run NGO, ARKA,<sup>5</sup> is funded by the Swedish Helsinki Committee to help individuals obtain documents demonstrating their registration from authorities across the Balkans and sometimes from farther afield, for example where individuals were born in EU countries while their parents were (temporary) migrant workers. ARKA has teamed up with NGOs in Kosovo (Civil Rights Programme<sup>6</sup>) and Serbia (Praxis<sup>7</sup>). In 2006 ARKA assisted 803 individuals in obtaining documents. 25% of the documents were Certificates for Citizenship and just over 29% of them were Birth

Certificates. In several cases ARKA found that individual documentation problems were resolved by personal intervention with the authorities rather than through regular channels, not least due to variations between municipalities in the requirements and procedures for obtaining personal documents.

ARKA is an example of a Macedonian NGO conducting similar projects for several donors, not only the Swedish Helsinki Committee but also USAID's Institute for Sustainable Communities and until early 2008 ARKA was also part of a Legal Network funded by UNHCR to assist asylum seekers, refugees and mostly Roma people seeking naturalisation.

Donors in many sectors suggest that civil society in Macedonia is proficient in carrying out practical projects, such as these searches for documentation, but deficient in effective lobbying skills to encourage changes in government policies and laws, particularly at the national level. There needs to be greater domestic lobbying, as well as international pressure, in order to achieve success.

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1. Macedonia's constitutional name is the Republic of Macedonia. A dispute with Greece concerning the use of this name means that although this name has been accepted by more than 120 countries, it is not officially used internationally. The former Yugoslav Republic of Macedonia' (or the FYROM) is used in international fora such as the UN. For the sake of simplicity, the country is referred to as 'Macedonia' here.

2. The Decade represents a political commitment by governments in Central and South-eastern Europe to improve the socio-economic status and social inclusion of Roma within a regional framework. It focuses on education, employment, health and housing, and commits governments to take into account the other core issues of poverty, discrimination and gender mainstreaming. <http://www.romadecade.org/>

3. See [http://www.delmkd.ec.europa.eu/en/bilateral-relations/readmission%20agreement%201\\_33420071219en00070024.pdf](http://www.delmkd.ec.europa.eu/en/bilateral-relations/readmission%20agreement%201_33420071219en00070024.pdf)

4. [http://www.abanet.org/rol/programs/resource\\_human\\_rights.html#roma](http://www.abanet.org/rol/programs/resource_human_rights.html#roma)

5. <http://www.arka.org.mk>

6. <http://www.crpkosovo.org>

7. <http://www.praxis.org.yu>