

Local Integration of Refugees, Internally Displaced Persons and Minority Groups

Contract No.: 12-8715/1

**REVIEW REPORT
of legislation, procedures and practices,
with recommendations related to citizen's status
and personal identification documents for Roma
*Final - 28 June 2016***

Date 28/06/2016



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Review report of legislation, procedures and practices with recommendations related to citizen's status and personal identification documents for Roma

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Overall Objective:	To enhance the state administration and implementation capacities for further strengthening and supporting the local integration process and inclusion of the residential and / or non-residential displaced persons (refugees and internally displaced) and minority groups (Roma), as well increasing the sustainability of their reliance.		
Purpose:	To contribute in supporting the process of residential and / or non-residential displaced persons in their access for provision of comprehensive state administration services, increase self-reliance via participation and inclusion of the displaced persons in the society, as well as improve the quality of life and access to rights and services for social inclusion of the Roma, Ashkali and Egyptian communities in the country.		
Expected Results:	<u>Component 1: Support to the implementation of national and local public policies for Roma inclusion:</u> <ul style="list-style-type: none">○ Implemented training plan for capacity building of relevant institutions on the Local Action Plans (LAPs) within the implementation of the Roma Strategy and Decade;○ Enhanced capacity for all the relevant stakeholders for implementation of Roma Strategy and Decade and memorandum for cooperation with the municipalities;○ Local Action Plans for Roma implemented. <u>Component 2: Institutional Capacity Building and Access to Labour Market for refugees and IDPs:</u> <ul style="list-style-type: none">○ Increased capacity of state institutions and policy makers to deliver integration policies and facilitate access to services;○ Achieved economic sustainability;○ Increased employability;○ Gained experience and best practices in the area of refugee integration.		



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ABBREVIATIONS

DNA	Deoxyribonucleic acid
EU	European Union
MAYL	Macedonian Association of Young Lawyers
MI	Ministry of Interior
MLSP	Ministry of Labour and Social Policy
OMR	Office for Management of Registers of Births, Marriages and Deaths
RIC	Roma Information Centre

EXECUTIVE SUMMARY

This **Review report of legislation, procedures and practices with recommendations related to citizen's status and personal identification documents for Roma** presents the findings of an analysis of legislation, procedures, and practice related to status and personal identification documents for Roma. The analysis was conducted in the period May – June 2016 using the following methods: desk-top research and analysis of laws, interviews with relevant public institutions and civic organizations and focus groups with Roma persons who had or still lack registration with the authorities and / or personal identification documents.

A total of approximately 550 Roma persons who had not adequately regulated their status were identified by the end of 2014. Further identification efforts by Roma civic organization in 2015 and 2016 resulted in an increase of this figure to 850. This situation contributes to the marginalization of Roma in the Macedonian society, pushing those affected towards social exclusion and poverty.

The report identifies the most significant legal provisions with regards to birth registration, citizen's status and personal identification documents, and discusses legislation's practical implications for the Roma. It presents that, while not "ill-intended" some of the current legislative solutions contribute to perpetuation of the problem from one generation to the next.

Certain progress has been made in recent years, as state institutions launched an inter-sectoral response to this issue, in collaboration with the civic sector. The key coordination mechanism is the national working group led by the Ministry of Labour and Social Policy, which involved representatives of relevant civic organizations. The involvement of the civic organizations in the working group is a good practice of acknowledging their contribution, in particular for ensuring community work and direct support of the communication between Roma and state institutions.

However, further improvements need to be achieved in the following areas: Roma persons in the country without proper citizen's documentation need to be identified, which would improve the planning and implementation of an appropriate state action. Roma themselves need to increase their awareness on the need to and benefits from regulating their citizen's status and personal documents. Legislation modifications need to be explored to create more favourable conditions for solving this issue. Strengthened community-based legal support services would assist state institutions in ensuring access to birth registration and personal documents for Roma. Civic organizations which have developed capacity, expertise and experience in this field need to be supported financially to conduct community work and get involved in wide discussion on legislation and policies. Since other countries in the region face similar challenges, regional cooperation and exchange would lead to identification and replication of best practices.

These measures would contribute to a more stable, just and cohesive society that ensures equal opportunities for all citizen and would support Macedonia's integration into the European Union.

1. INTRODUCTION

1.1 Purpose of the report

The purpose of this report is to present the findings of an analysis of legislation, procedures, and practice related to status and personal identification documents for Roma. Following a description of the methodology employed in the analysis, the report provides a review of legal provisions identified as particularly significant for Roma's access to birth registration, regulation of status, and identity documents. Included in the review is a discussion of the practical implications of the relevant provisions. Section 3 of the report consists of an examination of the relationship between procedures and practice as they affect Roma in these same areas, with key obstacles identified. Section 4 offers a synthetic summary of the main findings of the analysis, while Section 5 outlines steps to be taken to improve the legal framework and procedures to facilitate access to birth registration, regulation of status, and identity documents for Roma.

This report (Output 6) contributes to the implementation of Activity 1.3 (“Preparation of an analysis of the current legislation, procedures and practices and providing recommendations in terms of identifying the obstacles and delivering the services for improved access to subsequent ID and birth registration, regulation of status, acquisition the personal documentation for Roma, as well preparation of policy brief and holding informational meetings for preventive action”). It further provides the main basis for the other two outputs of this Activity: a policy brief on status and personal identification documents for unregistered Roma and a series of information meetings for sharing the results of the analysis.

1.2 Research methodology

The subject of this research was an examination of the access of Roma to birth registration, regulation of status and personal identification documents.

Its goal was to identify potential improvement points in the field of birth registration, regulation of status (i.e. citizen's status) and personal identification documents for Roma.

The research examined the following two main issues:

- the most significant legal provisions, and
- the procedures and practices with regards to birth registration, citizen's status and personal identification documents for Roma.

Legislation was examined through desk-top research and analysis of relevant laws. Existing studies on this matter were taken into account.

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Interviews and focus groups were used in reviewing procedures and practices. The protocols developed and used within the research are presented in Annex 2: Research instruments. Interviews were conducted with representatives of state institutions and civic organizations². This selection ensured a combination of overview on national level and insight into local practices and challenges. Two focus groups were planned: one with Roma who have successfully completed the procedures for obtaining birth certificates, citizen's status and personal and personal identification documents (and who had experienced problems previously), and another with Roma who either face challenges in regulating their status or are yet to file an application with the relevant authorities to obtain the needed documents. The developed focus group protocol is presented in Annex 2 to this report. However, instead of conducting focus group discussions, at the request of participants, brief personal interviews were held with a total of 18 Roma persons, using the questions enlisted in the focus group protocol. This did not impact the quality of obtained information.

The research was conducted in the period April – June 2016.

This Review Report presents the findings, conclusions and recommendations from the research.

² In alphabetical order: Lil, Macedonian Association of Young Lawyers (MAYL), Ministry of Labour and Social Policy (MLSP), Office for Management of Registers of Births, Marriages and Deaths (OMR), Roma Information Centre – Kumanovo, and Umbrella.

2. REVIEW OF LEGISLATION

Having personal identification documents means that you are registered in the system of the state that you live in. These documents provide access to the most basic rights, such as the right to education, social welfare, work, health insurance, and other benefits ensured by the state. Exercising these rights greatly depends on acquiring citizenship and personal identification documents.

Macedonia is no exception: only persons with Macedonian citizenship and valid personal identification documents can fully exercise the above mentioned basic and crucial rights.

This section of the report presents a review of the most significant legal provisions with regards to birth registration, citizen's status and personal identification documents, and discusses legislation's practical implications for the Roma.

2.1 Birth registration

Among the laws that cover this specific area, the most relevant is the Law on Registry³, which covers the processes for registration of births, marriages and death certificate issuance. Thus, it regulates the registration of Roma in the official state Register.

Article 7 of this law clearly stipulates that health institutions are obliged to register all newborns born at health institutions' premises. If the child is not born in a health facility, then the registration is to be done by the father or the persons in whose apartment the child is born. The mother can also register the newborn once she is able to do so, or the registration can be done by the health workers who participated in the delivery. If there are no such persons or they are not able to register the birth, than the child can be registered by a person who learned of its birth.

Even though the law clearly states that health institutions are obliged to register the newborn, this does not affect the registration of children born in other conditions i.e. not born in a health institution, as the obligation for registering mainly falls on the parents of the newborn child. The main reason for the occurrence of having unregistered newborns born in these conditions is the lack of awareness of the parents for the benefits of having their children registered in the Register. Other reasons include the lack of documents of the parents to support their personal identification such as name, address of living and citizenship, lack of inclusion in the society as these parents live in improvised settlements in peripheral areas, lack of finances to cover the administrative costs for registration and other reasons.

³Zakon za maticnata evidencija (Sluzbeni vesnik na Republika Makedonija no. 8/1995, 38/2002, 66/2007, 98/2008, 67/2009, 13/2013, 43/2014, 148/2015 and 27/2016)

Another relevant law is the Law on Family⁴. Namely, article 56 states that the recognition of paternity produces legal effect and is entered in the Register of births only if agreed by the mother of the child. This means that only the mother can register the child if the declaration of consent for recognition of paternity is non-existent. The declaration of consent for recognition of paternity is provided by the mother within 30 days of the receipt of the notification and it is a statement by the mother with which the mother identifies a male person as the father of her child.

In 2011, the MLSP started implementing an action to identify those that are not recorded in the Register. For this purpose, the Ministry conducts free-of-charge DNA analysis using a sample of the DNA of the mother only and comparing it to the DNA of the child. In cases of positive findings, the children are provided with birth certificates only stating their respective mother.

However, this solution creates additional legal difficulties: On one hand, it legally turns the mother into the sole person responsible for decision-making on behalf of the newborn or child. On the other hand, this solution is not feasible and does not lead to registration of the newborn or child in cases when the mother is dead or unavailable for any other reason, such as when the mother does not live in the Republic of Macedonia, has abandoned the family or her location is unknown. The same situation arises when the mother does not possess all personal identification documents; the mother is a foreigner without residency papers in the Republic of Macedonia or has a controversial address of living; the baby is born in another country or the parents are not interested in registration of their child⁵.

2.2 Citizen's status

The crucial law regulating the citizen's status is the Law on Citizenship⁶. Its article 3 stipulates that a person may obtain the Macedonian citizenship by their origin, by being born on the territory of the Republic of Macedonia, through naturalization or on the basis of international agreements. Naturally, the first two are the most common grounds for acquiring the citizenship: origin of the parents or being born on the territory of the state.

According to article 4 of this law, the origin is a criterion that entitles an individual to the right to Macedonian citizenship. This means that if one of the parents has a Macedonian citizenship, the child has the right to obtain a Macedonian citizenship likewise. However, this criterion is fulfilled only if at least one of the parents has a complete documentation issued by the institutions of the Republic of Macedonia, i.e. the parent has an identity card, citizenship, birth certificate, etc.

⁴Zakon za semejstvo (Sluzben vesnik na Republika Makedonija no. 80/1992, 9/1996, 38/2004, 33/2006, 84/2008, 67/2010, 156/2010, 39/2012, 44/2012, 38/2014, 115/2014, 104/2015 and 150/2015

⁵The situation of unregistered persons in Republic of Macedonia, identified in the beginning of the action according to the information of the Macedonian Association of Young Lawyers, Macedonian Association of Young Lawyers, Skopje 2014

⁶Zakon za drzavjanstvoto na Republika Makedonija (Sluzben vesnik na Republika Makedonija no. 67/1992; 8/2004; 98/2008; 158/2011 and 55/2016)

Article 6 stipulates that Macedonian citizenship can be acquired by a child found or born on the territory of the Republic of Macedonia and whose parents are unknown, or their citizenship is unknown, or they are stateless.

As explained in the previous section on birth registration, a common problem related to the registration of the children is the lack of documentation by the parents, which effectively prevents the registration: Institutions are unable to determine the parents' citizenship or their origin, while parents often lack the will to obtain the needed documentation for various reasons.

2.3 Personal identification documents

The cornerstone of the legislation in this area is the Law on Identification Document⁷. According to the law's article 1, the identity card is a public document that proves the identity, the Macedonian citizenship, the residence and the address of the citizen of the Republic of Macedonia. Without this document, people are unable to prove their status as citizens of the country and are therefore unable to exercise their basic rights.

Article 2 stipulates that every citizen that is 18 years of age is obliged to have an identity card. According to article 3, the identity cards are issued by the Ministry of Interior (MI). The request for issuance of an identity card is submitted by the citizen in person to the branch office of the MI in the area of their residence. Article 15 foresees fines in the amount between 15 and 30 Euros for adult citizens who do not carry their own identification document with them.

The Law on Health Insurance⁸ regulates the health insurance of citizens, their rights and obligations with regards to health insurance, and the manner of implementation of health insurance. Compulsory health insurance is ensured for all citizens of the Republic of Macedonia allowing access to health services and benefits on the principles of universality, solidarity, equality and effective use of resources under conditions determined by the law. However, it is clearly stated that in order to exercise the right to health insurance, one must be a citizen of the Republic of Macedonia. People that lack documents to prove their citizenship cannot enjoy this right. This is a particularly negative consequence because, according to the Constitution, one of the main goals of the Republic of Macedonia is to ensure social justice. Article 39 of the Constitution guarantees the right to health care to every citizen. In practice, this right cannot be exercised by citizens who do not possess documents to prove their citizenship.

⁷Zakon za licnata karta (Sluzben vesnik na Republika Makedonija no. 8/1995; 38/2002; 16/2004; 12/2005; 19/2007; 10/2010; 51/2011; 13/2012; 166/2012; 154/2015 and 55/2016)

⁸Zakon za zdravstvenoto osiguruvanje (Sluzben vesnik na Republika Makedonija no. 25/2000, 34/2000, 96/2000, 50/2001, 11/2002, 31/2003, 84/2005, 37/2006, 18/2007, 36/2007, 82/2008, 98/2008, 6/2009, 67/2009, 50/2010, 156/2010, 53/2011, 26/2012, 16/2013, 91/2013, 187/2013, 43/2014, 44/2014, 97/2014, 112/2014, 113/2014, 188/2014, 20/2015, 61/2015, 98/2015, 129/2015, 150/2015, 154/2015, 192/2015, 217/2015, 27/2016 and 37/2016)

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The situation is similar in the field of education: People without documents cannot enjoy the right to education. For example, the Law on Primary Education⁹ in its article 2 stipulates that every child has the right to primary education. Article 4 stipulates that primary education is mandatory, which contradicts the fact that a child cannot be enrolled in an educational institutional without proper documents. Secondary education is also mandatory, as per the Law on Secondary Education¹⁰. Namely, the law foresees that secondary education is mandatory for every citizen under equal conditions, as stipulated within the law. However, children without proper documents to prove their citizenship contradict the intention of this legal provision, as well.

⁹Zakon za osnovnoto obrazovanie (Sluzben vesnik na Republika Makedonija no. 103/2008, 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 and 30/2016)

¹⁰Zakon za srednoto obrazovanie (Sluzben vesnik na Republika Makedonija no. 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 and 30/2016)

3. EXAMINATION OF PROCEDURES AND PRACTICES

In recent years, the issue of birth registration, citizen's status and personal identification documents for Roma has been recognized as an important social problem by the state institutions and the civic sector. This section of the report presents a review of current efforts of the involved actors from the state and the civic sector to ensure birth registration, citizen's status and personal identification documents, and highlights the encountered positive practices and challenges in each of the three areas, as the basis for future improvements.

In 2011, a national working group was formally established under the coordination of the MLSP, i.e. its Unit for Implementation of the Strategy for Inclusion of the Roma, which was tasked to coordinate the efforts of relevant public institutions in tackling the situation. The group includes representatives of the responsible public institutions, such as the OMR and the MI, and several civic organizations active in this field.

In the absence of official figures, a report issued by the MLSP¹¹ in 2015 states there were approximately 550 Roma who were not registered by the state in any manner i.e. people who were not registered as citizens of the Republic of Macedonia. This number was obtained through an action involving Roma civic organizations to identify persons who were not registered by the state.

The European Union (EU) also notes this problem and accepted the figure presented above in its most recent country progress report 2015: "Under a project to include people in the register of births, 120 of the 550 people identified so far have been registered. However, the most disadvantaged Roma still have problems accessing social benefits due to their lack of administrative documentation."¹² Thus, this issue bears significance for Macedonia's bid to become a member of the EU.

Identification efforts of Roma civic organizations continued in 2015 and the first half of 2016, resulting in a total of approximately 850 Roma who are not registered by the state, with the increase mainly due to covering additional Roma communities compared to the action in 2014. This updated figure has been shared with the MLSP. A comparison of this number to the total number of approximately 53,800 Roma in the country (as per the last census held in 2002¹³) shows that, on average, for every 1,000 Roma who live in Macedonia, there are approximately 15 Roma persons without registration by the state. Estimates of most activists, on the other hand, are that there might be up to 1,500 Roma persons without registration within the Register of births, regulated citizen's status and subsequently personal identification documents.

Building upon an initiative by the Roma civic sector, the MLSP runs its project entitled Roma Information Centres (RIC) since 2007. As part of their tasks, the RIC provide support in birth

¹¹ Action Plan for Inclusion of Roma and Roma refugees. Status of implementation of activities with data included from 2014, Ministry of Labour and Social Policy

¹²[The Former Yugoslav Republic of Macedonia Report 2015](#), European Commission, 2015

¹³Census of Population, Households and Dwellings in the Republic of Macedonia 2002, State Statistical Office, 2003

registration, obtaining personal documents and exercising various other rights. A total of 12 RIC exist in the following municipalities: Berovo, Bitola, Chair, Delchevo, Gostivar, Kochani, Kumanovo, Prilep, Shtip, Shuto Orizari, Tetovo, and Vinica.

In addition, several Roma and human-rights civic organizations also actively support Roma in obtaining citizenship and personal documents, including (the list is not exhaustive): the Helsinki Committee for Human Rights of the Republic of Macedonia, Kham, Lil, the MAYL, Mesechina, the National Roma Centrum, Umbrella. The efforts of the organizations are mainly supported by foreign donors.

3.1 Birth registration

In its Register of Births, the OMR registers the facts (date and place of birth and parents) of all births on the territory of the Republic of Macedonia.

The “regular” registration of newborns within the Registry of Births needs to be completed within 30 days of its birth and requires, at the minimum, the following documents:

- valid personal identification documents of the parents, and
- certificate of marriage.

If the baby was born at home, the parents need to present, at the minimum:

- a certificate issued by gynaecologist that the mother gave birth and
- public notary certified statements of two witnesses present at the birth. In both cases, registration requests are subject to administrative fees (in the amount of 150 Denars).

In reality, many Roma who live in conditions of extreme poverty and social exclusion are not aware of and do not fulfil these responsibilities. They lack adequate information and understanding of the administrative procedures required, feel insecure to approach the public institutions and fear fines and punishments for not having obtained various needed documents in time. Furthermore, some activists report of neglect of and rude behaviour towards Roma by public servants in relevant institutions. The lack of valid personal identification documents is an obstacle for many Roma in registering their newborns: If the parents, for any reason, do not possess the needed documents, they cannot complete the registration of their baby, which increases and perpetuates the problem from one generation to the next. Things are further complicated when the parents are not legally married, with the mother exclusively bearing the right to register the newborns (as explained in section 2.1). This effectively prevents the registration of the children even if the father possesses valid personal identification documents, but lives in an informal marriage with his wife.

The 2016 modifications of the Law on Registry¹⁴ provides legal possibility for “additional” registration of children and persons within the Register of births. The applicant for additional registration bears the burden and the costs of providing proofs for the eligibility of their request. However, the law does not specifically list the needed documents, but requires “proofs and data”, including DNA tests, to support the request. This puts pressure on the public servants working in the branch offices of the OMR, who feel responsible to assess the quality of the provided “proofs and data”, as otherwise they fear that they might be held accountable for wrong judgements. As a result, the branch offices of the OMR implement different practices when dealing with requests for additional registration within the Registry of Births.

While the law stipulates that DNA analysis will only be required in exceptional cases to determine the family relations, some activists feel that it has turned into the main and essential proof to support the requests for additional registration with the Registry of Births. The MLSP allocates funds for approximately 30 DNA analyses for socially endangered Roma per year.

There is a perception among Roma and activists that the legal deadline of 30 days (with additional 30 days available for exceptionally complex cases) to complete the additional registration procedure is not always observed. In fact, the OMR would not accept incomplete applications, which creates the impression that the procedure lasts way beyond the deadline stipulated by law. This practice also prevents applicants to use other legal remedies at their disposal, in case they are dissatisfied with the OMR decision. On the other hand, OMR feels that some of their clients are not fulfilling their obligations and abandon the procedure halfway through.

In a positive practice in Kumanovo, the local Centre for Social Work took over the status of temporary custody “only for the need of registration with the OMR”¹⁵ over several children whose parents did not have valid personal documents, but could prove that their children had been born in the Republic of Macedonia.

Information, legal advice and support and encouragement provided by civic organizations and RIC are crucial for Roma to be able to complete the registration process. In many cases, Roma approach civic organizations in their communities prior to addressing the institutions. Thus, civic organizations and RIC are the intermediaries who also logically and sometimes financially support the process and facilitate the communication between Roma and relevant authorities. They have developed significant experience and expertise in playing this important role and exchange with their partner organizations from the region of Western Balkans.

The OMR conducts “open days” type of activities, whereby high-level officials of the institution visit marginalized communities (not only Roma) and explain the importance of and procedures for birth

¹⁴Zakon za maticnata evidencija (Sluzben vesnik na Republika Makedonija no. 8/1995, 38/2002, 66/2007, 98/2008, 67/2009, 13/2013, 43/2014, 148/2015 and 27/2016)

¹⁵ Source: Interview with Merdan Muslioski, Information Officer at the Roma Information Centre Kumanovo, held on June 2, 2016

registration. These events have proven important learning experiences for the leading representatives of the OMR, as they get acquainted to the actual situation in the field.

3.1.1 Key findings on birth registration

Birth registration among Roma is not universal even nowadays. For various reasons, mentioned in the lines above, some Roma newborns remain unregistered and require the use of additional registration procedure within the Registry of Births. This perpetuates the problem from one generation to the next.

The Law on Registry foresees a procedure for additional registration, but does not specifically list the requirements. This seems to be confusing for both applicants and institutions and results in different practices of local branch offices of the OMR.

Applicants obtain “proofs and data” at their expense to support the additional registration request. This, as well as the fact that collecting all required proofs and data may take a significant period of time, is discouraging for some Roma to launch an application for additional registration with the OMR, unless supported by civic organizations or RIC.

Civic organizations and RIC have developed significant experience and expertise in facilitating the communication between Roma and relevant authorities. State institutions, in particular, the MLSP also recognized their relevance by inviting them to participate in the national working group and consulting them on this issue.

3.2 Citizen's status

Roma persons born in the Republic of Macedonia and who are not registered within the Registry of Births are persons without citizen's status, i.e. without citizenship of the country. This group also includes Roma persons born in the other states that emerged from former Yugoslavia (mainly Serbia and Kosovo) who have not regulated their stay and residence in Macedonia. For many of them, this was a consequence of living in an informal partnership (rather than a formal marriage), lack of awareness of the need to regulate their status upon Macedonia's independence, failure to obtain the needed documents from the country of origin, etc.

Unregistered persons must first be registered within the Registry of Births to be able to submit a request for citizenship. Children born on the territory of the Republic of Macedonia are entitled to citizenship, but must also be registered first (see section 3.1 for details).

Foreign citizens who reside in Macedonia need to obtain a temporary and subsequently a permanent residence permit. The application for temporary residence permit must be accompanied with proof of subsistence, health insurance, housing, and valid personal identification document. The procedure

for permanent residence permit is similar for foreigners who have lived in Macedonia on regulated temporary residence permit for at least five years prior to applying for permanent residence. Finally, a foreigner who legally and permanently resides in Macedonia for at least eight years, should they fulfil the other conditions prescribed within the law, is entitled to Macedonian citizenship.

Thus, some Roma who, in fact, have lived in the country for longer period and cannot regulate their citizen's status (either as temporary or permanent residence or to obtain citizenship), as they fail to follow the requirements of the foreseen administrative procedure. Those who lack documents or their documents from the country of origin have expired must first regulate their documentation in their country of birth. This further complicates and increases the costs of the procedure. There are cases of adult Roma who have lost contact with their families in the countries of birth and cannot leave the Republic of Macedonia as they do not have any valid travel documents. Also, there are cases when one of the parents does not possess Macedonian citizenship, despite having lived in the country for over three decades (albeit in an informal marriage), with their children having obtained the citizenship. In this context, it has to be mentioned that the Serbian embassy in Skopje issues one-way travel document for its citizens without valid passports; the embassy of Kosovo does not allow such opportunity.

Finding solutions to some of the really complex individual cases calls for improved bilateral intra-state cooperation, in particular between Macedonia, on the one, and Serbia and Kosovo, on the other hand. Some countries in the region, for example Montenegro and Kosovo, have developed a cooperative model of regulating the status of Roma (and others) born in Kosovo, but currently reside in Montenegro without having their citizen's status regulated. Regional exchange mechanisms between authorities and relevant civic organizations are already in place.

The application for citizenship costs 100 Euros (paid in Denars): 20 Euros are paid when the application is submitted, while the remaining 80 Euros are only payable should the response be positive. Members of families living on social welfare are relieved from the obligation to pay administrative fees in the process.

Citizenship is the responsibility of the MI.

RIC and civic organizations provide information, legal advice and support to Roma persons in obtaining residence permits and citizenship.

3.2.1 Key findings on citizen's status

Persons who are not registered within the Registry of Births cannot obtain citizenship. Thus, obtaining the birth registration certificate is the first step towards regulating their citizen's status.

Obtaining citizen's status of foreign nationals depends on issuance of relevant documents from their country of birth. Some Roma who were born in the other states that emerged from former

Yugoslavia were reckless in regulating their status in the early years of Macedonia's independence and have no valid personal documents from either country.

Obtaining citizenship may be costly beyond financial possibilities of some Roma. This not only refers to the costs of the application for citizenship *per se*, as costs to obtain the documents from their country of birth (whenever relevant) need to be taken into account, as well.

Regional exchange between state and civic actors forums and mechanisms exist in this field. This is a good starting point for the needed cooperation between the states in the region to jointly tackle unregulated citizen's status of Roma (and others), taking into account the already functioning models in this regard.

3.3 Personal identification documents

The issuance of personal identification documents, primarily of an identification card, is subject to the citizen's residing or dwelling in the Republic of Macedonia. The difference between the two is duration: dwelling is considered when a citizen has settled with an intention to permanently reside, and residence is the place of temporary stay (outside of the original municipality of dwelling).

In addition to the groups and difficulties covered above (sections 3.1 and 3.2), Roma face an additional problem with regards to personal identification documents issuance: Ownership and lease of the place of living are the only legal grounds for registration at a certain address¹⁶. This solution does not help Roma who live in extreme poverty, are homeless and/or live in illegally built objects or improvised houses. On the other hand, obtaining ownership or leasing a place for living requires valid personal identification documents. Thus, these persons are caught in a vicious circle that is very difficult to break out of.

The MI is responsible for the issuance of personal identification documents.

RIC and civic organizations provide information, legal advice and support for Roma in obtaining personal identification documents. In particular, they are active in helping young adults fulfil the legal requirement and have their identity card issued and in supporting other Roma to extend the validity of or change data in their personal identification documents.

Public institutions and civic organization have learnt through regional exchange mechanisms that some countries in the region, for example Serbia, have developed a practice to issue "temporary" identification cards to persons without permanent residence, in an effort to overcome this problem.

¹⁶Zakon za prijavuvanje na prestojuvalishteto i zhivealishteto na gragjanite, Sluzben vesnik na Republika Makedonija no. 36/1992, 12/1993, 43/2000, 66/2007, 51/2011, and 152/2015)

3.3.1 Key findings on personal identification documents

Personal identification documents cannot be obtained unless a person has been registered within the Registry of Birth and/or regulated their stay in the Republic of Macedonia. Thus, personal identification documents come at the end of the process of regulating one's status within the state.

Ownership and lease of the place of living are the only legal grounds for citizen's registration at a certain address, which is a precondition for issuance of personal identification documents. Furthermore, obtaining ownership or lease depends on valid personal identification documents. This represents an obstacle in itself for Roma who are homeless or live in illegally built objects or improvised houses.

Countries in the region have developed a practice of issuance of “temporary” identification. Such cards are issued to persons without permanent (legal) residence.

4. CONCLUSIONS

- 1. The failure to ensure registration of births, citizen's status and personal identification documents for all contributes to the marginalization of Roma in the Macedonian society.**
These issues are the basis for exercise of basic human and civil rights of Roma. On the contrary, those affected are pushed towards social exclusion and extreme poverty.
- 2. State institutions are engaged in providing inter-sectoral response to this issue, in collaboration with the civic sector.**
Certain progress has been made in recent years. The key coordination mechanism is the national working group led by the MLSP, which includes representatives of civic organizations.
- 3. Certain elements of current legislation do not favour effective solution to birth registration, and obtaining citizen's status and personal identification for Roma.**
While not “ill-intended”, some elements of the current legislation hamper the efforts to ensure citizen's status and personal documents for all Roma in the country.
- 4. The issue of Roma without birth registration certificates, citizen's status and personal identification has been noted by the EU.**
This issue has been specifically referred to within the 2015 country progress report issued by the European Commission, as part of Macedonia's application to join the Union.
- 5. Civic organizations are more successful than public institutions in reaching out to Roma communities and providing support to those in need.**
Organizations act as intermediaries and bridge the “gap” between institutions and Roma, as they have better understanding of Roma culture and are appreciated for their past work.
- 6. Required administrative procedures demand financial assets that are not affordable for the impacted Roma.**
Often, it is the “poorest of the poor” that are facing problems related to birth registration, citizen's status and personal identification documents and current levels of costs associated with the procedures surpass their financial capacity.
- 7. Other countries in the region have developed new and innovative models and practices in dealing the birth registration, citizen's status and personal documents.**
Existing regional exchange mechanisms are a good starting point for identification and replication of best practices among the affected countries.
- 8. Roma themselves need be better informed and aware of the need to ensure birth registration, citizen's status and personal identification documents.**
This includes their motivation and ability to approach institutions and seek their rights.

5. RECOMMENDATIONS

1. Identify all Roma persons in the Republic of Macedonia without birth registration, citizen's status and personal identification documents.

This should be jointly done by state institutions, including municipalities, and particularly by RIC and civic organizations actively engaged with Roma communities. Knowing the scope of the issue at hand would help plan and execute state-led response.

2. Raise the awareness of Roma on the need to ensure and the possible benefits of birth registration, regulated citizen's status and obtaining personal identification documents.

Civic organizations, RIC, and municipalities should be on the forefront of community engagement. These activities need to be of preventive nature, motivating Roma with the potential benefits rather than threatening them with sanctions. Cooperation with media should be established, as well as involvement of the relevant state institutions (OMR, MI, MLSP), including by visiting affected communities.

3. Explore the possibilities for legislation modification that would create more favourable conditions for universal birth registration.

This primarily means enabling fathers with valid documents to ensure the registration of their newborns in exceptional cases, such as when the mother lacks documentation to complete the registration. Such a solution would require a change in the Law on Family. Wide discussion with all involved stakeholders – state institutions (OMR, MI, MLSP, Ministry of Justice, etc.), civic organizations and experts should identify the most relevant solution.

In the same law, provisions might be foreseen to introduce “temporary” or “special” custody by the Centre for social work for the sole purpose of ensuring the birth registration of the child.

Another possible direction is that the OMR approaches families of newborns delivered at hospitals that have not fulfilled their obligation to register their child within the deadline set by the law (as the OMR is notified of the birth by the health institution). In this manner, families would be alarmed to react soon after they fail to complete the registration. This solution would require a change in the Law on Registry.

4. Explore the possibilities for legislation modification (Law on Extrajudicial Procedure) that would give courts the responsibility for additional registration within the Registry of Birth.

This solution is already being implemented in Kosovo: courts will take the decision on the additional registration, with OMR acting upon court’s orders. It will enable that witnesses are held accountable for their statements. Courts could overturn their decisions, should it turn out that they based their decision on false evidence and data. Any legislation changes need to be

conducted in consultation with the OMR, MI, courts, civic organizations and other relevant stakeholders.

Alternatively, the procedure for additional registration within the Registry of Births will need to be further standardized compared to the current solution. This will make the procedure clearer for both the OMR and the applicants.

5. Ensure that the standardized additional registration procedure is implemented.

The state institutions responsible to take decisions on the additional registration (currently the OMR) need to implement a standardized procedure. This might require training and additional manuals (or other acts) for the responsible public servants.

6. Ensure a system of community-based legal support and advice for Roma in birth registration, citizen's status and obtaining personal identification documents.

Current RIC should be strengthened in capacity and resources to be enabled for more effective working. They should be able to hire external legal support. Relevant civic organizations that have a positive track record in dealing with these issues need to be supported by the state to engage in such actions, in particular in communities that are not covered by the RIC.

7. Engage in cooperation with neighbouring states to ensure adequate citizen's status to persons who live in Macedonia and were born in the neighbouring countries.

This primarily refers to Kosovo and Serbia. The model of cooperation implemented by Montenegro and Kosovo, with mobile teams from one of the countries (Kosovo) conducting registration and issuing documents for their citizens living in the other (Montenegro). These documents are then used to regulate their citizen's status in Montenegro, as well.

8. Explore possibilities for legislation changes in registration of dwelling and residence.

Homeless Roma and Roma living in illegally built object must not be excluded from the possibility to obtain personal documents. Solutions should be found, with examination of existing regional experiences such as the “temporary identification card” issued in Serbia, as the lack of ownership of lease must not deprive citizens from exercising other human and civil rights.

9. Foster regional cooperation and exchange on the issue of birth registration, citizen's status and personal identification documents.

State institutions in particular and civic organizations need to remain involved in initiatives for exchange of practices and experiences on these issues among the countries in the region. The countries in the region share many commonalities, but different approaches should be carefully followed in an effort to identify and replicate best practices.

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Zakon za srednoto obrazovanie (Sluzben vesnik na Republika Makedonija no. 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 and 30/2016)

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ANNEX 1: Research instruments

INTERVIEW PROTOCOL

I. Introduction

Present yourself. Briefly present the Local Integration of Refugees, Internally Displaced Persons and Minority Groups project, the purpose of the interview, and the intended use of collected information and data.

Ask for permission to take notes.

Explain again that the expected duration of the interview is approximately 90 minutes.

Follow the interview guidelines set out below, but make necessary adjustments to respond to the interviewee's specific position, responsibilities and experience. Provide sufficient space for the interviewee to make additional comments and state their opinion.

Ask for permission to contact the interviewee again for additional information and clarifications.

II. Contact information

Name of interviewee:

Position:

Institution / organization:

III. Interviewee's experience

Bearing in mind your position, what are your responsibilities in the field of birth registration, citizen's status and personal identification documents of Roma?

How long have you been involved in the field of birth registration, citizen's status and personal identification documents of Roma?

Are you involved in providing services / support to or work directly with Roma in the field of birth registration, citizen's status and personal identification documents? If yes, for how long? How many individual cases have you been engaged in?

Is there anyone else in your institution / organization involved in the field of birth registration, citizen's status and personal identification documents of Roma? If yes, who (in terms of positions) and in what manner?

Do you cooperate with other relevant stakeholders in the field of birth registration, citizen's status and personal identification documents of Roma? If yes, with whom (in terms of institutions / organizations) and in what manner?

IV. Scope, reasons and consequences

According to the data available to your institution / organization, how many Roma are there in Macedonia without birth registration, citizen's status and personal identification documents? What is your estimate based on / please refer to the source?

What are the main reasons that some Roma are without birth registration, citizen's status and personal identification documents? Please distinguish between individual, cultural (Roma community) and systematic reasons (i.e. inadequate state actions)?

What are the main consequences from the fact that some Roma are without birth registration, citizen's status and personal identification documents? Please distinguish between individual level, Roma community and consequences for the society at large.

V. Institutional / organizational practices and experience

How is your institution / organization involved in the field of birth registration, citizen's status and personal identification documents of Roma? For how long?

What is your institution's / organization's involvement in the field of birth registration, citizen's status and personal identification documents of Roma? For how long has your institution's / organization's been involved? How many individual cases has your institution / organization been engaged in? How many of them were positively resolved?

What practices of your institution / organizations are particularly effective? What are the main reasons for practices' effectiveness?

What practices of your institution / organizations are less effective? What are the main reasons for practices' effectiveness to a lesser degree?

Does your institution / organization cooperate with other relevant stakeholders in the field of birth registration, citizen's status and personal identification documents of Roma? If yes, with whom (in terms of institutions / organizations) and in what manner?

VI. Legislation

What are the most important segments of current legislation that impact the birth registration, citizen's status and personal identification documents for Roma? Please elaborate.

In particular, are there segments of current legislation that create unfavourable conditions for Roma to obtain birth registration, citizen's status and personal identification documents? Please elaborate.

What are the needed legislative changes that would create favourable conditions for Roma to obtain birth registration, citizen's status and personal identification documents? Please elaborate.

VII. Comments and remarks

What other solutions and improvements might lead to favourable conditions for Roma to obtain birth registration, citizen's status and personal identification documents?

Do you have any other comments or ideas?

FOCUS GROUP PROTOCOL

Introduction

Present yourself. Explain the purpose of the meeting in simple words. Explain the intended use of the collected data and information in simple words.

Ask for permission to take notes.

Explain that the expected duration of the meeting is 45-60 minutes.

Follow the protocol set out below, but adjust to participants' experience. Make sure that all participants understand the questions and are take part in the discussion. Provide sufficient space for participants to make additional comments and state their opinion.

Reasons for lacking birth registration, citizen's status and personal identification documents:

Do you and your family members have all needed documents? What do you lack?

How did it happen that you lacked the needed documents?

Have you tried to obtain the needed documents when you were supposed to? What went wrong?

Motivation for seeking to obtain birth registration, citizen's status and personal documents:

Who told you that you need the documents? How did you become aware that you need the documents?

How did you find out what the manner was to obtain the documents? How did you know which institutions / organizations to address?

Why do you want to obtain personal documents?

Experience with institutions:

How did you approach the institutions?

Did you know what you were supposed to do?

Were the explanations you received helpful? Did the employees help you?

Did you obtain your documents? If yes, can you please describe the procedure? If not, why not?

How much time passed since you first applied until you received the documents? How long has it been since you applied for the documents?

How much did it cost you to obtain the documents? How much did you have to pay to apply for documents?

Experience with organizations providing support:

How did you find out about the organization providing help in obtaining documents?

How did you approach the organization?

Did the organization help you in obtaining documents? Did the organization help you in applying for documents? Is the organization helping you to prepare your future application for documents?

Were the explanations you received helpful? Did the employees help you?

Would you recommend your friends and relatives without documents to approach the organization?

Any other comments and information you might want to share?

ANNEX 2: Stakeholders interviewed

INTERVIEWEES

Name (Last, First)	Institution / Organization	Date	Municipality
Shikovska Ljatife	Umbrella	May 30, 2016	Skopje (Shuto Orizari)
Memeti Elvis	Ministry of Labour and Social Policy	May 31, 2016	Skopje
Efremova Aleksandra, Spasovska-Stojcheva Ana	Macedonian Association of Young Lawyers	June 1, 2016	Skopje
Muslioski Merdan	Roma Information Centre Kumanovo	June 2, 2016	Kumanovo
Kostovska Elena	Lil	June 6, 2016	Skopje (Shuto Orizari, Gjorche Petrov)
Bitrovska Katerina, Noveski Aco, Muslioski Silas	Office for Management of Registers of Births, Marriages and Deaths	June 7, 2016	Skopje

FOCUS GROUPS PARTICIPANTS

Group 1: Roma who have successfully regulated their birth registration, citizen's status and / or personal identification documents

8 participants from Shuto Orizari (Skopje), organized on June 3, 2016

Group 2: Roma who are facing difficulties in or are yet to start regulating their birth registration, citizen's status and / or personal identification documents

10 participants from Shuto Orizari (Skopje), organized on June 3, 2016