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Roma access to personal documentation in the Western Balkans



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Abbreviations

BiH	Bosnia and Herzegovina
DNA	Deoxyribonucleic Acid
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FBiH	Federation of Bosnia and Herzegovina
ID	Identification Document
LAP	Local Action Plan
MOCR	Municipal Office for Communities and Returns
NGO	Non-governmental Organization
OSCE	Organization for Security and Co-operation in Europe
RS	Republika Srpska
SFRY	Socialist Federal Republic of Yugoslavia
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

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*For the United Nations: All references to Kosovo shall be understood in the context of UN Security Council Resolution 1244 (1999).

*For the European Union: This designation is without prejudice to position on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Conclusions and recommendations

CONCLUSIONS

Recent years have seen considerable if uneven improvements in Roma's² access to personal documentation in the countries of the Western Balkans. Improvements to date can be attributed in large part to the concerted efforts of civil society and United Nations High Commissioner for Refugees (UNHCR) together with state institutions, as through the Western Balkans Legal Aid Network (WeBLAN) established in 2012 by the Civil Rights Programme (Kosovo), Information Legal Centre (Croatia), Young Lawyers Association (the former Yugoslav Republic of Macedonia), Praxis (Serbia), and Vaša prava BiH (Bosnia and Herzegovina)³. Notwithstanding progress to date, the phenomenon of legal invisibility can be expected to persist for as long as there are cases in which parents do not (or cannot) register their children's birth (Allen 2016: 111). As of fall 2017, the main problem remaining throughout the region are cases which cannot be resolved without changes to relevant legislation. Additionally, in Bosnia and Herzegovina (BiH), there is a risk that the number of persons without personal documentation will grow in the coming years as identification document (ID) cards expire and cannot be renewed due to requirements related to registering a permanent address.

The lack of personal documentation among Roma in the Western Balkans should be understood in a relationship of mutual reinforcement with Roma's marginal situation, itself a reflection of long-standing cumulative discrimination (see Carrera, Rostas &

Vosyliute 2017). On the one hand, lack of personal documentation is an indirect result of Roma's low levels of educational attainment, high rates of unemployment and poverty, limited access to health insurance, and informal housing arrangements. The movement of Roma among the constituent republics of the former Socialist Federal Republic of Yugoslavia (SFRY), fleeing to escape conflicts accompanying the disintegration of the SFRY, and migration to Western Europe in an attempt to secure a more stable existence further complicate access to personal documentation among some of the Roma in the Western Balkans. Partial and/or selective implementation of existing laws and policies in the countries of the region also plays a role.

On the other hand, lack of personal documentation contributes to the very factors which characterize Roma's marginalization insofar as it negatively affects access to education, employment, healthcare, and housing, as well as to social protection. Limited access in these areas in turn makes it less likely that returns from Western Europe to the countries of the region will be sustainable, and limits enjoying other rights such as marriage and political participation. Finally, in addition to making it more difficult for states to combat human trafficking, lack of personal documentation among Roma also makes it more difficult for states to design programs and policies to address their needs.

² In line with the terminology of European institutions and international organizations the term 'Roma' is used here to refer to a number of different groups (e.g. Roma, Sinti, Kale, Gypsies, Romanichles, Bojash, Ashkali, Egyptians, Yenish, Dom, Lom, Rom, Abdal) and includes travelers, without denying the specificities of these groups.

³ See <https://www.facebook.com/WeBLAN-1386219721685570/>

RECOMMENDATIONS

The guidelines which comprise this section are designed to assist central and local-level authorities in the Western Balkans in improving access to personal documentation among Roma in the interest not only of the Roma but also of the places in which they live. While the individual recommendations focus on issues directly related to personal documentation, the relationship between lack of personal documentation among Roma and Roma's marginal situation calls for sustained attention to ensuring that Roma have access to services, including but not limited to those in the areas of education, employment, healthcare, housing, and social protection.

1. Make personal documentation for Roma a policy priority. In addition to acceding to relevant international agreements⁴, central-level authorities in the Western Balkans should ensure that their National Roma Integration Strategies and the national action plans derived from them include attention to issues of personal documentation as well as dedicated financial, human, and material resources. Local-level documents focusing on Roma should incorporate a similar emphasis while taking into account peculiarities of the locality for which they are designed. Access to personal documentation for Roma should also receive attention in mainstream policy documents, including but not limited to those focused on development and migration.

2. Facilitate birth registration. Given the importance of birth certificates for access to other documents enabling legal visibility and a range of rights and services, it would be prudent to invest in resources – both financial and human – to ensure full registration. To this end, legislative changes should be made as necessary in order to create conditions for universal birth registration. These changes may include but are not necessarily limited to:

- Amendments to laws on civil registries to allow all births to be registered immediately;
- Making birth registration independent of parents'

civil status, possibly by introducing temporary task to for centers for social work for the sole purpose of completing birth registration;

- Reducing the use of DNA tests to only those cases in which there are questions of parentage for which no other forms of evidence are available, and using the state budget to finance such testing;
- Introducing new forms of civil documentation which reduce the administrative and financial burdens associated with birth registration; and
- Establishing a unified birth registry and registration system for all of Bosnia and Herzegovina.

3. Enable inhabitants of informal settlements to register an address. Taking into account the prevalence of informal settlements among Roma, legislative changes should be made as necessary in order to ensure that the inhabitants of such settlements are not denied access to personal documentation on that basis. Among the solutions to be considered are numeration of informal dwellings and registration of residence at the address of centers for social work.

4. Create a register of legally invisible persons. Facilitated procedures for confirming birth, citizenship, and statelessness should be introduced in the countries of the Western Balkans⁵ as a basis for establishing a centralized electronic database on persons without complete personal documentation. The database should be updated on at least a monthly basis and made available to all relevant institutions at state and local levels, as well as at the entity level (in Republika Srpska) and at the canton level (in the Federation of Bosnia and Herzegovina).

5. Improve access to institutions. A “one-stop-shop” system for personal documentation should be established at the local level and attended by representatives of all relevant institutions. The system should also include mobile units for the purpose of establishing a field presence which can be expected to build confidence among Roma in state institutions while increasing the volume and quality of data available to those institutions.

⁴ Among Western Balkan members of the United Nations, only the former Yugoslav Republic of Macedonia has not acceded yet to the 1961 United Nations' Convention on the Reduction of Statelessness (although it has acceded to the 1954 Convention).

⁵ Only Kosovo has a statelessness determination procedure.

6. Provide targeted legal and financial aid.

Community-based legal aid and advice should be made available for legally invisible/undocumented persons and persons without incomplete personal documentation who do not fulfill criteria for state-administered legal aid schemes insofar, as their (lack of) status means that they do not qualify for social assistance. Given the expenses associated with securing personal documentation in the Western Balkans as well as from the European countries from which considerable numbers of Roma were returned, there is also a need for a dedicated funding facility. In BiH, the free legal aid system should be adapted to include undocumented individuals as beneficiaries of free legal aid.

7. Foster regional cooperation. Taking into account that many of the problems encountered by Roma in the Western Balkans are related to their common history in the former SFRY and to the conflicts accompanying its disintegration, as well as the ties between Albania and its ex-Yugoslav

neighbors, cooperation among the central and local level authorities of the region is of critical importance both for the immediate resolution of complex cases and for sharing successful practices. Here, consideration should be given to replicating and adapting the model of cooperation developed between Kosovo and Montenegro⁶ for completing registration in Kosovo and issuing documents for Kosovo inhabitants in Montenegro as a basis for regulating their status in the latter.

8. Sensitize public officials. In light of the considerable space for individual discretion left in much of the legislation regulating the issue of personal documents in the Western Balkans, steps should be taken to ensure that the use of such discretion does not result in the creation of additional barriers to Roma for accessing personal documents. To this end, local authorities should be trained in anti-discrimination in general, with particular attention the rights of Roma and the socially vulnerable.

⁶ Agreement on subsequent registration of displaced persons from Kosovo with residence in Montenegro, into basic registries and registries of people coming from Kosovo.

1. Introduction

1.1. THIS REPORT

Figures on persons without personal documentation are eminently contestable; “[b]y its nature, the extent to which ‘legal invisibility’ exists is hard to assess accurately” (Allen 2016: 111). Whereas adding together the estimates of the number of Roma without personal documentation in the Western Balkans collected in preparing this report results in a range between 3,327 and 4,177, the Handbook on Statelessness in the OSCE Area reports that there were nearly 10,000 stateless persons in the post Yugoslav space and Albania at the end of 2015, of which most were Roma, Ashkali, or Egyptians (OSCE and UNHCR 2017: 9).⁷ Taking into account that the lack of personal documentation does not necessarily entail statelessness, such that the number of persons lacking personal documentation should be higher than the number of stateless persons, it is likely that either at least some of the estimates collected in preparing this report are too low, or that the figure reported in the Handbook is too high. Keeping in mind that the quality of official figures on Roma is generally low, discrepancies among estimates of the number of Roma without personal documentation are to be expected (see European Roma Rights Centre 2017: 18).

On the other hand, even if the numbers on Roma are contested, there is little – if any – debate that Roma account for the majority of stateless persons in the Western Balkans. Also clear is that while statelessness is not the same as lack of personal documentation, the latter increases the risk of the former, while a person who possesses a birth certificate, an ID card, a registered permanent residence, and documents certifying completion of education is unlikely to be stateless. Reflecting Roma’s comparative disadvantage in relation to access to personal documentation, attention to issues of personal documentation among Roma in the Western Balkans has come from various types of international organizations⁸ and from non-

governmental organizations (NGOs)⁹ based in the Western Balkans. One manifestation of such attention is the current report, which aims to provide an analysis of Roma’s access to personal documentation in the Western Balkans: Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia Montenegro, and Kosovo.

Notwithstanding differences within the Western Balkans in the immediate reasons behind the lack of personal documentation and the scale of the problem, the consequences of such a lack are broadly similar. Without personal documentation, Roma (and others who lack personal documentation) often find themselves unable to access the full range of education, health, labor market, and social protection services as well as property and political rights. Additionally, given the role of personal documentation in facilitating travel, persons who lack such documentation face considerably reduced mobility. For persons returned from Western Europe to the Western Balkans, this reduced mobility often means considerable barriers to accessing personal documentation left behind when they were deported, which in turn may create additional difficulties for successful (re-)integration. In sum, the right to personal documentation belongs to the category of “enabling rights,” or rights which allow the enjoyment of other rights.¹⁰

The report’s introductory section consists of the current sub-section as well as a sub-section describing the design of the research conducted for the purposes of the report, including the methods used and the types of stakeholders consulted. The main section of the report begins with an overview of findings from the 2017 regional Roma survey in relation to possession of birth certificates and identification documents among marginalized Roma and their non-Roma neighbors.¹¹

⁷ Although non-Roma in general, as well as Roma, tend to think of Ashkali and Egyptians as Roma, Ashkali and Egyptians consider themselves distinct from Roma on historical, linguistic, and cultural grounds.

⁸ E.g., European Network on Statelessness, European Roma Rights Centre, Institute on Statelessness and Inclusion, Organization for Security and Co-operation in Europe, and UNHCR.

⁹ Including most notably the Civil Rights Programme in Kosovo, Information Legal Centre in Croatia, the Macedonian Young Lawyers Association in the former Yugoslav Republic of Macedonia, Praxis in Serbia, and Vaša prava in Bosnia and Herzegovina.

¹⁰ European Roma Rights Centre 2017: 13 fn 25

¹¹ The data presented were collected in the period from 25 November to 31 December 2017 on a sample of 750 marginalized Roma households and 350 non-Roma households living in their proximity in each country/territory. See Regional Survey on Socio-Economic position of marginalized Roma in the Western Balkans, forthcoming.

Relevant data from the 2017 survey are juxtaposed with the corresponding data from the 2011 survey, providing a picture of both progress made in civil registration between 2011 and 2017 and remaining gaps between marginalized Roma and their non-Roma neighbors.

Following the presentation of survey findings, the country-specific sub-sections open with available national-level data on Roma's access to personal documentation. Next, the national legal and policy framework in relation to personal documentation is summarized. Each country-specific subsection

ends with an admittedly selective review of relevant policies and practices adopted at the local level.

The specific analyses contained in the report's main section provide the basis for a synthetic overview of the reasons for which Roma in the Western Balkans lack personal documentation and of how the lack of personal documentation impacts the lives of Roma in the region. This overview in turn grounds a set of recommendations on how Roma's access to personal documentation in the Western Balkans can be improved.

1.2. METHODS OF WORK

This report was generated on the basis of both desk and field research – using qualitative and quantitative methods. In the initial phase, the chief method used was documentary analysis. The main categories of documents analyzed were central-level laws and policies, local-level integration policies, reports on local practices related to integration, and micronarratives generated by UNDP in research completed prior to that undertaken for this report. The preliminary findings of the documentary analysis formed the basis for designing instruments to be used in the field research: a framework for focus group discussions with Roma who lack personal documents and an interview guide for use with local authorities and representatives of NGOs active in the area of personal documentation.

The second phase of the research consisted in fielding the qualitative study by undertaking one mission each in Albania, Serbia, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, and Montenegro. Whereas the missions in Albania, Serbia, Bosnia and Herzegovina, Kosovo, and Montenegro included two localities each, the mission in the former Yugoslav Republic of Macedonia covered three localities (see Table 1). The selection of localities for the field research took into account prior participation in UNDP's micronarratives

research, available information about the situation of the local Romani population in relation to access to personal documentation, and geographical location. Additionally, central-level actors were interviewed in Serbia, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, and Kosovo.

The primary methods used in the field research were focus group discussions and structured interviews. The field research on Roma's access to personal documentation was conducted in combination with field research on the situation of Romani returnees for a separate report. Whereas the interviews conducted in each locality touched on both themes, the focus groups were organized thematically. A total of 81 persons were interviewed in preparing this report, with the Municipal Office for Communities and Returns in Gjakovë/Đakovica submitting written responses to the questions contained in the interview guide.

Four focus group discussions were conducted with identified Roma without personal documents: one each in Albania, Kosovo, the former Yugoslav Republic of Macedonia, and Montenegro. The total number of participants in the focus groups on personal documentation was 53.

¹² UNDP/EC/WB 2011 Regional Roma Survey can be accessed at <http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data.html>

¹³ In the November 2016-March 2017 period, teams consisting of local Romani activists and UNDP focal points collected a total of 1,175 stories about the experiences of Romani returnees to Albania, BiH, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia. An overview report on this research was being finalized as of November 2017.

¹⁴ Whereas the field research in BiH, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia was conducted directly in the respective local languages, in Albania and Kosovo, field research was undertaken with the aid of an interpreter.

2. Roma's access to personal documentation in the Western Balkans

This section presents the situation of Roma in relation to personal documentation in the Western Balkans. As shown in the table below, estimates of the number of Roma without personal documentation vary within the Western Balkans and by source. Notwithstanding this variation, the figures in the table coincide with the account provided by the representative at the Ministry of Labor and Social Policy in the former Yugoslav

Republic of Macedonia that the country lags behind others in the Western Balkans in resolving issues of personal documentation where Roma are concerned. In the absence of more precise data about the number of Roma without personal documentation in Albania, BiH, and Montenegro, however, it is not possible to draw conclusions about the rank order of the three countries at the lower end of the scale.

Table 2. Estimated number of Roma without personal documentation in the Western Balkans

Country and Territory	Estimate	Year	Source
Albania	387	2014	Ministry of Internal Affairs ¹
Bosnia and Herzegovina	472	2017	Council of Ministers ²
Kosovo	618	2016	Ministry of Internal Affairs ³
The former Yugoslav Republic of Macedonia	750-1,500	2017	NGOs ⁴
Montenegro	400-500	2017	Directorate for Refugees ⁵
Serbia	700	2015	UNHCR ⁶

Table 3: Percentage of population with birth certificates; marginalized Roma and non-Roma living in their proximity, 2011 and 2017

Country	2011		2017	
	Roma	Non-Roma	Roma	Non-Roma
Albania	97%	99%	98%	99%
Bosnia and Herzegovina	98%	100%	98 %	100 %
Montenegro	95%	97%	96%	100%
The former Yugoslav Republic of Macedonia	99%	99%	98%	99%
Serbia	99%	100%	99%	100%
Kosovo	N/A	N/A ²¹	97%	98%

Source: UNDP/EC/WB Regional Roma Survey 2011 and 2017

¹⁵ See Government of Albania (2015: 44).

¹⁶ Estimate generated by applying the 3.75 percent of Roma without documents in 2017 mentioned in the Action Plan of Bosnia and Herzegovina for Solving the Problems of Roma in the Areas of Employment, Housing, and Health Care 2017-2020 (Vijeće Ministara Bosne i Hercegovine 2017: 14) to the number of Roma reported in the 2013 census.

¹⁷ See U.S. Department of State (2017b: 23)

¹⁸ The lower estimate comes from a range given by Vaska Bajramovska of the Office of the Ombudsman in a presentation at the conference "Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine" in Skopje on 26 October 2017. The higher figure comes from a 2016 report produced in the framework of the EU-funded project "Local Integration of Refugees, Internally Displaced Persons and Minority Groups" (EPTISA 2016c).

¹⁹ Interview conducted 28 September 2017.

²⁰ Estimate reported by Milan Radojev of the NGO Praxis in a presentation at conference "Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine," Skopje, 26 October 2017.

²¹ Kosovo was not included in 2011 Regional Roma survey.

The 2011 and 2017 data from the Regional Roma surveys indicate that almost all marginalized Roma in the Western Balkans possess birth certificates, as do almost all or all non-Roma living in their proximity. Montenegro is the country with the lowest percentage of marginalized Roma who possessed birth certificates in 2011 and 2017. However, Montenegro has made slight progress of a one-percent increase (from 95 percent in 2011 to 96 percent in 2017) in coverage of marginalized Roma, while the increase of non-Roma who possess a birth certificate increased by three percent, such that in 2017 all non-Roma living nearby Roma have birth certificates.

Gaps in coverage with birth certificates between Roma and non-Roma throughout the Western

Balkans ranged between one and two percent in 2011 and remained the same in 2017 everywhere, except in Montenegro where the gap increased from two to four percent. This is mainly due to the fact that in 2017, all non-Roma had birth certificates.

The fact that throughout the Western Balkans the share of marginalized Roma with birth certificates is high and has remained stable in the period over six years indicates that there may be a small fraction of population who may face certain barriers in attempting to register; who lack information about registering requirements and procedures or may be unaware of consequences if not registered; and are hard to reach.

Table 4: Percentage of marginalized Roma and non-Roma living in their proximity with an identification document (ID)

Country/Territory	2011		2017	
	Roma	Non-Roma	Roma	Non-Roma
Albania	84%	90%	90%	97%
Bosnia and Herzegovina	91%	96%	93 %	96 %
Montenegro	81%	94%	84%	95%
the former Yugoslav Republic of Macedonia	96%	98%	98%	99%
Serbia	94%	98%	94%	97%
Kosovo	N/A	N/A ²²	89%	95%

Source: UNDP/EC/WB Regional Roma Survey 2011 and 2017

Near full coverage of marginalized Roma with birth certificates in the Western Balkans is not a guarantee that they will possess identification documents (IDs). Although the shares of marginalized Roma with IDs are high, and improvement in terms of closing the gaps between Roma and non-Roma can be observed everywhere except in Montenegro, there still is a need for concerted effort.

Montenegro and Albania had the lowest shares of marginalized Roma with ID cards in 2011 at 81 percent and 84 percent respectively. Albania has made notable progress in increasing the share of marginalized Roma with IDs to 90 percent in 2017 and of their non-Roma neighbors to 97 percent (from 90 percent in 2011). Montenegro also made progress, though much smaller: coverage was increased by one percent for both groups. The share

of marginalized Roma who possess ID cards in Bosnia and Herzegovina and in the former Yugoslav Republic of Macedonia increased by two percent in the period from 2011 to 2017, while in Serbia it remained the same. In Kosovo, 89 percent of marginalized Roma possessed IDs in 2017 compared to 95 percent of non-Roma living in their proximity.

While overall the progress in the share of marginalized Roma possessing identification documents from 2011 to 2017 can be noted, the gaps between them and their non-Roma neighbors remain. The largest gap is in Montenegro: 11 percent, followed by 7 percent in Albania, 6 percent in Kosovo, 3 percent in BiH and Serbia, and the smallest in the former Yugoslav Republic of Macedonia: 1 percent.

Quantitative survey data for the former Yugoslav Republic of Macedonia present a somewhat different picture than assessments provided by central- and local-level representatives, as well as by civil society organizations. This can be due to the fact that large-scale quantitative surveys typically provide an overview of the overall situation and can rarely uncover invisibility to the extent that qualitative assessments can. This was the main assumption and a reason behind conducting an additional qualitative assessment, which in turn shows that, indeed in certain localities, concerns about the lack of personal documentation remain an issue for a certain (if undetermined) number of Roma.

The next sections of the report present an overview of the situation based on an assessment involving national- and local-level authorities, civil society organizations and Roma themselves. Given that the focus of this analysis is on local-level policies and practices, the report abstains from a comprehensive legal review. Comprehensive reviews of legislation pertaining to personal documentation and the situation of Roma in the Western Balkans have been conducted by specialized organizations and champions in this subject in the region as UNHCR and their local partners. As will become apparent, whereas none of the relevant legislation is aimed specifically at Roma, targeted policies for Roma are

adopted everywhere in the region. Here, it is important to note not only that attention to Roma varies among policy documents related to personal documentation, but also that attention to personal documentation varies among policy documents targeting Roma.

Also included in each country/territory-specific subsection is a review of local-level policies and practices related to Roma's access to personal documentation. Arguably, the most relevant policies in this regard are the local action plans (LAPs) for Roma that have been adopted and are currently in force in some municipalities in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia. Attention to issues of personal documentation in these documents varies, with only the LAPs adopted in Montenegro containing a section focused on such issues. The information on local-level practices related to Roma's access to personal documentation included in this report comes primarily from the field visits undertaken in preparing the report. As a result, it should be taken as indicative of the range of scenarios which Roma may face at the local level in relation to personal documentation, rather than as representative in a formal sense. Information on Roma's local-level experiences also comes from the micronarratives research conducted prior to the research for this report.



2.1. ALBANIA

Overview of the situation

A needs assessment study commissioned by UNDP in 2011 indicated that 5.7 percent and 0.7 percent of Roma and Egyptian children (respectively) were not registered (Gedeshi & Miluka 2012: 22). An estimate from the Ministry of Internal Affairs dating from the same year, on the other hand, indicates that 387 Roma in Albania lacked personal documentation (Government of Albania 2015: 44). In its 2016 progress report, the European Commission (2016a: 68) pointed to improvement in civil registration (without citing a figure) while noting the remaining need to facilitate transfers between municipalities, as well as registration of children born abroad.

With regards to statelessness, UNHCR (2017: 60) reports there were 4,921 stateless persons in Albania as of the end of 2016. The risk of statelessness is particularly high among children born in Greece to Albanian citizens, as the document provided by Greek authorities does not include all of the information required by Albanian authorities for birth registration (European Roma Rights Centre 2017: 37). Other barriers to birth registration include birth outside healthcare institutions and residence in informal settlements, as well as deportations from Western Europe. With regard to the latter, while being a deportee does not automatically place a person at risk of statelessness, the children of deported persons are more likely to lack personal

documentation. Additionally, for Albanian citizens who claimed to be originating from Kosovo in order to improve their chances of being granted asylum, proving links with Albania may pose a problem.

The observed improvement in the access of Roma and Egyptians to personal documentation in Albania can be attributed to initiatives of both governmental and non-governmental actors. In the former category, a government decree issued in 2008 resulted in the provision of approximately 5,000 free-of-charge ID cards to Roma (Government of Albania 2015: 27). Additionally, a form for birth registration in hospitals introduced in late 2011/early 2012 has reduced inaccuracies in relation to parents' names by requiring ID numbers for both parents. In 2014, a campaign led by the Directorate of Civil Status in cooperation with NGOs identified approximately 300 unregistered Roma, registering approximately half (European Roma Rights Centre 2017: 22). Access to documentation and registration has also been facilitated in the form of legal assistance provided by various organizations, including but not limited to the Open Society Foundation in Albania and UNDP. Such assistance is particularly important for persons lacking personal documents who cannot prove the eligibility for social assistance necessary to access government-funded legal aid.

National legal and policy framework in relation to personal documentation

In Albania, citizenship is acquired through birth in Albania or through a parent with Albanian citizenship (Official Gazette of the Republic of Albania 1998: Article 7; 1999b: Article 1). Albania's citizenship law includes several provisions specifically aimed at addressing and preventing statelessness:

- A child born in Albania to unknown parents acquires Albanian citizenship if he or she would otherwise become stateless (Article 8). Additionally, children born in Albania to parents who are citizens of another country residing legally in Albania can acquire Albanian citizenship with consent of both parents.
- The requirements of housing, income, and

knowledge of the Albanian language for acquiring Albanian citizenship through naturalization are waived for stateless persons (Article 9).

- Minor children of one stateless parent and one parent who has acquired Albanian citizenship through naturalization may become Albanian citizens at the request of the naturalized parent (Article 11).

On the other hand, as pointed out by the Tirana Legal Aid Society, the citizenship law does not provide access to citizenship for children born to foreign or stateless parents who do not hold legal residence in Albania (Bozo, Kosta & Metalla 2015: 6).

The system of civil registration in Albania underwent a major overhaul in the early 2000s with support from Statistics Norway (Skiri et al. 2012). The overhaul included the introduction of new legislation on civil registration, identity numbers, and identity documents in 2002 (Laws No. 8950, 8951, and 8952 of 10 October 2002, respectively). Procedures and requirements for civil registration were further defined in 2009, with the adoption of new legislation on civil status (Law No. 10129 of 11 May 2009). According to the U.S. Department of State (2017a: 20), however, the legally mandated monetary reward (approximately EUR 50) for registration within 60 days of birth is often not disbursed, thus compromising its incentive power.

Also, the 2009 Law on Legal Aid (amended in 2013) is relevant in principle from the standpoint of access to personal documentation. As mentioned above, however, the conditions contained in this law for accessing legal aid effectively disqualify persons lacking personal documentation insofar as such persons also cannot access state-provided economic assistance. Finally, amendments to the law on compulsory healthcare provide free visits to family doctors for uninsured persons (European Commission 2016b: 82; see also Official Gazette of the Republic of Albania 2011).

Local policies and practices

Interviews with local authorities and NGO activists in Tirana and Shkodër as well as a focus group with Roma in Shkodër provided concrete insight into the causes and consequences of the lack of personal documentation for Roma in Albania. Whereas an absence of targeted policies was apparent in both of the visited localities, there were considerable differences in access to personal documentation between the two, as well as for the main reasons for which some Roma lack such documentation. Thus, in Tirana lack of personal documentation was most

At the level of policy, the *National Action Plan for Integration of Roma and Egyptians in the Republic of Albania* includes 12 activities related to civil registration for the 2015-2020 period (see Government of Albania 2015). These activities are the following:

- Reviewing procedures and providing assistance for obtaining documents for children born abroad (1.1)
- Reporting unregistered children to civil registration offices (1.2)
- Resolving cases of unregistered persons lacking necessary documentation (1.3)
- Reimbursing consular fees for civil registration abroad (1.4)
- Amending Law on Legal Aid to expand access for persons living at/below minimum income (1.5)
- Regional legal aid clinics (1.6)
- Free legal aid for certification of birth (1.7)
- Building capacity of civil registrars (1.8)
- Free court-mandated psychologist services (1.9)
- Waiving fees for DNA tests needed for birth registration (1.10)
- Information packages (1.11)
- Bonuses for registering within 60 days of birth (1.12)

An overview issued in 2017 reports that the annual target values for 2016 were reached in relation to five of the activities included in the *Action Plan*.

frequently a problem of children born abroad, while in Shkodër the problem arose from movement within Albania. On the other hand, in both localities, the lack of personal documentation ruled out access to economic assistance, also complicating access to health services (albeit to different degrees in the two visited localities).

As of fall 2017, there were no valid LAPs for Roma in Albania, with previously adopted LAPs rendered invalid by administrative-territorial reform in 2014.²³

²³ UNDP provides support for the development of LAPs for Roma in Berat, Durrës, Shkodër, and Tirana through the EU-funded project «Economic and Social Empowerment for Roma and Egyptians - a booster for social inclusion.»

Practices and procedures

According to the Tirana Legal Aid Society, children born to Albanian nationals outside Albania face difficulties in establishing citizenship (Bozo, Kosta & Metalla 2015: 7). Such difficulties apply in particular to children born in Greece. On the one hand, where mothers are unable to pay hospital fees associated with childbirth, hospitals may not issue the documentation needed for registration purposes (Bozo, Kosta & Metalla 2015: 13). On the other hand, children registered in the foreign civil status registry in Greece without a name cannot be registered in Albania, because Albanian authorities do not recognize birth certificates not containing a name (Bozo, Kosta & Metalla 2015: 15).

Whereas representatives of Administrative Unit No. 4 in Tirana, which covers the large Roma settlements “Kinostudio” and “Bregu i Lumit,” were not able to provide numbers – official or estimated – on local Roma without documentation, the representative of the NGO Romani Baht indicated that problems of personal documentation among Roma and Egyptians in these settlements had been largely resolved through a project for pre-school education supported by the Roma Education Fund. While the representative of Romani Baht took the view that the number of Roma without personal documentation in Kinostudio and Bregu i Lumit had been reduced to the point to where it is no longer a pressing issue, the representatives of local authorities indicated that the recorded numbers of persons without personal documentation are increasing due to improved identification, itself largely a result of regular fieldwork conducted by the municipal child protection officer. On the other hand, the representatives of the Roma NGO and local authorities agreed that persons lacking personal documentation are often children born abroad to parents registered in the municipality, with the representatives of local authorities emphasizing that this problem affects Roma and non-Roma alike. Representatives of local authorities further explained that births outside a hospital do not pose a problem from the standpoint of birth registration, such that they do not contribute significantly to the number of persons without personal documentation.

Overall, the interviews with representatives of Romani Baht and Administrative Unit No. 4 in Tirana left the impression that efforts had been directed more to facilitating access to personal documentation than to finding solutions which would enable persons lacking personal documentation to access needed services. At the same time, representatives of local authorities noted that local schools enrolled children on the basis of a document establishing a child’s age even in the absence of other documentation, keeping temporary registries of children enrolled without complete personal documentation. The interviewed representative of Romani Baht characterized as a success the Roma Education Fund’s use of support to Romani parents for the resolution of issues of personal documentation as an incentive to enroll their children in pre-school education. For their part, representatives of local authorities reported positive experiences in working together with the Tirana Legal Aid Society.

In Shkodër, a comparison between the estimate of 300 Roma and Egyptians without personal documentation provided by a representative of the NGO Voice of Roma in Albania and the figure of approximately 400 officially registered Roma reported by local authorities suggests that access to personal documentation constitutes a significant problem. Notwithstanding their divergent views on whether the number of local Roma without personal documentation is growing or shrinking, the interlocutors from the NGO and government sectors agreed that most Roma without personal documentation in Shkodër are officially residents of other municipalities in Albania. Representatives of local authorities who were interviewed took a less nuanced view, with one interlocutor in this category stating, “It is also their will.”

In contrast to Tirana - where the interviews with representatives of a local Roma NGO and local authorities suggested an emphasis on resolving issues of personal documentation over finding solutions to enable persons lacking personal documentation to access needed services – a network of community centers in Shkodër is being established throughout the city with support from international donors.

While the community centers do not target Roma specifically, the interviewed representatives of a Roma NGO and local authorities agreed that one of the community centers had become an important resource for local Roma, providing facilitated and subsidized access to health services as well as assistance in obtaining personal documentation. An ongoing initiative aimed directly at enabling persons lacking personal documentation to obtain the documents they lack was the numeration of informal dwellings, with the municipality waiving other requirements to allowing the dwellings' occupants to register a residence address where this had previously been impossible. Related to this, the interviewed representative of a Roma NGO reported good cooperation with a local employee of state social services.

The focus group on personal documentation held in Shkodër confirmed the overall description of the situation offered by participants in the interviews conducted in the city, with participants reporting both that they lacked documents establishing their residence in Shkodër and that they were registered in some [other] municipality. Additionally, all participants reported that their parents have/had

complete personal documentation as residents of municipalities other than Shkodër. The length of time for which focus group participants reported lacking personal documentation accordingly corresponded to the length of time that they had lived in Shkodër (which, in some cases, was since birth). Moreover, not only were all participants in the focus group born in Albania, but also none reported having lived outside Albania.

Confirming the account offered by other interlocutors, participants in the focus group reported difficulties in accessing employment and social protection rights. Reported problems in accessing education, on the other hand, were socio-economic (lack of appropriate shoes and clothing) rather than administrative. In relation to housing, most participants reported living in unregistered barrack-style houses which were in the process of being assigned house numbers at the time of the focus group. Access to health services, on the other hand, was reportedly facilitated by the community center in which the focus group was organized. The community center also appeared to serve as the main resource for obtaining the documents lacked by focus group participants.

2.2. BOSNIA AND HERZEGOVINA

Overview of the situation

The Action Plan of Bosnia and Herzegovina for Solving the Problems of Roma in the Areas of Employment, Housing, and Health Care 2017-2020 reported that Roma who lack documentation in 2017 was 3.75 percent (Vijeće Ministara Bosne i Hercegovine 2017: 14). Applying this percentage to the 2013 census figure yields approximately 472 Roma without documents. If this percentage is applied to the figure produced by the 2010 needs assessment, on the other hand, the number of Roma without documents exceeds 1,300.

Available figures on statelessness in BiH point to considerable improvement in recent years. According to UNHCR and the organization Vaša prava BiH (2017: 60), there were only 49 persons at risk of statelessness in BiH at the end of 2016, down from 4,500 in 2012 (UNHCR 2013: 38; 2016). It is clear that the reduction in the numbers of stateless persons in BiH is due in large part to the cooperative efforts of these two organizations. Most persons at risk of statelessness in BiH are those who have difficulties proving their BiH citizenship, as they have

not been registered in birth registries due to the lack of awareness on the procedures and relevance of acquiring birth registration and documentation, previous generations' lack of documentation, lack of birth records/ incorrect data in birth records from abroad, discrimination faced when approaching the authorities, and the inability to cover the administrative fees, especially for larger families.

Although rates of birth registration and access to ID cards among Roma have improved over time, the same is not true of access to health insurance, which only 27 percent of participants in the 2009-2010 study conducted by the Ministry of Human Rights and Refugees reported having (Vežovic 2011: 12). Though the practice has significantly improved, low rates of access to health insurance among Roma in BiH provide an incentive for uninsured Roma women to register the birth of their children using the health insurance booklet of another woman. This practice in turn in these cases results in a situation in which a child's birth registration must be corrected later through a slow and complex court procedure.

National legal and policy framework in relation to personal documentation

BiH's convoluted administrative structure is reflected in its citizenship regime. Citizenship in BiH is regulated at the state level, with the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) each adopting their own citizenship laws as required by the state-level law.²⁴ Additionally, because the state-level citizenship law requires submission of applications for a child to acquire citizenship of one parent before the age of 23, the risk of statelessness increases when this deadline has been missed (Avdibegovic & Mrkonja 2015: 44). At the same time, there is no procedure for determining statelessness in BiH.

If a state-level coordination mechanism exists for citizenship in BiH, the same is not true for birth

registration. However, while legislation on birth registration is not harmonized among FBiH, RS, and Brčko District, procedures for birth registration – both immediate and subsequent – have been facilitated by amendments to entity- and district-level laws on registry books (see Službeni glasnik Brčko distrikta BiH 2011; Službeni glasnik Republike Srpske 2014; Službene novine Federacije BiH 2012; 2014).

The Law on the Personal Identification Card, which is necessary to access employment and health services, requires proof of citizenship to be submitted with the initial application for a personal identification card, as well as a registered address (Službeni list Bosne i Hercegovine 2012: Articles 3, 9, 29).

²⁴ See Official Gazette of Bosnia and Herzegovina (1997; 1999; 2002; 2003a; 2003b; 2005; 2009a; 2009b; 2013); Official Gazette of Republika Srpska (2014); Službene novine Federacije Bosne i Hercegovine (2011).

By the Law on Temporary and Permanent Residence, however, registering an address requires that the applicant submit either proof of ownership of a dwelling at the address in question, a lease or tenancy contract with proof of ownership for the landlord, or confirmation that legal action to establish ownership has been initiated (Službeni list Bosne i Hercegovine 2015: Article 8).

The law also creates the possibility for socially vulnerable persons without documented housing to ask for assistance from centers for social work to obtain evidence needed for registration of residence or in case of homeless persons to register their address at a center for social work, although practice in this regard is problematic (see below). Failure to register the address of a minor child within 30 days is subject to a fine of 30-300 BAM. For returnees unable to provide an ID card showing their place of permanent residence from before the war, the application process is the same as for a first-time applicant (Službeni list Bosne i Hercegovine 2012: Article 32).

Whereas free legal aid in RS is governed by a single piece of legislation (Službeni glasnik Republike Srpske 2008), in the FBiH, cantonal laws on free legal aid “leave considerable discretion to the competent authorities,” resulting in inconsistent waiving of court and administrative fees (Avdibegovic & Mrkonja 2015: 46).

The 2005 *Strategy of Bosnia and Herzegovina for Solving the Problems of the Roma* contains a section devoted to personal documentation (Vijeće Ministara Bosne i Hercegovine 2005). This section in turn contains the observation that the number of Roma not included

Local policies and practices

The interviews and focus groups conducted in preparing this report point to significant local variations in access to personal documentation among Roma in BiH. Whereas interviewed representatives of both civil society and local authorities in Bijeljina (RS) reported that Roma there rarely face difficulties in accessing personal documentation, most of the participants in the focus group organized in Tuzla (FBiH) indicated that they faced problems related to personal documentation due to their lack of a registered permanent address. The lack of a registered permanent address was

in the birth registry was reduced as a result of activities undertaken in 2003-2004 while noting the need for additional efforts to ensure that all Roma are registered by the end of 2005 (Vijeće Ministara Bosne i Hercegovine 2005: 7). Notwithstanding the call to ensure full registration before 2006, attention to issues of personal documentation in the national action plans adopted to pursue the goals set in the *Strategy* is evident in the *Action Plan of Bosnia and Herzegovina for Solving the Problems of Roma in the Areas of Employment, Housing, and Health Care* of October 2008. The *Action Plan* introduced a measure for registering newborns and other members of Roma who were not registered in civil records, within the health section of the Plan. Further measures and actions were envisaged in the Revised Action Plan covering the 2013-2016 period, including the analysis of the number of unregistered Roma that either permanently or occasionally reside in BiH, and monitoring the situation and training of Roma population on birth registration. The most recent *Action Plan of Bosnia and Herzegovina for Solving the Problems of Roma in the Areas of Employment, Housing, and Health Care 2017-2020* (Vijeće Ministara Bosne i Hercegovine 2017: 13-14) contains measures for improving institutional capacities at the level of the state as a whole, including the establishment of a system for resolving the problems of Roma without documents, as well as monitoring, analysis, and advising on relevant procedures. Led by the Ministry of Human Rights and Refugees, implementation of this measure is expected to bring the share of Roma without documents from estimated 3.75 percent in 2017 to 0.5 percent in 2020 at a total cost of BAM 80,000 (approximately EUR 40,000).

in turn generally the result of living in a dwelling that had not been fully legalized. Further, some of the Roma who were in possession of complete personal documentation at the time of the focus group expressed concern that the more rigorous requirements of proof of residence introduced with the 2015 Law on Temporary and Permanent Residence makes it difficult for all persons without a registered residence, and in particular Roma in informal, unregistered housing, to renew their ID card when it expires.

As of mid-2017, at least five municipalities in BiH had generated LAPs for the integration of Roma²⁵. Of the five municipalities, only the municipalities of Kakanj and Travnik had made their LAPs publicly available (Opcinsko vijece Travnik 2015; Radna grupa za izradu LAP-a 2016), while the city of Bijeljina provided its LAP after an interview conducted in preparing this report (Grad Bijeljina 2015). Whereas Bijeljina's LAP does not attend to issues of personal documentation, the

LAP adopted in Travnik includes a measure to ensure the birth registration of Roma in order to enable them to access health care (Opcinsko vijece Travnik 2015: 17), while Kakanj's LAP includes measures for covering costs of personal documentation and for raising awareness about the need to register births and changes of address (Radna grupa za izradu LAP-a 2016: 8).

Practices and procedures

Available information suggests both that the current legal and policy framework in BiH has not been fully implemented and that certain aspects of its implementation risk exacerbating problems in accessing personal documentation in the coming years. Insofar as over 80 percent of Roma live in illegal housing (Knežicek et al. 2014: 75), they cannot generally provide the documentary evidence needed to register an address. Moreover, Roma who attempt to submit an application for registration are often "verbally rejected" by administrative workers for lack of appropriate proof (Vaša prava BiH 2016: 19). Taking into account the low levels of educational attainment among Roma, such rejection often results in the application for registration not being formally submitted for processing.

In light of the fact that most Roma live in illegal housing, also problematic is the apparent rarity with which the legal provision allowing registration of an address at a center for social work is applied. In 2016, the NGO Vaša prava BiH reported that there were no known cases of persons registering an address in this way: "The mere provision is worded in such a way that the social welfare body may or may not allow a homeless person to register him/herself at the address of a social welfare institution. As such, the provision is subject to the discretion of the guardianship authorities" (2016: 21).

The difficulties faced by adult Roma in registering an address apply to their children as well. As reported by Vaša prava BiH (2016: 21), the monetary penalties for failure to register the residence of a minor within

30 days of moving to a given address can be expected to affect Roma disproportionately insofar as Roma are most likely to be unable to register a permanent address and obtain an ID card. The practical result of this provision may be backsliding on the considerable progress made in access to personal documentation for Roma in BiH in recent years: "[T]here is a real danger of an increase in the number of children who will be at risk of statelessness due to the impossibility of registration in registry books within a regular time frame" (Vaša prava BiH 2016: 24).

Access to personal documentation is often particularly complicated for some categories of persons born outside BiH or residing outside BiH for an extended period. As mentioned above, the Law on the Personal Identification Card treats persons returning to BiH after fleeing the war who cannot provide an ID card showing their pre-war address as though they had never held an ID card. Deportations from Western Europe pose their own set of problems, often resulting in families returning to BiH without international birth certificates for children born during the time spent in Western Europe. Subsequent access to international birth certificates is complicated by the entry prohibition which comes with deportation. Finally, for persons who came to BiH without documents from other former Yugoslav republics before the war, registering an address in BiH may require completing procedures for subsequent birth registration in the place of birth. In the case of some Roma born in Kosovo, this means that subsequent birth registration procedures must be completed in Serbia.

25 The municipalities which have adopted LAPs for Roma are Bijeljina, Donji Vakuf, Kakanj, Prnjavor, and Travnik. See Delegation of the European Union to Bosnia and Herzegovina & European Union Special Representative in Bosnia and Herzegovina (2017).

2.3. KOSOVO

Overview of the situation

In November 2016, the Civil Registration Agency of the Ministry of Internal Affairs reported that there were 618 “legally invisible” Roma, Ashkali, and Egyptians (see also U.S. Department of State 2017b: 23). While no comparable figure is available for 2011²⁶, when the Organization for Security and Co-operation in Europe Mission in Kosovo (2011a: 15) characterized civil registration as “one of the main concerns for the Roma, Ashkali, and Egyptian

communities,” the statistic from 2016 seems to point to considerable improvement in this regard. Improvements notwithstanding, Roma, Ashkali, and Egyptians still account for most persons at risk of statelessness in Kosovo (Zajmi 2015: 26). Access to personal documentation also remains a major problem for Roma, Ashkali, and Egyptians who returned to Kosovo from Western Europe (Mattli & Müller 2015: 61).

National legal and policy framework in relation to personal documentation

The Law on Citizenship of Kosovo allows all children born in Kosovo to acquire citizenship, regardless of parents’ status (Official Gazette of the Republic of Kosovo 2013). The same law also contains facilitated naturalization procedures for stateless persons, with a statelessness determination procedure adopted in an administrative instruction issued by the Ministry of Internal Affairs in 2015 (see Ministry of Internal Affairs 2015). The administrative instruction containing the statelessness determination procedure also contains provisions for free legal aid, but as of 2015 the procedure had not been tested, and no persons of concern had been provided with free legal aid by state institutions (Zajmi 2015: 28).

Kosovo’s 2011 Law on Civil Status (Official Gazette of the Republic of Kosovo 2011) specifies that the Central Civil Status Registry is to cover not only Kosovo citizens but also foreign nationals and stateless persons (Article 26). According to this law, births not registered within the first 30 days are subject to subsequent registration by a decision of the Civil Registration Agency and involve a financial penalty of EUR 20-50 (Articles 54 and 63). During the same year in which the Law on Civil Status was adopted, an agreement was reached for European Union Rule of Law Mission in Kosovo (EULEX) to certify and transfer registry books from Serbia to Kosovo, with scanned copies from the registry books recognized since 2012.

Two administrative instructions issued in 2012 by the Ministry of Internal Affairs (2012a; 2012b) improve access to personal documentation by simplifying procedures for subsequent birth registration. More specifically, the Administrative Instruction on Late Registration in the Civil Status Records No. 24/2015 allows the use of witness statements to confirm the date of birth, as well as the identity of parents for persons without documentation of civil status (Ministry of Internal Affairs 2012a). Additionally, Roma, Ashkali, and Egyptians are exempted from fees for late birth registration from 2012 on the basis of a circular issued by the Ministry of Internal (see Organization for Security and Co-operation in Europe Mission in Kosovo 2012: 8 fn 33).

Where returnees are concerned, responsibility for access to personal documentation is shared among the Ministry of Internal Affairs, Municipal Reintegration Commissions, and Municipal Offices for Communities and Returns (see Official Gazette of the Republic of Kosovo 2010). For children born abroad to parents from Kosovo, an international birth certificate or equivalent document is required for registration in Kosovo. On the other hand, undocumented Roma displaced from Kosovo and living in Montenegro often face difficulties in registering the birth of their children due to requirements that they obtain their own civil registration documents from Kosovo or its dislocated registries.

²⁶ UNHCR (2011: 5 fn 4) reports a total of 8 500 stateless persons in Serbia and Kosovo.

If some of the policies on personal documentation adopted in Kosovo have taken into account difficulties commonly faced by Roma, Ashkali, and Egyptians in obtaining such documentation, the Strategy for Inclusion of Roma and Ashkali Communities in the Kosovo Society 2017-2021 attends to issues of personal documentation only in passing, identifying the lack of civil registration as a factor which threatens

Local policies and practices

Overall, the field research conducted in preparing this report reinforces the initial findings of the documentary analysis that some progress has been made since 2011, with the observed progress due in large part to the efforts of the UNHCR and its partner organization Civil Rights Program Kosovo (CRPK). Factors in the persistence of the problem despite the progress made in recent years include a lack of coordination among and even within institutions, resulting in the inconsistent application of the administrative instructions designed to facilitate access to personal documentation (see, for example, Woldenberg 2013; Zajmi 2015: 27). Also relevant,

Practices and procedures

Beyond stating broadly that there are few persons without personal documentation living in the municipality, the local authorities in Fushë Kosovë/Kosovo Polje were unable to provide an estimate of the number of persons with no documents regardless of ethnicity. However, they reported that the number of persons without personal documentation is decreasing as a result of past and current opportunities to access documents.

According to the representatives of local authorities in Fushë Kosovë/Kosovo Polje, reasons why people lack personal documentation include migration from other municipalities in Kosovo as well as in Serbia, return from Western Europe (Germany), and home births. Identified consequences of lack of personal documentation, on the other hand, include lack of access to employment support and social assistance. In the area of education, lack of personal documentation does not prevent school enrollment, but inability to prove previous school attendance (whether in Kosovo or elsewhere) and/or limited skills in the language of instruction sometimes

the interventions foreseen in the area of employment and social welfare (Government of the Republic of Kosovo 2017). The recognition of civil registration in the 2017 government strategy for Roma and Ashkali as an unresolved issue supports previous analyses of the situation, suggesting that access to personal documentation remains a problem for many Roma, Ashkali, and Egyptians despite legal improvements.

according to Yll Zajmi (2015: 27) of the organization Civil Rights Program Kosovo, is the frequent failure of local authorities to follow through with the background checks needed to assess applications for personal documentation.

As of fall 2017, there were no valid LAPs for Roma, Ashkali, and/or Egyptians in Kosovo. According to the Office of Good Governance, seven municipalities had begun to prepare LAPs on the basis of the Strategy for Inclusion of Roma and Ashkali Communities in the Kosovo Society 2017-2021.

result in assignment to a grade level lower than the one corresponding to the student's age.

Overall, access to personal documentation appeared not to constitute a major problem for Roma, Ashkali, and Egyptians in Fushë Kosovë/Kosovo Polje. The minority of focus group participants who reported having problems in accessing personal documentation described difficulties related to return to Kosovo from Western Europe. More specifically, one woman reported that she lacked birth certificates for two of her children who were born in Italy, and that as a result she was unable to access social assistance. Additionally, a male participant in the focus group reported that his children do not attend school for lack of certificates documentation the education they received in Germany.

In Gračanica/Graçanicë, the interviewed representative of the Municipal Office for Communities and Returns (MOCR) reported that his office is rarely approached in relation to civil registration.

At the same time, he noted that local residents tend to make use of Serbian personal documents in order to access education and health services, favoring Kosovo documents for property issues and in order to access services offered through the center for social work. The interviewed representative of MOCR further reported that acquiring Serbian personal documents is generally easier than is acquiring Kosovo documents, with some people needing only the former and others needing both the former and some of the latter.

According to the Center for Social Work in Gračanica/Gračanicë, the two persons in the municipality without personal documentation are Roma, Ashkali, or Egyptians. As explained by both this interlocutor and the interviewed representative of the MOCR, the majority of persons without personal documentation are forced returnees from Western Europe. Within this broad category, persons who left Kosovo after the armed conflict of 1999 often have UNMIK-issued IDs which facilitate their access to documents upon return. Persons who left Kosovo before 1999, on the other hand, tend to face more problems as they return with children born abroad, often without birth certificates.

The representative of the MOCR in Gračanica/Gračanicë reported that the number of persons without personal documentation in the locality is decreasing, at the same time identifying housing issues as both the main factors behind and the most important consequences of lack of personal documentation in Gračanica/Gračanicë. More specifically, the cause of the lack of personal documentation that is most difficult to address is property registered in the name of deceased relatives. On the other hand, this situation also constitutes a major barrier to accessing support for reconstruction offered through the Ministry of Internal Affairs.

As explained by the interviewed representative of the MOCR in Gračanica/Gračanicë, the main solution for enabling persons lacking personal documentation to access needed services is the cooperation between the civil registration office and the NGO Voice of Roma, Ashkali, and Egyptians.

In contrast to its counterparts in Fushë Kosovë/Kosovo Polje and Gračanica/Gračanicë, the MOCR in Gjakovë/Đakovica provided an estimate of the number of Roma, Ashkali, and Egyptians without personal documentation living in the municipality. Locating the figure at fewer than 20, the response received from this MOCR at the same time left open the possibility of unreported and/or isolated cases from surrounding villages. Pointing to considerable improvement in this area in recent years, the representative of the MOCR in Gjakovë/Đakovica credited the Civil Rights Program Kosovo for the support it has provided in this area since 2010. The same interlocutor further noted that the lack of personal documentation does not constitute a major barrier to access to education, reporting that the municipal education directorate enrolls children in school even without documentation (albeit in the expectation that the documents will be provided later). At the same time, he noted that returnee children often lack documentation certifying the level of education they completed abroad, with the prospect of repeating grades, which sometimes leads to dropout.

2.4. THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Overview of the situation

While the Ministry of Labor and Social Policy undertook a mapping of the situation in regard to Roma's access to personal documentation in 2012, the finding of 440 persons with incomplete documentation was contested at the time and is out of date by fall 2017 (see Friedman et al. 2013: 33)²⁷. More recent NGO estimates of the number of Roma in the former Yugoslav Republic of Macedonia without personal documentation range from 750 to 1,500²⁸. Notwithstanding the lack of consensus on the number of persons without documentation in the former Yugoslav Republic of Macedonia, there is broad agreement that the vast majority of persons in this category are Roma. For its part, UNHCR (2017: 63) reported a total of 600 stateless persons in the former Yugoslav Republic of Macedonia at the end of 2016.

As of October 2017, most resolvable cases of persons without personal documentation had been resolved, such that resolution of the remaining cases would require legislative changes similar to those made in neighboring countries²⁹. As of November 2017, a database on persons without personal documentation was being developed with the support of the Organization for Security and Co-operation in Europe (OSCE) Mission to Skopje. The database will in turn serve as the basis for proposals for legislative changes (expected 2018), with each "unresolvable" case including a brief expert legal analysis of the reasons for which the case cannot be resolved under the current legal framework.

National legal and policy framework in relation to personal documentation

The former Yugoslav Republic of Macedonia Law on Citizenship (Služben vesnik na Republika Makedonija 1992a; 2004a; 2008a; 2011f; 2016a) makes birth registration a prerequisite of citizenship for persons born in the former Yugoslav Republic of Macedonia. For stateless persons, the residence period for acquiring Macedonian citizenship through naturalization is reduced from the usual eight years to six, but in the absence of a statelessness determination procedure, this provision is rarely applied (European Roma Rights Centre 2017: 40). Moreover, legislation of the former Yugoslav Republic of Macedonia does not provide definitions of statelessness or stateless persons (Efremova 2015: 8).

The Law on Registry was modified in 2016 to allow for subsequent registration (i.e., registration more than 30 days after birth) in the birth registry (see Služben vesnik na Republika Makedonija 1995b; 2016c). Not defined in this or any other piece of legislation, however, are the documents needed to register the birth (and name) of a child. This situation leaves registry officers considerable discretion in their requirements, making for inconsistent requirements from one case to the next (European Roma Rights Centre 2017: 36). Inconsistencies aside, a lack of personal documentation on the part of parents constitutes a major obstacle for registering newborns (EPTISA 2016c: 16).

²⁷ That the findings of the mapping may have underestimated the number of Roma without personal documentation seems to be indicated by the fact that the Roma NGO Ambrella assisted 451 persons to secure an identity card in 2011 in the Skopje municipality of Šuto Orizari (see Friedman et al. 2013: 33 fn 24).

²⁸ Whereas the lower estimate comes from a range given by Vaska Bajramovska of the Office of the Ombudsman in a presentation at the conference "Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine" in Skopje on 26 October 2017, the higher figure comes from a 2016 report produced in the framework of the EU-funded project "Local Integration of Refugees, Internally Displaced Persons and Minority Groups (EPTISA 2016c).

²⁹ Representative of the Ministry of Labor and Social Policy interviewed in preparing this report.

The Law on Registration of Domicile and Residence (Služben vesnik na Republika Makedonija 1992b; 1993; 2000a; 2007b; 2011a; 2011e) requires citizens to provide an address and a property deed or rental agreement in order to acquire an identity document.³⁰ This requirement is problematic insofar as a valid identity document is needed in order to draft a property deed or rental agreement (EPTISA 2016c: 20). Thus, persons living in informal settlements are generally unable to secure identity documents, while persons without identity documents lack access to formal housing arrangements.

The Law on Primary Education stipulates access for children with foreign citizenship and for stateless children under the same conditions as children with citizenship of the former Yugoslav Republic of Macedonia³¹. While this would appear to mean that lack of personal documentation does not prevent access to education, in practice enrolment in education often cannot be completed without proof of citizenship (EPTISA 2016c: 14).

Although the 2010 *Program for Assistance and Support in Reintegration of Returnees in the (former Yugoslav) Republic of Macedonia in Accordance with Readmission Agreements* foresees issuing of returnee certificates to facilitate access to services pending issuing of regular personal documentation (Vlada na

Republika Makedonija 2010), available information suggests that such certificates are not issued in practice. Nonetheless, official attention to the issues of personal documentation faced by Roma in the former Yugoslav Republic of Macedonia in general increased in 2011 with publication of the *Strategy for Intensifying the Social Inclusion of Roma in the System of Social Protection in the Republic of Macedonia* (Ministerstvo za trud i socijalna politika 2011). A framework for the institutional integration of Roma health mediators issued the same year includes among mediators' tasks the provision of assistance in securing necessary personal documents and documentation needed for health insurance (Mladenovikj 2011). Additionally, the *Strategy for the Roma in the former Yugoslav Republic of Macedonia 2014-2020* mentions the lack of personal documents as an obstacle to accessing health services, and persons without documents are defined as an area of activity for the National Coordinating Body tasked with overseeing implementation of the *Strategy* (Ministry of Labor and Social Policy 2014). However, neither the Strategy nor any of the national action plans adopted to advance the Strategy's implementation contain measures that address issues of personal documentation (see Ministry of Labor and Social Policy 2014; Ministerstvo za trud i socijalna politika 2015; 2016a; 2016b; 2016c; 2016d).

Local policies and practices

The interviews conducted at both national and local level in the former Yugoslav Republic of Macedonia (the latter in Gostivar, Kumanovo, and Šuto Orizari) as well as the focus group held in Kumanovo point to the conclusion that there is no access to formal employment, public health services, or social protection without birth registration. Access to education, on the other hand, is partial, as children can be enrolled in school without personal documentation, but they do not receive a transcript of grades until they or their parents are able to provide such documentation. The representative of the Ministry of Labor and Social Policy interviewed in preparing this report expressed the view that

the former Yugoslav Republic of Macedonia lags behind neighboring countries in regard to progress in resolving issues of personal documentation, also noting that progress to date had depended largely on NGOs. According to the interviewed representative of the Young Lawyers' Association and UNHCR, the relatively modest progress of the former Yugoslav Republic of Macedonia in addressing problems of access to personal documentation stems in large part from measures introduced in 2012-2013 to prevent abuses, with the most problematic cases generally involved persons without surviving parents and persons born in hospital using the health documents of someone other than the mother.

³⁰ See also Služben vesnik na Republika Makedonija (1995a; 2002; 2004b; 2005; 2007a; 2010e; 2011b; 2012a; 2012c; 2015a; 2016b).

³¹ See Služben vesnik na Republika Makedonija (2008c; 2010a; 2010b; 2010c; 2011c; 2011d; 2012d; 2012e; 2012f; 2013a; 2014a; 2014b; 2015b; 2015c; 2015d; 2016d).

Also apparent is a heavy reliance on DNA tests in comparison to elsewhere in the region. Moreover, as explained by the interviewed representative of the Ministry of Labor and Social Policy follow-up on completed DNA tests is sometimes slow.

In 2014, the OSCE Mission to Skopje in cooperation with the Ministry of Labor and Social Policy supported

Policies

As of August 2017, five municipalities in the former Yugoslav Republic of Macedonia had a valid LAP for Roma, with LAPs for Roma drafted and pending adoption in another nine municipalities. Like the LAPs for Roma previously adopted by 17 municipalities in the former Yugoslav Republic of Macedonia, none of the current LAPs for Roma in the former Yugoslav Republic of Macedonia treat issues of personal

the development of a handbook on persons without complete personal documentation. While there is no evidence that the handbook has been widely used, a new handbook is featured among the draft conclusions presented at a conference organized in fall 2017 by the OSCE Mission to Skopje and the ministry, as do a database and amendments to several laws.³²

documentation, whether in a section devoted to such issues or in another thematic section. No municipality in the former Yugoslav Republic of Macedonia has adopted a LAP focused on personal documentation. Additionally, none of the three municipalities visited in preparing this report provides resources – human, financial, or material – for addressing the situation of persons lacking personal documentation.

Practices and procedures

The information gathered in preparing this report suggests that the authorities' overall approach to issues of personal documentation is case-by-case rather than systematic. As a result, practices are inconsistent not only from one municipality to the next but also within a given municipality. Nonetheless, various interlocutors referred to improvement in Roma's access to personal documentation in the last several years, attributing the observed improvement to the formation of an inter-sectoral working group at the national level and to the engagement of the Macedonian Young Lawyers' Association in providing legal aid as well as to the advice and referrals provided by Roma Information Centers at the local level.

The representative of the Roma Information Center in Gostivar provided an estimate of 25 Roma without personal documentation in the municipality. While interlocutors from various institutions and civil society provided different accounts of how some Roma in Gostivar came to lack personal documentation, there was generally agreement that most come from Gostivar. Also mentioned were other cities in the former Yugoslav Republic of Macedonia,

as well as Serbia and Kosovo. Reasons cited by the interlocutors in Gostivar for which Roma lack personal documentation included lack of awareness, financial burden, and children being born to parents who lack personal documentation.

In Gostivar, there was agreement among interlocutors that formal employment, public health services, and social assistance are inaccessible without personal documentation. According to the representative of the Roma Information Center in Gostivar, however, access to education is less problematic, as schools show flexibility in enrolling the children of persons lacking personal documentation. By way of contrast, the representatives of a local primary school reported that no one could be enrolled without personal documentation, noting that several years ago some children lacking personal documentation had been enrolled in school on the basis of a declaration from parents about the children's age. At the same time, there was general agreement among interlocutors that facilitating access to personal documentation should be emphasized over temporary solutions enabling persons lacking personal documentation to access services.

³² Maberka Kamberi, draft conclusions at conference "Regional Practices for Systemic Solutions Pertaining to Unregistered Population among the Roma Community," Skopje, 1 November 2017.

To this end, a mixed committee has been formed at the local level, consisting of representatives of the Center for Social Work, the Ministry of Internal Affairs, the Registry Office, and the Roma Information Center. Additionally, the local Roma NGO Mesecina is an implementing partner in an EU-funded project led by the Skopje-based NGO Institute for Social Change focused on improving Roma's access to personal documentation through activities including mapping the situation, providing free legal aid, and drafting recommendations for legislative changes.

While no figures or estimates were available on the number of persons without personal documentation in Kumanovo, participants in the group interview generally took the view that the number can be expected to grow as mothers without documentation give birth. Consistent with this view, interview participants attributed the lack of personal documentation among Roma to parents' lack of personal documentation. Other factors identified by group interview participants included financial burden (to persons without documentation) and lack of political will on the part of policy makers. As in Gostivar, participants in the group interview noted that lack of personal documentation means no access to formal employment, health services, or social assistance, while primary education remains accessible in most cases. Participants in the group interview pointed to an initiative of the local Center for Social Work in Kumanovo consisting in taking temporary custody of children born to parents without valid personal documents for the purpose of completing birth registration as a good practice. They also noted that this solution was no longer available, attributing the change to an absence of political will.

Insofar as the interviewed representatives from the municipality of Šuto Orizari and the Roma Information Center in Šuto Orizari indicated a lack of engagement with issues of personal documentation, information on the situation in the former Yugoslav Republic of Macedonia Roma-majority municipality comes from an interview with the Roma Health Mediator and NGO activist based there. According to her, the number of persons without personal documentation in Šuto Orizari is unknown, but her assessment was that it

has been decreasing since official attention to the issue of access to personal documentation increased in 2011. Reasons for which people lack personal documentation include lack of awareness, births outside health institutions, and the disintegration of the SFRY. Notwithstanding the relevance of state succession, this interlocutor shared the view that most persons without personal documentation in Šuto Orizari come from the municipality. Noting that needed services cannot generally be accessed without personal documentation, the interviewee pointed to the flexibility on the part of relevant institutions in 2012-2013 and funding for DNA tests provided by the Roma Education Fund in the framework of an early childhood education project.

Information on access to personal documentation among Romani returnees to the former Yugoslav Republic of Macedonia comes not only from the interviews and focus groups conducted in preparing this report but also from UNDP's prior micronarratives research. The interviews in Gostivar yielded the tentative conclusion that access to personal documentation is not generally a problem for returnees there, with the more difficult cases generally involving children born abroad to parents that have different citizenship from one another. Participants in the focus group and group interview in Kumanovo³³, on the other hand, indicated that access to personal documentation is often a problem among returnees due to the need to prove residence in the former Yugoslav Republic of Macedonia for the previous three years. The corresponding conclusion from Šuto Orizari is that problems with access to personal documentation among returnees there are most common in cases of children born outside of the former Yugoslav Republic of Macedonia and of persons whose ID cards remained in the country from which they were returned.

Among the many aspects of returnees' experiences touched upon in the micronarratives, following focus directly on the loss of personal documentation in the deportation process and the consequences of this loss for (re-)integration in the former Yugoslav Republic of Macedonia.

³³ In Kumanovo, a group interview was held with a total of six representatives of three Romani NGOs and one representative each of the Center for Social Work, municipality, and Roma Information Center.

They forcibly returned us to Macedonia, but our documents, ID cards remained in Germany. Without an ID card in Macedonia I cannot realize my right to social assistance or register with the Employment Service Agency. They told me to go to the police to report the ID cards as lost. I don't know whether the German Embassy can help me to get our ID cards back. I'm afraid that this problem will continue, because it costs money.

Our ID cards were with our lawyer, so we left without (Macedonian) ID cards. Here in Macedonia we don't have ID cards, so we can't register with the social employment office and we can't realize our basic rights to a normal life. We went to the police to report our ID cards as lost. During that period the whole family could not function as a normal family, plus without unemployment and social income.

2.5. MONTENEGRO

Overview of the situation

Given that Montenegro does not have official data on statelessness, UNHCR and the European Commission (2016b: 66) provide a figure of 486 persons (of all ethnicities and mostly from the countries of the former Socialist Federal Republic of Yugoslavia) who in 2014 contacted the Ministry of Interior (Mol) and UNHCR as they considered themselves stateless. In November 2017, UNHCR, the Mol and the Ministry of Labour and Social Welfare initiated a joint verification to ascertain those with still-pending status issues and other people with unresolved documentation issues. The joint verification is expected to target nearly 2,000 people. The European Commission further notes the presence of 250 unregistered minors, echoing findings by the Nikšić-based Roma NGO Center of Roma Initiative from two years earlier (see Hadžibegović et al. 2014: 70).

The representatives of UNHCR Montenegro interviewed in preparing this report provided estimates of 800 Roma and Egyptians displaced from Kosovo with unresolved status due to pending applications for residence and 300 stably settled Roma and

Egyptians in the country at risk of statelessness. The same interlocutors also made note of approximately 200 cases of Roma and Egyptians from Kosovo which cannot be resolved without a political decision that goes beyond the current institutional arrangements, as they fall outside both Montenegrin legislation and the memorandum of understanding between Kosovo and Montenegrin governments. Further, the interviewed representatives of UNHCR pointed to the risk of an increase in the numbers of persons without personal documentation as persons without unresolved status have children. The interviewed representatives of Montenegro's Directorate for Refugees, on the other hand, estimated that 400-500 Roma and Egyptians from Kosovo lack complete personal documentation. A representative of the Ministry of Interior reported that there were 144 persons without status in a conference presentation in November 2017³⁴. According to the NGO Pravni centar, the greatest risk factor for statelessness for Roma in Montenegro is the inability to prove citizenship (Cadenovic 2015: 33).

National legal and policy framework in relation to personal documentation

The Law on Montenegrin Citizenship stipulates that children born or found on the territory of Montenegro with parents of unknown or no citizenship are entitled to Montenegrin citizenship (Službeni list Crne Gore 2016a: Article 7). For persons born outside Montenegro, access to citizenship is more difficult. On the one hand, holders of status of an internally displaced person from Kosovo – unlike displaced persons from BiH and Croatia – cannot gain Montenegrin citizenship based only on residence in and/or marriage with a citizen of Montenegro. On the other hand, stateless persons cannot acquire Montenegrin citizenship because they cannot prove legal residence in Montenegro for the required period of 10 years prior to applying for citizenship (Cadenovic 2015: 35). As a result, stateless persons cannot acquire Montenegrin citizenship, because

they cannot document their legal residence in Montenegro for 10 years before submitting the citizenship application.

The Law on Non-Contentious Proceedings prescribes the procedure for determining the time and place of birth for unregistered persons born outside health institutions (Službeni list Crne Gore 2006; 2010b; 2015a). Amendments to this law in 2015 based on amendments made to the corresponding legislation in Serbia three years earlier led to an increase in positive decisions on registration of persons born outside the Montenegrin health system (European Commission 2016b: 66; see also European Roma Rights Centre 2017: 34; Službeni list Crne Gore 2015a).

³⁴ Milanka Baković, presentation at conference "Regional Practices for Systemic Solutions Pertaining to Unregistered Population among the Roma Community", Skopje, 1 November 2017.

Amendments adopted in 2009 to Montenegro's Law on Foreigners stipulated the conditions under which persons displaced from the Former Yugoslavia (i.e., displaced persons from BiH, Croatia, and internally displaced persons from Kosovo) could apply for residence in Montenegro (Official Gazette of Montenegro 2009: Article 105a). Whereas persons submitting a travel document from their country of origin were to be granted permanent residence, submission of an ID card from the country of origin resulted in approval of temporary residence for a period of three years. Whereas the initial deadline for applications under this procedure was at the end of 2011, the deadline was extended repeatedly until Montenegro adopted a new Law on Foreigners in 2014 (Official Gazette of Montenegro 2014). Under this Law, displaced persons from the former Yugoslav Republics and internally displaced persons from Kosovo in Montenegro who do not submit an application by 31 December 2014 for permanent or temporary residence as a foreigner become persons residing illegally in Montenegro (Official Gazette of Montenegro 2014: Article 142; see also Službeni list Crne Gore 2015b). The same applies to persons whose residence application has been rejected. As explained by the interviewed representatives of UNHCR Montenegro, applicants under these provisions retain their status as displaced persons until their applications for residence as foreigners have been processed, such that they are eligible for inclusion in Montenegro's part of the Regional Housing Programme under the Sarajevo Process.

A 2011 agreement between Montenegrin and Kosovo governments effectively institutionalizes previously ad hoc good practices for addressing the situation of displaced Roma and Egyptians from Kosovo in Montenegro through joint coordination and work of Kosovo MoI mobile biometric teams in Montenegro. Consisting of representatives of Montenegrin and Kosovo ministries of internal affairs, the teams are supported by UNHCR, OSCE Montenegro, and the Montenegrin NGO Pravni Centar (Legal Centre). According to the interviewed representatives of UNHCR Montenegro, the mobile teams have been largely successful, with an average of 4 visits per year (14 visits so far) necessary to provide complete documentation for persons with no documentation.

The *Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro, with Special Emphasis on the Konik Area* treats two options for displaced and internally displaced persons: local integration in Montenegro and voluntary return to the country of origin (Ministry of Labour and Social Welfare 2011: 5). Somewhat surprisingly, approximately two-thirds of the *Strategy* is devoted to the former option. As the title suggests in light of the concentration of Roma, Ashkali, and Egyptians from Kosovo in the refugee camps established in the Podgorica suburb of Konik, the *Strategy* devotes considerable attention to Roma, Ashkali, and Egyptians. While the first such *Strategy* covered the 2011-2015 period, it has been extended from 2017 to 2019, with annual action plans.

The Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016-2019 and its Action Plan for 2017 contains a section on legal status (Ministry for Human and Minority Rights 2016; 2017). Objectives in this area include increasing rates of legal registration in the birth registry, continuing to resolve requests for status, and providing support in obtaining personal documents (Ministry for Human and Minority Rights 2016: 67). The eight measures included in this area of the Action Plan for 2017 have a total budget of EUR 39,000, such that their implementation is realistic (Ministry for Human and Minority Rights 2017: 30-32).

Local policies and practices

Taken together, the field research conducted in preparing this report and the micronarrative research point to a variety of experiences with access to personal documentation and the consequences of lack of such documentation at the local level. Notwithstanding this variety, however, the lack of personal documentation emerges clearly as a barrier to accessing employment and health services. By way of contrast, the micronarratives which mention issues related to personal documentation describe more difficulties in accessing education than is apparent from the field research undertaken in Herceg Novi and Podgorica for this report.

Practices and procedures

When asked about the number of Roma without personal documentation living in Herceg Novi, representatives of both local authorities and the Ministry of Internal Affairs deferred to the NGO Mladi Romi, which estimated the number at below 10 out of a total Romani population of around 300. Among the interviewed stakeholders in Herceg Novi, there was agreement that both adult Roma without personal documentation living in the municipality come from Kosovo and that the number of Roma without personal documentation is shrinking, with the interviewed representatives of Mladi Romi describing how their organization had led an initiative that had reversed the situation from one in which the majority of Roma lacked personal documentation. According to both the local representative of the Ministry of Internal Affairs and the interviewed representatives of Mladi Romi, the main reasons for which Roma in Herceg Novi lack personal documentation is the arrival of Roma in Montenegro who have been displaced from Kosovo with incomplete documentation. In another forum, a representative of the same organization estimated the costs of resolving the case of an individual at EUR 580 for the approximately 20 documents which must be procured.³⁵

In Herceg Novi, access to formal employment and social assistance is not possible in the absence of personal documentation, with the main occupation among persons lacking personal documentation

A total of five municipalities in Montenegro have adopted LAPs for Roma, with Nikšić the first to do so in 2008. After Nikšić followed Herceg Novi, Kotor, Tivat, and (most recently) Bijelo Polje. Of the five, the sole municipality with a valid LAP in 2017 is Bijelo Polje. Distinguishing Montenegro from the other countries of the region is the fact that all LAPs adopted to date contain a section devoted to issues of personal documentation and/or legal status.

in Herceg Novi consisting of gathering recyclable materials for resale. Also, similar to the other localities visited in preparing this report, the lack of personal documentation does not pose a major obstacle to school enrolment. Different from most other localities, however, is the accessibility of public health services to minor children, regardless of civil status.

All stakeholders interviewed in Herceg Novi pointed to cooperation between institutions and Mladi Romi as crucial for increasing access to personal documentation among local Roma, with the interviewed representatives of Mladi Romi explaining that the organization's cooperation with institutions included not only Montenegrin institutions, but also institutions in Kosovo and Serbia. The interviewed representative of the Ministry of Internal Affairs further explained that implementation of the legal provision that granted residence for a period of three years allowed persons lacking personal documentation to access needed services while taking steps to secure the documents they lacked and required for permanent residence. Interviewed stakeholders also agreed that the municipality does not provide resources for persons lacking personal documentation, with the interviewed representatives of local authorities explaining that issues of personal documentation are the responsibility of the Ministry of Internal Affairs.

³⁵ Samir Jaha, presentation at conference "Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine", Skopje, 26 October 2017.

For their part, the interviewed representatives of Mladi Romi noted that the municipality supports the organization's work on access to personal documentation indirectly by providing Mladi Romi with free-of-charge office space.

Participants in the focus group organized in Herceg Novi for the purposes of this report generally lacked a birth certificate; whereas participants born in Kosovo reported problems in access to personal documentation since their arrival in Montenegro, participants born in Montenegro had never possessed complete personal documentation because their parents had arrived from Kosovo with incomplete personal documentation. With a single exception, participants in the focus group reported that their parents had complete personal documentation in Kosovo.

Confirming the account offered by the interviewees, none of the participants in the focus group had work or received social assistance, with adult participants reporting that they had to pay for health services. At the same time, all participants with school-age children indicated that their children attended school. On the other hand, while all participants

reported having submitted applications for the documents they lacked, some recounted experiences with local authorities in Kosovo refusing to process their applications. Additionally, most participants indicated that they would need to travel to Kosovo to resolve their own status and/or that of their parents and/or children.

In contrast to local authorities in Herceg Novi, the interviewed representatives of local authorities in Podgorica demonstrated a general lack of engagement with Roma, emphasizing the equality of opportunities between Roma and other residents. At the same time, they stated that "the maximum is done for them" and that "it depends on their good will." On a more positive note, while some participants in the focus group with Romani returnees in Podgorica reported leaving their Montenegrin ID cards in Western Europe, none had encountered difficulties in replacing them upon return to Montenegro. Additionally, as of October 2017, 171 housing units for displaced persons were under construction in Konik, the area of Podgorica where most Roma and Egyptians displaced from Kosovo reside. Additional 44 apartments had been allocated to the displaced Roma from the IPA funds in the same area.

Difficulties associated with the lack of access to personal documentation appear in many of the micronarratives generated by Roma returned to Montenegro.

In one such account, the protagonist reports not being able to attend school for lack of documentation, while in another a mother is unable to enroll her daughter in a public kindergarten for lack of citizenship documents.

Several other micronarratives describe entire families the members of which have personal documents neither from the West European country from which they were returned nor from Montenegro and how this prevents them from accessing employment and health services.

One particularly poignant micronarrative describes not only lack of access to employment and problems with police resulting from not having an ID card, but also of giving up after having an application for citizenship rejected by local authorities on the grounds that he had not been included in previous registries. The protagonist of this micronarrative further laments that his lack of personal documentation will be passed on to his children. Protagonists of other micronarratives communicate difficulties of a returnee without personal documentation in gaining admission to hospital to give birth and lack of knowledge on the part of a woman returned to Montenegro about how to secure personal documentation for a son born in Germany.

Although positive micronarratives referring to personal documentation are rare, they are not unheard of. In one such example, the protagonist describes securing personal documentation in Montenegro after two years of marriage, finding employment shortly thereafter. In another, a mother recounts how successfully securing documents for the son to whom she gave birth in Germany means that all of her children attend school in Montenegro, as did her older children during the family's stay of nearly three years in Germany.

2.6. SERBIA

Overview of the situation

Improvements in access to personal documents in Serbia in recent years are attributable in large part to work done by civil society, international organizations, and the Office of the Ombudsman.

According to the representatives of UNHCR Serbia interviewed in preparing this report, the initial figure of 30,000 persons not included in birth registries and/or lacking personal documentation has been reduced to approximately 2,300 persons at risk of statelessness (cf. Balić et al. 2014: 41; Allen 2016: 84). UNHCR estimated in 2015 that there were 700 legally invisible persons in Romani settlements³⁶.

National legal and policy framework in relation to personal documentation

Important legislative changes made in 2011 under pressure from EU led to improved inter-institutional coordination, particularly in the form of the technical group bringing together representatives of the Ministry of Internal Affairs, the Office of the Ombudsman, Belgrade city authorities, UNHCR, and the NGO Praxis. As a result, problems remaining in access to personal documentation have less to do with the legal and policy framework as such than with its implementation (Trifković 2015: 16).

Serbia's citizenship law provides for the granting of citizenship to children born abroad to one parent with Serbian citizenship and the other parent a foreign citizen even if the child is not registered in Serbia's registries abroad or if the request is not submitted within the legally prescribed deadline (Trifković 2015: 15; Službeni glasnik Republike Srbije 2004; 2007). Children born on the territory of the Republic of Serbia who would otherwise be stateless are also entitled to Serbian citizenship. However, the possibility of acquiring citizenship on the basis of birth on Serbian territory exists only up to 18 years of age, such that a gap exists between the ages of 18 and 21 (Trifković 2015: 17). Moreover, required for citizenship is a birth certificate containing the child's name.

According to Praxis (2015: 4), while Serbia's citizenship law complies with the Convention on Reduction of

The same source provides the more troubling finding that approximately eight percent of children in Romani settlements in Serbia are not included in the birth registry. Persons at risk of statelessness in Serbia were born mainly in Serbia and Kosovo (Trifković 2015: 14). Following legislative changes in 2011 (discussed in more detail below), approximately 20,000 Roma registered an address at a local Center for Social Work, facilitating access to ID cards. There is no statelessness determination procedure in Serbia.

Statelessness insofar as its provisions can prevent statelessness among children of Serbian citizens and children born in Serbia, «the registration of a child in birth registries is unnecessarily complicated by conditions which undocumented parents cannot fulfil.» By the Law on Registry Books, registering a child's birth requires that at least the mother has regulated status and necessary documents (Službeni glasnik Republike Srbije 2009; 2014; see also Službeni glasnik Republike Srbije 2013). Where the mother lacks personal documentation but the father possesses relevant documents, a child can be registered to the extent that the father acknowledges paternity and the mother agrees (not possible in cases of unknown residence) (Praxis 2015: 7). In practice, however, centers for social work often refuse to accept acknowledgment of paternity in such cases (see Mattli & Müller 2015: 83). Further, registrars may defer registration to allow verification of missing data at the registrars' discretion.

Where children are born to undocumented parents, three types of procedures exist (Praxis 2015: 4). For cases in which a birth has been reported to the registrar but the child's name has not been determined within the deadline of 30 days after birth, a center for social work must initiate a procedure for the determination of a personal name. Compliance with this requirement among centers for social work is inconsistent.

³⁶ Milan Radojev (NGO Praxis), presentation at conference "Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine", Skopje, 26 October 2017.

A second option, subsequent birth registration, is an administrative procedure for children whose birth was not reported within the legal deadline fees (see Službeni glasnik Republike Srbije 2011a; 2003). Demand for such registration doubled after the adoption of legislation in 2011 providing for exemptions from administrative fees. For cases in which the date and place of birth cannot be established in an administrative procedure, the 2012 Law on Amendments to the Law on Non-Contentious Procedure prescribes an approach determination of date and place of birth (Službeni glasnik Republike Srbije 2012)³⁷. Insofar as procedures in this category often involve DNA testing, they may be prohibitively expensive (Praxis 2015: 8). As reported by Praxis (2015: 5), any of the three procedures can be expected to take from several months to over a year. Moreover, the birth of a child to parents who lack a birth certificate and/or ID card cannot generally be registered within the legally prescribed deadline, depriving newborns of access to health services until a birth certificate for them can be issued (Trifković 2015: 21).

Serbia's law on ID cards provides for issuing identity documents with a validity of two years based on temporary residence for persons without a permanent residence (Službeni glasnik Republike Srbije 2011b). According to the European Roma Rights Centre (2017: 39), however this provision is

Local policies and practices

The interviews conducted in Smederevo and Vranje and the focus group organized in Vranje provide broad confirmation for reports of considerable improvement in Roma's access to personal documentation in recent years. As explained by the interviewed representatives of UNHCR Serbia, taking into account that access to personal documentation is generally much less problematic than it was in the first decade of the current century, the main remaining problem in relation to personal documentation is the inclusion in birth registries of children born to parents without documents. For its part, Praxis (2015: 10) reports that parents registered in birth registries in Kosovo are often unable to register children born in Serbia due to lack of

rarely applied. Obtaining an ID card in Serbia takes six months on average, assuming prior completion of procedures for birth registration and citizenship (Mattli & Müller 2015: 83).

The 2011 Law on Permanent and Temporary Residence of Citizens allows registration of permanent residence at the address of a center for social work in cases of need (Službeni glasnik Republike Srbije 2011b). This legal provision was followed by a rulebook issued by the Ministry of Labor, Employment, and Social Policy for this purpose (Ministarstvo rada, zapošljavanja i socijalne politike 2012). Insofar as registration at the address of a center for social work is available only to persons who have not previously registered a permanent address, this option is often of little use to persons displaced from Kosovo, most of whom have a permanent address registered there (Allen 2016: 67). Additionally, willingness to implement this provision varies across centers for social work.

In the Strategy of Social Inclusion of Roma for the Period from 2016 to 2025, identity documents receive mention in the sections on employment and health (Government of Serbia 2016). However, the Action Plan adopted for the implementation of the Strategy in the period 2017-2018 does not contain measures which attend to issues of personal documentation (Vlada Republike Srbije 2016).

access to registry books in Kosovo (Praxis 2015: 10). Moreover, registration in the reconstructed registry books is a lengthy process (Trifković 2015: 23).

As of fall 2017, a total of 16 municipalities in Serbia had a valid LAP for Roma. None of the valid LAPs contain a section on issues of legal status and/or personal documentation. Moreover, only the LAPs adopted in Kraljevo and Subotica contain measures related to personal documentation (Grad Kraljevo 2017; Grad Subotica 2016). Whereas in Kraljevo's LAP the relevant measure is in the section on social protection, the section on education in Subotica's LAP contains multiple relevant measures.

³⁷ The European Roma Rights Centre (2017: 34) identifies amendments to the law on non-contentious procedure in Serbia as the inspiration for the similar legislation adopted in Montenegro three years later.

Practices and procedures

Both the Coordinator for Romani Issues and the interviewed representative of a Romani NGO in Smederevo indicated that very few Roma lack personal documentation and that the number had been reduced in recent years, due mostly to the efforts of the Coordinator, who serves as the main resource person in the municipality for issues of personal documentation. According to the Coordinator, most Roma in this category come from other cities in Serbia, while an estimated 10-15 percent come from Kosovo. Both the Coordinator and the NGO representative identified the inability to pay administrative fees as the main reason for which people lack personal documentation in Smederevo.

In Smederevo, access to services without personal documentation is extremely limited. While the lack of personal documentation completely rules out access to formal employment, health services, and social assistance, the interviewed representative of a Roma NGO asserted that all Roma families in Smederevo have a place to live even if not all have ownership documents, further noting that no one in Smederevo has registered an address at the local Center for Social Work. With regard to access to education, the NGO representative stated that issues of personal documentation are generally resolved before the age of school enrolment.

In Vranje, the Romani Health Mediator described a decline in the number of persons without personal documentation due to the implementation of new legislation, to the point where the only case of a Roma not included in the birth registry involved the mother using someone else's health certificate to gain admission to the hospital in which she gave birth. The Romani Health Mediator further pointed to a considerable number of Roma from Vranje with legal residence in Western Europe (papiraši) who were neither in need of nor interested in personal documents from Serbia.

The interviews conducted with former and current local representatives of the Commissariat for Refugees and Migration in Smederevo and Vranje (respectively) and with the local Coordinator for Romani Issues in Smederevo suggested that access to personal documentation is generally not a problem for returnees. At the same time, the Coordinator for Romani Issues in Smederevo noted that some returnees discard their personal documentation in order to re-migrate to Western Europe with a different identity. Some participants in the focus group held in Vranje, on the other hand, reported difficulties in procuring the proofs of education needed for their children to continue in school at the grade level corresponding to their age.

While some of the micronarratives generated by Romani returnees living in Serbia which touch on issues of personal documentation describe problems encountered as a result of lack of such documentation, others convey experiences of successfully securing needed documents and of being helped in doing so.

In one micronarrative, a man born in Prishtina and living in and returned to Subotica recounts how he lacks an ID card and his children's documents remained in Germany when they were deported. In another, a parent speaks of reliance on humanitarian assistance for food due to lack of personal documentation for children born in three refugee camps. The parent further recounts how the children beg and attend school irregularly while they await personal documents. In broadly similar fashion, a (male) youth returned to Serbia after 12 years abroad refers to the problems created in school by lack of documents.

A somewhat more positive account comes from a man who returned from Germany to Prishtina without his family, who tells of his initial optimism upon receiving a Kosovo ID card within a couple of days of his arrival there, but also of his disappointment upon discovering that his Kosovo ID was of little use to him when he went to move in with his sister in Smederevo. After completing subsequent registration in the birth registry in Serbia, however, the man was able to secure a Serbian ID card. Another micronarrative contains the story of a woman who returned voluntarily from Germany with her children, of the help she received in translating documents, and of her optimism about being able to access social assistance. Perhaps the most positive story, though, is that of a single mother returned from Germany with only a passe-avant for herself and her four children. This micronarrative describes the help the woman received from the Office for Romani Issues, including not only information, but also support in enrolling her children in school, nostrifying their report cards, and securing complete personal documentation for her and her children, allowing her to access social assistance and child supplements.

3. Typology/profiles of Roma with no personal documentation

The lack of personal documentation among Roma in the Western Balkans is integrally related to Roma's long-standing exclusion throughout the region; «their situation as a minority, marginalized and stigmatized as outsiders for centuries [...] continues to influence their treatment today” (Sardelić 2017; see also Carrera, Rostas & Vosyliūtė 2017). On the one hand, the prevalence among Roma of low levels of educational attainment, high rates of unemployment and poverty, lack of health insurance, and informal housing arrangements constitute barriers to Roma's access to personal documentation. These factors are compounded by Roma's participation in migration processes, whether dating from the era of the former Socialist Federal Republic of Yugoslavia, the conflicts accompanying its disintegration, or simply stemming from attempts to secure a more

stable existence than the one available to them in the countries of the Western Balkans. Also playing a role in Roma's lack of access to personal documentation are institutional dysfunctionalities. Finally, parents without personal documentation often transmit their (lack of) status to their children.

On the other hand, the lack of personal documentation negatively affects Roma's access to the very services which would be needed to improve their access to personal documentation and, more broadly, their societal position. Thus, the causes and consequences of Roma's lack of personal documentation can be seen as overlapping in such a way as to form vicious circles of lack of personal documentation and lack of access to services.

3.1. CAUSES BY CATEGORY

Education

Low levels of educational attainment among Roma throughout the region manifest themselves on a more practical level in the form of low levels of awareness about their rights and obligations, as well as in the persistence of language barriers. Taken together, these tendencies mean that Roma are among those least likely to be able to access and digest information on requirements related to personal documentation. Roma's own perceptions about differences in educational attainment between Roma and non-Roma further contribute on the one hand to reluctance to approach authorities in the first place, and on the other hand to making them particularly vulnerable to dismissive attitudes on the part of administrative workers.

Employment

Lower rates of employment among Roma than among non-Roma make for comparatively higher rates of poverty. Poverty in turn can make prohibitive even administrative fees set at a level appropriate to average income, such that Romani adults may find themselves in a situation of having to choose between feeding their families and securing personal documentation for them. The costs associated with the DNA testing sometimes used for resolving issues related to birth registration place such testing out of reach for many Roma, such that difficult cases remain unresolved.

Health

In most countries of the region, the procedures for registering births taking place outside health institutions are considerably more complex than the procedures for hospital births, requiring higher levels of awareness for timely completion. At the same time, many Roma's lack of access to health services for lack of health insurance (access to which is often related to employment, as well as to possession of personal documentation) means that they are more likely to give birth at home than are non-Roma. Taken in combination with Roma's lower levels of educational attainment, this means that Roma are more likely than are non-Roma to be unable to register births.

Housing

While specific requirements vary by country, proof of residence is generally needed as a basis for access to ID cards. Insofar as many Roma live in informal settlements, they often lack a legal basis for registering at the address where they reside. In the absence of alternative provisions for registering a residence address, Roma are likely to be unable to secure the ID card they need for access to education, employment, and health services, as well as to various forms of social protection. An additional problem related to housing is the location of many Romani settlements well outside urban centers, complicating physical access to the institutions which issue personal documentation (among other institutions).

Migration processes

Another set of causes of the lack of access to personal documentation among Roma in the Western Balkans relate to migration processes. As discussed above, citizens of the former SFRY could access services in any of the constituent republics, regardless of the republic in which they were registered. With the disintegration of the SFRY, however, newly formed independent states introduced their own administrative requirements which made formalization of previously informal migrations a necessary condition for access to personal documentation. With their lower levels of educational attainment, Roma frequently found themselves at a disadvantage in navigating the new procedures.

Roma's access to personal documents was also affected by the conflicts accompanying the disintegration of the SFRY. Particularly in BiH and in Kosovo, Roma often found themselves caught between belligerents, resulting in many fleeing the country. Losses of personal documents in the process of flight were common, with recovery complicated by administrative procedures treating persons unable to furnish expired documents as though they had never possessed documents. The fact that in some instances registers were lost complicated matters further.

If some Roma from the Western Balkans fled to escape war, others have migrated to Western Europe primarily in the hope of securing a more stable economic existence. Whether voluntary (and often informal) or initiated on the basis of the readmission agreements signed with countries in Western Europe, returns often complicate access to personal documentation after arrival in the place of origin. While in many cases documents are lost due to deportations which give returnees time only to pack essentials before boarding a plane, such that documents remain in the institutions or law offices to which they were submitted, in other cases families with children attending school in Western Europe leave the country without the documents needed to facilitate their children's (re-)integration into school in the Western Balkans.

Regardless of the reasons for migrating, the fact that undocumented persons often must cross state borders in order to retrieve documents needed to secure personal documentation in their place of residence features among the causes of persistent lack of personal documentation (see OSCE and UNHCR 2017: 90)

Institutional dysfunction

Still, other causes of the lack of access to personal documentation among Roma in the Western Balkans stem from the functioning of the institutions implicated in relevant processes. Although most countries of the Western Balkans, as well as Kosovo, have by 2017 adopted a comprehensive approach to increasing access to personal documentation, insufficient coordination among institutions is a frequent criticism in all.

Closely related to this, local-level implementation of the existing legal and policy framework is inconsistent, due in large part to the discretion afforded administrative workers (especially to require additional forms of proof, whether of blood relation, residence, completed education, or something else) in the documents outlining relevant procedures. In this way, lack of will among authorities prevents resolution of problems in access to personal documentation.

Finally, an important reason for the continued problems in accessing personal documentation among Roma in the Western Balkans is the transmission of such lack of status from parents to children. Where parents lack personal documentation, registering a birth is more complicated, making the timely completion of necessary procedures less likely. Failure to register births on time in turn increases the risk that children will not be able to access personal documentation later in life, and thus of a new generation lacking personal documentation.

3.2. CONSEQUENCES

If Roma's lack of personal documentation stems in part from the low levels of educational attainment, high rates of poverty, limited access to health services, and informal housing arrangements, such lack at the same time negatively affects access to education, healthcare, housing, and employment. Limited access in these areas in turn makes it less likely that returns from Western Europe to the countries of the region will be sustainable, also limiting the enjoyment of other rights such as marriage and political participation. The lack of personal documentation among Roma also makes it more difficult for states to design programs and policies to address their needs.

Education

The information collected in preparing this report suggests that education is in fact the area to which access is least problematic in the absence of personal documentation. In practice, however, this means only that children without personal documentation can usually attend compulsory public education. Not accessible in the absence of personal documentation are public early childhood and pre-school education, upper secondary education, and higher education. Moreover, even children without personal documentation who complete compulsory public education are not eligible to receive a transcript of grades certifying this.

Employment

Without personal documentation, there is neither access to formal employment, nor the possibility of registering with the employment office in order to fulfill conditions for social services and/or healthcare provided to unemployed persons. The only apparent exception to this generalization apparent from the field research conducted in preparing this report is the employment of persons without personal documentation in Montenegro by municipal sanitation services.

Health

Within the region, Montenegro stands out for its provision of healthcare to all minors, regardless of whether they or their parents possess personal documentation. Additionally, emergency health care is made available in the region to all in principle, if not always in practice. At the same time, in none of the countries included in this report is non-emergency health care available to adults who lack personal documentation.

Housing

In the absence of personal documentation, there is no access to social housing programs. Additionally, ownership or rental of property can only be informal and thus without legal weight. This situation often prevents persons without personal documentation from registering an address. Moreover, possibilities for registering an address in the absence of personal documentation generally depend on the goodwill of friends, relatives, or employees of centers for social work.

Migration processes

As has been noted in relation to Bosnia and Herzegovina (Ministry of Human Rights and Refugees 2015: 13; Perić 2003) and Kosovo (OSCE and UNHCR 2017: 25), complete access to personal documents is crucial for returnees' enjoyment of the very rights which make their (re-)integration possible. Thus, the following statement from Bosnia and Herzegovina's reintegration strategy applies also to the other countries of the region: «The issue of identification documents is highly important because it directly affects the access to and exercise of all other rights important for the sustainable integration of returnees, i.e., access to basic health care, education, social assistance and legal employment» (Ministry of Human Rights and Refugees 2015: 13). Otherwise stated, in the absence of personal documentation, there is little reason to expect returns to the region to be sustainable. Additionally, women and children without personal documentation make easy prey for human traffickers.

Institutional dysfunction

Beyond access to rights related to basic services, lack of personal documentation is problematic for the enjoyment of other types of rights. For example, marriage without personal documentation on the part of both parties can only be informal. Insofar as the lack of personal documentation often makes for legal invisibility, it effectively deprives central and local level authorities of access to data which could provide a picture of the situation of people living on their territory, leaving them worse positioned to design and implement programs to address pressing needs.

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ANNEX 1: FIELD VISITS

Country	Dates
Albania	24-26 September 2017
Bosnia and Herzegovina	16-18 October 2017
Kosovo	29-31 August 2017
former Yugoslav Republic of Macedonia	19, 20, 22 September; 2, 9, 12 October 2017
Montenegro	26-28 September 2017
Serbia	5, 10-12 September 2017

ANNEX 2: INTERVIEWS AND FOCUS GROUPS AT LOCAL LEVEL ON PERSONAL DOCUMENTATION

Country/locality	Focus group	Interviews
<i>Albania</i>		
Shkodër	✓	✓
Tirana		✓
<i>Bosnia and Herzegovina</i>		
Bijeljina		✓
Tuzla		✓
<i>Kosovo</i>		
Fushë Kosovë/Kosovo Polje	✓	✓
Gračanica/Graçanicë		✓
<i>The former Yugoslav Republic of Macedonia</i>		
Gostivar		✓
Kumanovo	✓	✓
Šuto Orizari		✓
<i>Montenegro</i>		
Herceg Novi	✓	✓
Podgorica		✓
<i>Serbia</i>		
Smederevo		✓
Vranje		✓

ANNEX 3: STAKEHOLDERS INTERVIEWED

Name (Last, First)	Organization/Institution	Country	Date of interview	Location of interview
Čela, Artil	Administrative Unit No. 4	Albania	25 September 2017	Tirana
Furtuna, Pellumb	NGO Romani Baht	Albania	25 September 2017	Tirana
Gedeshi, Ilir	Center for Economic and Social Studies	Albania	25 September 2017	Tirana
Gradeci, Vera	Municipality of Shkodra	Albania	26 September 2017	Shkodra
Hasantari, Adriatik	NGO Roma Active Albania	Albania	25 September 2017	Tirana
Koçi, Eduard	NGO Voice of Roma	Albania	26 September 2017	Shkodra
Malevi, Jarida	UNDP	Albania	25 September 2017	Tirana
Rustemaj, Redona	Administrative Unit No. 4	Albania	25 September 2017	Tirana
Stroka, Adison	Administrative Unit No. 4	Albania	25 September 2017	Tirana
Vila, Filip	Municipality of Shkodra	Albania	26 September 2017	Shkodra
Xhabija, Jeta	Municipality of Shkodra	Albania	26 September 2017	Shkodra
Alimanović, Amira	NGO Otaharin	BiH	17 October 2017	Bijeljina
Antić-Štauber, Branka	NGO Snaga žene	BiH	18 October 2017	Tuzla
Antunović, Snežana	NGO Otaharin	BiH	17 October 2017	Bijeljina
Avdibegović, Edita	NGO Vaša prava BiH	BiH	18 October 2017	Tuzla
Hašimović, Sabira	NGO Otaharin	BiH	17 October 2017	Bijeljina
Lakić, Vedran	City of Tuzla	BiH	18 October 2017	Tuzla
Mesić, Ernesa	City of Tuzla	BiH	18 October 2017	Tuzla
Milanović, Jovana	NGO Otaharin	BiH	17 October 2017	Bijeljina
Mrkonja, Bakir	NGO Vaša prava BiH	BiH	18 October 2017	Tuzla
Pelemiš, Zoran	NGO Vaša prava BiH	BiH	18 October 2017	Tuzla
Redžić, Asja	City of Tuzla	BiH	18 October 2017	Tuzla
Stanišić, Ljubiša	City of Bijeljina	BiH	17 October 2017	Bijeljina
Tanacković, Ljubiša	City of Bijeljina	BiH	17 October 2017	Bijeljina
Vrabac, Mirela	City of Tuzla	BiH	18 October 2017	Tuzla
Ajeti, Leutrim	MOCR	Kosovo	30 August 2017	Gračanica/Gračanicë
Çesasi, Elvira	MOCR	Kosovo	30 August 2017	Gračanica/Gračanicë
Hajredini, Habit	Office of Good Governance	Kosovo	31 August 2017	Prishtinë/Priština
Kitić, Zoran	MOCR	Kosovo	29 August 2017	Fushë Kosovë/Kosovo Polje
Lazić, Slađana	MOCR	Kosovo	29 August 2017	Fushë Kosovë/Kosovo Polje
Šerifović, Sebastijan	Municipality of Gračanica/Gračanicë	Kosovo	30 August 2017	Gračanica/Gračanicë
Aguš, Hamon	Romani Information Center	fYR Macedonia	19 September 2017	Skopje
Asanovska, Resmija	NGO Drom	fYR Macedonia	22 September 2017	Kumanovo
Berat, Ramadan	OSCE	fYR Macedonia	12 October 2017	Skopje
Dželadini, Mersel	Romani Information Center	fYR Macedonia	20 September 2017	Gostivar
Efremova, Aleksandra	Macedonian Young Lawyers Association	fYR Macedonia	9 October 2017	Skopje
Gjorgjievska, Kalina	Primary School Bashkimi/Edinstvo	fYR Macedonia	20 September 2017	Gostivar
Januševska, Frosina	NGO Drom	fYR Macedonia	22 September 2017	Kumanovo
Jašarovski, Ahmet	NGO Drom	fYR Macedonia	22 September 2017	Kumanovo
Kamberi, Mabera	Ministry of Labor and Social Policy	fYR Macedonia	2 October 2017	Skopje
Kamberovska, Dilbera	NGO Daja	fYR Macedonia	22 September 2017	Kumanovo

Karahasan, Bülen	Center for Social Work	fYR Macedonia	20 September 2017	Gostivar
Marinkovska, Ivana	NGO National Roma Centrum	fYR Macedonia	22 September 2017	Kumanovo
Memed, Adnan	Municipality of Šuto Orizari	fYR Macedonia	19 September 2017	Skopje
Memedovski, Skender	NGO Rušit Šakir	fYR Macedonia	22 September 2017	Kumanovo
Muslievski, Merdan	Romani Information Center	fYR Macedonia	22 September 2017	Kumanovo
Osmani, Dashmir	Municipality of Gostivar	fYR Macedonia	20 September 2017	Gostivar
Rašiti, Srgjan	Center for Social Work	fYR Macedonia	22 September 2017	Kumanovo
Sadiku, Mersel	Primary School Bashkimi/Edinstvo	fYR Macedonia	20 September 2017	Gostivar
Salievski, Samet	Municipal Council of Kumanovo	fYR Macedonia	22 September 2017	Kumanovo
Šikovska, Ljatife	NGO Ambrela	fYR Macedonia	19 September 2017	Skopje
Skenderovska, Elvira	NGO National Roma Centrum	fYR Macedonia	22 September 2017	Kumanovo
Stefanovska, Krasimira	Municipality of Kumanovo	fYR Macedonia	22 September 2017	Kumanovo
Toči, Muhamed	NGO Mesečina	fYR Macedonia	20 September 2017	Gostivar
Beriša, Mehmet	NGO Mladi Romi	Montenegro	27 September 2017	Herceg Novi
Čadenović, Aleksandar	UNHCR	Montenegro	28 September 2017	Podgorica
Dabižinović, Lenka	Municipality of Herceg Novi	Montenegro	27 September 2017	Herceg Novi
Ferhatlić, Edina	City of Podgorica	Montenegro	28 September 2017	Podgorica
Grubor-Božović, Branka	Municipality of Herceg Novi	Montenegro	27 September 2017	Herceg Novi
Knežević, Sanja	NGO Mladi Romi	Montenegro	27 September 2017	Herceg Novi
Medojević, Vid	Ministry of Internal Affairs	Montenegro	27 September 2017	Herceg Novi
Samardžić, Vesna	Municipality of Herceg Novi	Montenegro	27 September 2017	Herceg Novi
Šofranac, Željko	Directorate for Refugees	Montenegro	28 September 2017	Podgorica
Terzić, Ivan	City of Podgorica	Montenegro	28 September 2017	Podgorica
Vučelić, Petar	Directorate for Refugees	Montenegro	28 September 2017	Podgorica
Vučinić, Ivana	City of Podgorica	Montenegro	28 September 2017	Podgorica
Vuljević, Tamara	Municipality of Herceg Novi	Montenegro	27 September 2017	Herceg Novi
Žunić, Boban	UNHCR	Montenegro	28 September 2017	Podgorica
Durmišević, Miodrag	NGO Romani Asvi	Serbia	5 September 2017	Vranje
Jašarević, Alija	NGO Romani Asvi	Serbia	5 September 2017	Vranje
Milonjić, Jelena	UNHCR	Serbia	12 September 2017	Belgrade
Perić, Zorica	Commissariat for Refugees and Migration	Serbia	5 September 2017	Vranje
Radojev, Milan	NGO Praxis	Serbia	12 September 2017	Belgrade
Radojković, Zoran	Municipality of Smederevo	Serbia	11 September 2017	Smederevo
Radulović, Jelena	NGO Roma 21	Serbia	11 September 2017	Smederevo
Rako, Davor	UNHCR	Serbia	12 September 2017	Belgrade
Šainović, Tereza	Romani Health Mediator	Serbia	5 September 2017	Vranje
Stanković, Ivana	NGO Praxis	Serbia	12 September 2017	Belgrade
Sulić, Džulieta	Coordinator for Romani Issues	Serbia	11 September 2017	Smederevo
Tadžić, Jelena	UNDP	Serbia	12 September 2017	Belgrade
Tasev Perinović, Bogdanka	UNDP	Serbia	12 September 2017	Belgrade

ANNEX 4: FOCUS GROUP DISCUSSIONS

Country	Locality	Date	Participants
Albania	Shkodër	26 September 2017	19
Kosovo	Fushë Kosovë/Kosovo Polje	29 August 2017	9
Kosovo	Gračanica/Graçanicë	10 November 2017	20
the former Yugoslav Republic of Macedonia	Kumanovo	22 September 2017	17
Montenegro	Herceg Novi	27 September 2017	8

ANNEX 5: RESEARCH INSTRUMENTS

Questions for interviews

1. How many persons without personal documentation in total live in this municipality? (How many Roma without personal documentation live in this municipality?)
2. Where do the Roma without personal documentation in this municipality come from?
3. Is the number of persons without personal documentation growing or shrinking? (Is the number of Roma without personal documentation growing or shrinking?)
4. What are the reasons for which people lack personal documentation?
5. What kinds of problems do persons lacking personal documentation face in this municipality?
 - a. What is the unemployment rate among persons lacking personal documentation (as compared with the overall unemployment rate in the municipality)?
 - b. To what extent are persons lacking personal documentation able to access social assistance?
 - c. To what extent are persons lacking personal documentation able to access health services?
 - d. What is the housing situation of persons lacking personal documentation?
 - e. What percentage of the children of persons lacking personal documentation attend school?
 - f. How do local police treat persons unable to present personal documentation?
6. What kinds of solutions have been found in order to enable persons lacking personal documentation to access needed services?
7. What kinds of solutions have been found to enable persons lacking personal documentation to get the documents which they lack?
8. What kinds of resources does the municipality provide for persons lacking personal documentation? (Who is responsible for addressing the situation of persons lacking personal documentation in this municipality?)

Questions for focus groups


1. Which documents do you lack?
 - a. For how long have you lacked personal documentation?
 - b. How did you come to lack personal documentation?
 - i. Where (in which republic) were you born?
 - ii. Which documents did your parents have?
2. How does not having personal documentation affect your daily life?
 - a. How many of you have work? How many of you have someone in the household who has work?
 - b. How many of you receive social assistance?
 - c. What do you do when you need to see a doctor?
 - d. Where do you live?
 - e. How many of you have children? How many of your (school-age) children attend school?
 - f. How do the police treat you when they ask you for identification and you tell them that you don't have any?
3. Where do you go for help in accessing services?
4. What have you done to try to get the documents you lack (How were you received by the institutions?)
5. What would you need to do in order to get personal documentation?



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