

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: *Fourth Cycle, 46th Session***

**REPUBLIC OF NORTH MACEDONIA**

**I. BACKGROUND INFORMATION**

The Republic of North Macedonia ratified the *1951 Convention relating to the Status of Refugees* in January 1994 and its *1967 Protocol* in January 1994 (hereinafter jointly referred to as the *1951 Convention*). Republic of North Macedonia has ratified the *1954 Convention relating to the Status of Stateless persons* in January 1994 and the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention* respectively) in January 2020.

North Macedonia continues to be a transit country for persons travelling in mixed movements. Official figures recorded 19,895 persons transiting through the country in 2021, another 27,425 persons in 2022, and some 8,882 persons by end of August 2023, noting an approximate 50% decrease in comparison to over 40,000 persons transiting the country in 2019 and 2020, respectively. The interest to seek asylum in North Macedonia among the persons on the move is generally low, with only 100 asylum applications submitted in 2021, 168 in 2022, and 206 asylum applications submitted till end of July 2023, with Syria, Morocco, Afghanistan, Pakistan and Iraq as main countries of origin. The recognition rate remains extremely low, with 2 persons (1 from Afghanistan and 1 from Morocco) being granted subsidiary protection in 2023. The overall absconding rate remains high, increasing from 77% by end 2022 to 99% by end July 2023.

North Macedonia still hosts a caseload of persons from Kosovo,<sup>1</sup> primarily Roma, Ashkali and Egyptian (RAE). There are 228 persons (84 men, 94 women, 32 boys and 18 girls) still remaining in the country, pending durable solutions. While all of them used to enjoy international protection, the current composition of the group is as follows: 11 refugees, 46 persons granted subsidiary protection, 14 persons granted temporary residence for humanitarian reasons under the Law on Foreigners, and 157 persons whose subsidiary protection was ceased and remain with no legal status in the country.

The Law on International and Temporary Protection (LITP) was adopted in April 2018 and its provisions are generally closer in line with the international standards; however, two previously expressed concerns remain: delaying family unity for persons granted subsidiary protection for two years after being granted status, and introduction of measures limiting freedom of movement of asylum-seekers.<sup>2</sup> The absence of a personal identification number to be issued to asylum-seekers remains a critical gap for effective access to rights guaranteed by the law, such as the right to work, opening a bank account, certification of education and others.

On statelessness, UNHCR, jointly with its legal partner Macedonian Young Lawyers Association (MYLA) together with the Parliament, the Ministry of Justice and the Ministry of Internal Affairs is working with 334 persons that remain at risk of statelessness at the end of September 2023. The majority are Roma (75.6%), followed by Albanians (14.3%), Bosniaks (3.3%), Ashkalis (2.5%) and others (4.3%). The stateless population in North Macedonia

<sup>1</sup> All references to Kosovo should be understood in full compliance with United Nations Security Council Resolution 1244

<sup>2</sup> Law on International and Temporary Protection (2018), Official Gazette of the Republic of North Macedonia no. 64 from 11 April 2018, available at: <https://www.refworld.org/docid/5b55e5de4.html>

consists of persons lacking birth and civil registration (251 persons), and persons with undetermined nationality because of the dissolution of the former Yugoslavia (83 persons). In the period from January 2022 to September 2023, 481 persons at risk of statelessness became citizens of North Macedonia.

To end statelessness and to put safeguards in place to prevent future cases of statelessness, the country amended the Law on Citizenship on August 8th, 2021, to address the former Yugoslavia caseload, and the Law on Civil Registry on June 14th, 2023, and the Law on ID cards and the Law on Residence on October 4th, 2023, to address the situation of people without birth and civil registration. With the Parliament taking an active supervisory role, it is expected that the national authorities will be able to resolve the existing cases of statelessness by the end of 2023.

North Macedonia signed a Stabilization and Association Agreement with the EU in 2001, and it was granted the status of candidate country on 17 December 2005. The country has a National Programme for the Adoption of the EU Acquis which is regularly updated, setting, *inter alia*, priorities in the field of asylum in a specific sub-chapter contained in the Chapter on Justice, Freedom and Security. In June 2018, the European Council, in its Conclusions, acknowledged the progress achieved and set out the path towards opening accession negotiations in 2019. In its update on North Macedonia published in March 2020, the Commission confirmed that the basis of the Commission's 2019 recommendation to open accession negotiations with North Macedonia remain valid. On 26 March 2020, the European Council endorsed the Council's decision to open accession negotiations with North Macedonia. In July 2022, the Intergovernmental Conference on accession negotiations was held with the Republic of North Macedonia and the European Commission started the screening process. Further to the Euro Atlantic agenda, North Macedonia became a full member of NATO in March 2020.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

**Linked to 3rd cycle UPR recommendation no. 104.156<sup>3</sup>** "Fully implement the recommendations of the Ministry of Labour and Social Policy Strategy for the Roma 2014–2020, including recording every individual in the registry of births, in order to combat socioeconomic marginalization and labour discrimination faced by individuals belonging to the Roma community (United States of America)"

The 2021 modifications of the Law on Citizenship provided for time-limited provisions foreseen to facilitate naturalization for citizens of former Yugoslavia, who by 8th September 1991, or until the declaration of independence of North Macedonia have resided in North Macedonia and who can prove this with a document, such as (i) birth certificate; (ii) school transcripts or diplomas; (iii) proof of employment; (iv) proof of paid taxes applicable at the time; (v) passport issued by the former SFRY; (vi) ID issued by the former SFRY; or (vii) proof of paid bills (electricity, water, heating, telephone). The amendments are in power until the 8th of August 2024, and they are also indirectly related to recording every individual in the Birth Registry as some of the people coming forward had never had any document issued by the authorities. Together with other amendments aimed at lowering the residence requirement threshold to obtain Macedonian citizenship from eight to seven years, the amendments enabled 228 stateless persons to obtain Macedonian citizenship and to regulate their status. Hence, the state effectively put an end to statelessness caused by the dissolution of the former Yugoslavia. The law also contains safeguards for the prevention of statelessness in case of voluntary renunciation of one's nationality, as well as prevention of childhood statelessness by granting citizenship to foundlings. The law does not contain

<sup>3</sup> North Macedonia, *Report of the Working Group on the Universal Periodic Review*, A/HRC/41/11. Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/41/11&Lang=E>

discriminatory provisions leading to statelessness based on gender, race, religion, or any other grounds.

The authorities in North Macedonia deserve commendation for their proactive approach in addressing the issue of statelessness. The Parliament of North Macedonia exercised its supervisory role to oversee the implementation of the Law on Unregistered Persons in the Civil Registry and its extensions. The law, which was temporary in its nature and created a separate Register for persons at risk of statelessness, was designed to provide for undocumented persons to have an initial temporary civil registration, which was intended to allow access to four rights: right to education, health care, social protection and employment, until the persons acquire full civil registration, no later than five years after the temporary registration is granted. This never materialised, which is why the Parliament held a supervisory hearing focused on the implementation of the law. This event garnered significant interest from stakeholders and led to valuable discussions with key government officials. The need for a systemic and immediate solution to end statelessness, as outlined in UNHCR's roadmap, was emphasized during these sessions. The Parliament issued recommendations to address statelessness. One notable outcome was the proposal for amendments to the Law on Civil Registry. With support from UNHCR and MYLA, the Government formed a working group that successfully adopted amendments to facilitate the permanent registration of individuals at risk of statelessness. These amendments ensure that individuals registered in the special register of births are immediately transferred to the regular register within 90 days of the law's enactment, granting them access to their constitutional rights. The authorities pledged that Article 4a of the Law on Civil Registry, which guarantees granting every child born in North Macedonia the right to immediate registration in the birth register, irrespective of their parents' citizenship or personal status, will be used as the main preventive mechanism so that cases of statelessness do not (re)appear.

**Linked to 3rd cycle UPR recommendation no. 104.69: "Take appropriate measures to prevent and combat all forms of discrimination and violence against women, including domestic violence, in particular by implementing the Istanbul Convention (Italy)"**

The Law on Prevention and Protection against Violence against Women and Domestic Violence derived from the Action Plan of the Istanbul Convention incorporates provisions addressing refugee, asylum-seeking and stateless women. This is a commendable effort as it sets conditions for creating inclusive services for protection of most vulnerable members of the society and towards creating more inclusive and gender- equal society. Its implementation regarding persons falling under UNHCR mandate is yet to follow but it is hoped that all procedural guarantees will be put in place, including access to trained interpreters and specialised staff.

### **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

#### **Challenges linked to outstanding 3rd cycle UPR recommendations**

##### **Issue 1: Appropriate and effective access to education for all children**

**Linked to 3rd cycle UPR recommendation nos. 104.128, 104.30 and 104.136<sup>4</sup>**

<sup>4</sup> 104.128 Take all necessary measures to promote inclusive education, making sure that minority groups are not neglected and that persons from vulnerable groups are fully integrated in the educational system (Portugal); 104.130 Step up efforts to promote inclusive education, especially for Roma children and children of other minority groups and children without personal documents (Serbia) and 104.136 Promote inclusive education, notably by improving the enrolment and retention of students from minority groups and of Roma students in particular, including in preschool education, and by ensuring access to education for all children, specifically those without identity documentation (Austria);

Despite the positive developments in the legislation (adoption of the Law on Primary Education in 2019 and corresponding bylaws, as well as ongoing amendment to the Law on Secondary Education), documentation requirements for enrolment in schools remain a significant barrier for many refugee and stateless children. This particularly affects those who do not have proof of previous education or birth certificates, such as refugee, asylum-seeking, or stateless children, which impedes their access to education. In addition, there is no adequate curricula or catch-up classes adapted to the specific needs of some asylum-seeker or refugee children, including language classes that would enable proper inclusion as stipulated in the Law on Primary Education.

### **Recommendations:**

UNHCR recommends that the Government of Republic of North Macedonia:

- a) Ensure appropriate and effective access to education for all children, including refugee, asylum-seeking, stateless children and children under temporary protection on the same basis as nationals.
- b) Introduce solutions for assessing the prior learning and knowledge of asylum-seeking and stateless children, in order to ensure proper grade enrolment.
- c) Ensure that lack of personal documentation or personal identification numbers is not an impediment for asylum-seeking and stateless children to enrol in schools or to receive official diplomas.
- d) Provide additional support and guidance to teachers working with asylum-seeking and stateless children in order to increase the effectiveness and quality of the educational process for all children attending classes. In addition, ensure that there are measures in place for children to attend additional language and catch-up classes in the first year of study as prescribed with the legislation.
- e) Assume a greater role in monitoring the enrolment rate and school attendance of refugee and asylum-seeking children in the compulsory and free of charge levels of education, irrespective of their intended length of stay, as provided with the Laws on Primary and Secondary education and the penalty provisions. The monitoring measures should also apply to stateless children.

### **Issue 2: End detention of children**

**Linked to 3rd cycle UPR recommendation Nos. 104.167, 104.168 and 104.169<sup>5</sup>**

Foreigners who are identified as witnesses in the process of criminal cases against smugglers of migrants are generally detained, outside the legal framework, to obtain their testimony in front of courts. This includes women and children. Adequate alternatives to detention of migrants and asylum seekers are not available and conditions of detention do not meet international standards. There is not a case-by-case determination whether detention is necessary, lawful and used as a measure of last resort in each case and the current applicable procedure does not meet international standards.

The LITP refers to use of limitation of freedom of movement to be the last resort; however, the LITP does not provide for a set of adequate alternatives to detention, such as, for example, deposition or surrender of documents, reporting conditions, directed residence, provision of a guarantor/surety and release on bail, or community supervision, all of which are alternatives supported by UNHCR. The LITP also does not provide indication of potential alternative care arrangements that could be made available in cases involving children and vulnerable categories of asylum-seekers except that a place of alternative care could be designated by MLSP.

<sup>5</sup> 104.167 Put an end to the policy of detention and expulsion of migrants and consider alternatives to detention of asylum seekers, particularly unaccompanied minors (Mexico); 104.168 Put an end to detention, refoulement and abusive expulsions of migrants and asylum seekers and ensure their proper and due registration (Switzerland); and 104.169 Ensure the protection of the rights of migrants and asylum seekers in accordance with international standards, including the use of alternatives to detention of unaccompanied minors where available (Belarus).

### **Recommendations:**

UNHCR recommends that the Government of Republic of North Macedonia:

- a) End the detention of asylum-seeking and migrant children and ensure implementation of alternatives to detention.
- b) Detention to be used only as a measure of absolute last resort with a case-by-case review and various alternatives to detention to be made available in law and in practice.
- c) Ensure that alternative care arrangements for unaccompanied and separated children are in place and available on the same basis as for the nationals.
- d) Ensure judicial oversight over the decision for detention of migrants and asylum-seekers in the Reception Center for Foreigners.

### **Issue 3: Integration of refugees**

**Linked to 3rd cycle UPR recommendation no. 104.165:** “Intensify efforts to effectively implement the Strategy on the Integration of Refugees and Foreign Nationals 2015–2025, in order to enhance local integration programmes (Indonesia)”

National legislation in North Macedonia guarantees specific rights to refugees, such as the right to employment, social protection, healthcare, education, and housing, but there is no legal framework for integration per se in force. The first integration strategy spanning from 2008 to 2015 was supposed to be followed by an updated strategy for 2018 to 2028. The updated integration strategy exists as an unadopted draft with no legal force, leading to weaker coordination among relevant entities and reliance on donors. In addition, the integration process is hindered by language barriers and cultural differences, but also by the lack of specific measures to facilitate access to rights and the lack of specialised assistance for persons with specific needs (especially persons with disabilities). For asylum-seekers, the absence of a personal identification number prevents their access to the labour market. On 8 August 2023, the Government activated a Temporary Protection status for a period of one year for persons from Ukraine. Although a positive development, some important legislative changes need to be initiated by the Government to enable beneficiaries of Temporary Protection to fully access all rights.

### **Recommendations:**

UNHCR recommends that the Government of Republic of North Macedonia:

- a) Develop a legal framework on refugee integration and ensure legislative harmonisation through modifications of relevant laws that will be identified in the process to ensure full access to rights leading to self-reliance of persons granted international protection.

### **Issue 4: Durable solution for Kosovo refugees**

**Linked to 3rd cycle UPR recommendation no. 104.165:** “Intensify efforts to effectively implement the Strategy on the Integration of Refugees and Foreign Nationals 2015–2025, in order to enhance local integration programmes (Indonesia)”

As indicated above, the number of Kosovo refugees remaining in the country is not high, but most of them are living without a legal status or access to rights and vulnerable to exploitation, after spending more than 20 years in the country. While the authorities have been willing to find individual solutions in an ad hoc manner, the envisaged group solution requires the modifications of the Law on Foreigners, but these amendments are still pending adoption. The proposed amendments envisage granting permanent residence to “all Kosovo refugees regardless of their current status, who have applied for asylum since 1999, should they apply for permanent residence within one year since the adoption of the Law”. The implementation of this provision would be applicable to all 228 persons, irrespective of their

legal status.

In addition, the Citizenship Law does not provide for facilitated naturalisation for persons granted subsidiary protection with regard to the documentation requirements, and thus, beneficiaries of subsidiary protection therefore cannot provide the necessary documentation to acquire citizenship.

**Recommendations:**

UNHCR recommends that the Government of Republic of North Macedonia:

- a) Provide a group solution for Kosovo refugees that would recognise their long-term presence in the country, through passing specific legislation in a timely manner and ensuring its effective implementation, including facilitation of naturalisation.
- b) Modify the Citizenship Law to enable persons granted subsidiary protection to benefit from facilitated naturalisation.

**UNHCR**  
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