

KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN KOSOVO*



IN CO-OPERATION WITH :

- > European Network on Statelessness
- > Roma Versitas Kosovo

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Key Considerations for the Prevention and Reduction of Statelessness among Roma in Kosovo*

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Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

This paper was produced as part of a grant-funded project implemented under Roma Integration Phase III. The grant was awarded to Roma Versitas Kosovo, an organisation based in Kosovo and a member of the European Network on Statelessness (ENS), which also contributed to the preparation of this paper. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both national and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including national authorities. This paper was presented alongside a synthesised regional report during a regional event in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.



European
Network on
Statelessness



ROMA
VERSITAS
KOSOVO

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KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN KOSOVO*

Roma Integration Phase III

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Council of Europe

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

Contents

List of Abbreviations	7
Summary	8
Introduction	9
Legal framework on the prevention and reduction of statelessness in Kosovo	10
Population data	11
Remaining gaps in measures to prevent statelessness	12
Legal safeguards to prevent childhood statelessness	12
Birth registration	13
Remaining gaps in measures to reduce statelessness	15
Statelessness in a migratory context	16
Challenges in resolving cross-border cases of statelessness	17
Returnees from Western Europe and Western Balkans	17
Parallel registration structures	17
Action Areas	18

List of Abbreviations

1954 Convention	1954 Convention Relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
UNHCR	United Nations High Commissioner for Refugees
ENS	European Network on Statelessness
EU	European Union
NGO(s)	Non-governmental organisation(s)
MCSOs	Municipal Civil Status Offices

Summary

Roma, Ashkali, and Egyptian communities in Kosovo continue to face systemic challenges and barriers that result in a persistent risk of statelessness. This exclusion has far-reaching consequences, severely limiting access to fundamental rights and services such as healthcare, education, employment, social protection, and political participation.

While Kosovo has taken significant legal and institutional steps to address statelessness, including the adoption of relevant legal frameworks such as a statelessness determination procedure and safeguards to prevent childhood statelessness in citizenship law, implementation is often fragmented and procedural issues with access to civil registration remain, particularly at the local level. Obstacles to birth registration, missing personal documentation, dual registration in Serbia and Kosovo, and barriers to accessing reproductive healthcare still pose significant barriers to accessing (proof of) citizenship and hinder efforts to end statelessness.

At the same time, Kosovo's growing visibility on the international stage, particularly through its application for Council of Europe membership and its ongoing efforts as a potential candidate for European Union (EU) Enlargement, has created renewed momentum towards aligning domestic frameworks with European human rights standards. This presents a critical opportunity for Kosovo's institutions to meaningfully address the root causes of statelessness and ensure inclusive civil registration, documentation, and citizenship systems through reforms to domestic law, policy, and practice, and sustained outreach and identification efforts.

Introduction

This paper was produced as part of a grant-funded project implemented under the Roma Integration Phase III Joint Programme of the European Union and the Council of Europe. The grant was awarded to *Roma Versitas Kosovo*, an organisation based in Kosovo and a member of the **European Network on Statelessness (ENS)**. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both central and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including central authorities. This paper was presented alongside a synthesised regional report during a **regional event** in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.

Across the Western Balkans region, statelessness is a key factor driving a mutually reinforcing cycle of discrimination and denial of fundamental rights. Statelessness is an issue that affects both migrants and refugees as well as people who have lived in the same place for generations. In the Western Balkans region, as in other parts of Europe and globally, statelessness is a particular concern for members of minoritised communities.¹ Discrimination is both a cause and a consequence of statelessness, with nationality laws often structured or implemented in ways that exclude certain groups or make it more difficult for them to acquire or prove their nationality. In Europe, among the most affected by this issue are Roma communities, who face systemic exclusion and further marginalisation due to the cycle of antigypsyism and legal barriers.²

In the Western Balkans region, statelessness among Roma communities is shaped by a complex combination of factors, including state succession, historical conflict, forced displacement, lack of civil documentation, and systemic exclusion. Many thousands of Roma people continue to be disproportionately impacted by these issues, which are exacerbated by deep-rooted antigypsyism. Being stateless usually means being unable to benefit from the fundamental rights afforded to people recognised as citizens of a country, including access to healthcare, education, the right to marry, open a bank account, and participate in the labour market on an equal basis. Not only does it hinder access to these basic rights and entitlements, but it also affects the psychological sense of belonging and inclusion that is vital for achieving equality in societies. In this way, statelessness becomes a real and significant part of the cycle of discrimination experienced by minoritised groups globally, including Roma communities in Europe.

This paper examines the key issues and challenges related to statelessness among Roma communities, focusing on gaps in law, policy, and practice. It outlines both the legal obligations relating to statelessness and highlights issues within policy and practice, focusing on practical barriers such as birth registration, data collection and identification of affected populations, and access to citizenship. The paper also examines national measures aimed at preventing and reducing statelessness, as well as the role of outreach and identification initiatives to reduce statelessness among Roma communities and presents targeted areas for action aimed at closing these gaps and promoting the rights and inclusion of Roma communities.

¹ See: <https://www.statelessness.eu/issues/stateless-minorities>.

² The term 'Roma' encompasses a wide diversity of groups and identities, many of which are intersecting and overlapping. There are also people who do not identify as Roma – such as Ashkali and Egyptians – who are nonetheless the targets of antigypsyism. For the purpose of this report, the terms are used to encompass all groups in the region who are subject to antigypsyism, in line with the Council of Europe definition, and commonly adopted by most international organisations in the last decade. However, it is important to underline that not all the members of these populations agree on the single use of this standardised autonym.

Legal framework on the prevention and reduction of statelessness in Kosovo³

Due to its political status, Kosovo cannot formally accede to United Nations treaties, including the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention). However, many protections, rights, and safeguards deriving from these conventions have been incorporated in the Law on Citizenship and the Law on Civil Status.⁴ The definition of a stateless person in Kosovar law is also in line with the 1954 Convention.

Despite its lack of formal accession, Article 22 of the Constitution of Kosovo guarantees fundamental human rights and freedoms within the scope of relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention on the Elimination of All Forms of Discrimination Against Women, the European Convention on Human Rights and its Protocols, and the Framework Convention of the Council of Europe for the Protection of National Minorities.⁵ Accordingly, these instruments are directly applicable under Kosovo law.

In addition to obligations deriving from international standards, as a potential candidate for membership of the European Union, Kosovo has made important political commitments to address statelessness as part of the EU Enlargement Process, including the Berlin Process. This is especially relevant to Roma communities and the specific commitments made by Western Balkan Beneficiaries under the 2019 *Poznan Declaration*, which includes pledges to achieve universal civil registration, eliminate barriers to obtaining identity documents, and ensure legal recognition for all. The *EU Strategic Framework on Roma Equality, Inclusion, and Participation 2020-2030* sets out a roadmap for tackling discrimination, improving access to fundamental rights, and pro-

moting social inclusion for Roma populations, including addressing the risks and consequences of statelessness.

Recognised stateless people may apply for naturalisation in Kosovo after five years of continuous residence, which is the same as for other foreigners, and they are not exempt from any other requirements. Kosovar law provides that a child born or found stateless on the territory acquires citizenship automatically if both parents are unknown or stateless, and by application if a parent holds another citizenship. However, this provision has never been used in practice, so implementation is unclear. There are safeguards in law to prevent statelessness arising during adoption procedures, as well as for children born to Kosovar parents abroad. Birth registration is assured in law, but minoritised communities and particularly Roma, Ashkali, and Egyptians, disproportionately face barriers to birth registration.

The *Strategy for Advancing the Rights of the Roma and Ashkali Communities in the Republic of Kosovo 2022-2026* and the *Action Plan 2022-2024* aim for all Roma and Ashkali individuals to be registered in the civil registers, and to promote equality and opportunities for their integration and inclusion.⁶ Importantly, the strategy recognises that some people within the Roma and Ashkali communities still do not have their birth registered due to various factors. To address this, the Strategy calls for the creation of a mechanism to identify, prevent, reduce and protect people whose births are not yet registered, requiring systematic and coordinated institutional action.

The Constitution of Kosovo affirms the specific rights of communities in relation to identity and mandates institutions to ensure their effective equality in accessing all guaranteed rights.⁷ This principle underpins all relevant laws and policies and must be reflected in their implementation, including those addressing the prevention and reduction of statelessness among Roma, Ashkali, and Egyptian communities.

3 For more detailed information and sources on law, policy, and practice relating to statelessness in Kosovo, see the ENS Statelessness Index: <https://index.statelessness.eu/country/kosovo>.

4 Law No. 04/L-215 on Citizenship (2013), available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8873>; Law No. 04/L-003 on Civil Status (2011), available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2743>.

5 Constitution of Kosovo, Article 22. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>.

6 Strategy for the Advancement of the Rights of the Roma and Ashkali communities in Kosovo 2022 – 2026 and the Action Plan 2022-2024, available at: <https://kryeministri.rks-gov.net/wp-content/uploads/2023/05/Strategy-for-Advancing-the-Rights-of-the-Roma-and-Ashkali-communities-in-the-Republic-of-Kosovo-for-the-period-2022-2026-and-its-Action-Plan-for-the-period-of-2022-2024-1.pdf>.

Population data

The most recent census in Kosovo was carried out in 2024, with detailed results expected to be published throughout 2025. The census questionnaire asked individuals to declare their citizenship(s) and provided the option to declare if the person has no citizenship, which may deliver some relevant data on the number of people affected by statelessness in Kosovo when published. Nevertheless, it remains to be seen what data will be available from the recent census and what the level of participation was in the census by all communities in Kosovo.

To date, the limited published results from the 2024 census include data on the ethnic composition of the population with registered residence in Kosovo.⁸ These results record 11,382 Roma people (0.66%), 18,921 Ashkali (1.10%), and 14,506 Egyptians (0.83%). No further disaggregated data has been published, including information on citizenship. Despite these initial figures, civil society organisations and community leaders report that the actual population of these communities is likely 30–50% higher than the census identifies, mostly due to underreporting, logistical barriers, and the continued effects of displacement.

While the upcoming census results may provide some insights into statelessness in Kosovo, the current data on the scale of the population affected by (risk of) statelessness is very limited. Although public institutions do not publish any data on the statelessness determination procedure, United Nations High Commissioner for Refugees (UNHCR) has reported that there were 14 people with recognised statelessness status in Kosovo in 2024.⁹

The lack of reliable data continues to be a significant barrier to effectively preventing and reducing (the risk of) statelessness in Kosovo. While some efforts have

been made by civil society and international organisations to improve data collection, several gaps remain. In 2024, UNHCR and the Civil Rights Program Kosovo estimated that around 450 people remain at risk of statelessness or have undetermined citizenship.¹⁰ In 2023, Civil Rights Program Kosovo carried out a pilot mapping exercise with municipal authorities and other stakeholders in five municipalities (Gjakova, Ferizaj, Obiliq, Lipjan, and Peja). This exercise successfully identified 14 unregistered individuals, prompting collaborative discussions among central institutions, non-governmental organisations (NGOs), and community leaders to address civil status registration issues and find solutions for these individuals.¹¹ Additionally, a 2022 mapping exercise by Roma Versitas Kosovo NGO surveyed 111 Roma families across five municipalities.¹² It revealed that only 65 families reported that all family members possessed birth certificates, 36 families had only some members registered, and 7 families had no registered members at all. More recently, civil society organisations have estimated that between 500 and 800 individuals across the Roma, Ashkali, and Egyptian communities remain unregistered or at risk of statelessness in Kosovo, primarily due to parents lacking documentation or because returnees from Western Europe do not possess valid Kosovar identification documents.

Previous data also highlight ongoing challenges. In the 2011 census, approximately 5% of the total population were recorded to have not been registered within the deadlines set by law. In addition, the most recent official survey of Roma, Ashkali, and Egyptian communities conducted by the Civil Registration Agency with support from UNHCR in 2015 found that 2.5% of the surveyed population had not had their births registered and were at risk of statelessness or had undetermined citizenship.¹³

7 Constitution of the Republic of Kosovo, Chapter III Rights of Communities and their members. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>.

8 Office of the Prime Minister, The First Final Results from the Census of Population, Households, and Housing in Kosovo Are Presented, 19 December 2024, available at: <https://kryeministri.rks-gov.net/en/blog/the-first-final-results-from-the-census-of-population-households-and-housing-in-kosovo-are-presented/>.

9 For more information, see ENS Statelessness Index, Survey: Kosovo, available at:

10 Information provided by Civil Rights Program – Kosovo. See ENS Statelessness Index, Survey: Kosovo, available at: <https://index.statelessness.eu/country/kosovo>.

11 Ibid.

12 Implementation of the Roadmap for Ending Statelessness in Kosovo 028-022 (survey supported by the Regional Cooperation Council/Roma Integration Fund).

Although this data allows for some analysis of statelessness in Kosovo, it is also highly likely that the scale of the affected population is underreported, due to the absence of comprehensive official data collection systems and categories, the reliance on self-identification in the

census, limited scale of mapping projects, low levels of awareness of statelessness among public institutions data collectors, and persistent barriers to participation faced by minoritised communities, including members of the Roma, Ashkali, and Egyptian communities.

Remaining gaps in measures to prevent statelessness

Legal safeguards to prevent childhood statelessness

Kosovo's legal framework contains important safeguards aimed at preventing childhood statelessness, most notably through Article 7 of the Law on Citizenship.¹⁴ This provision provides that all children born or found on the territory acquire Kosovar citizenship automatically if their parents are unknown, stateless, or if the child would be otherwise stateless. The safeguard should apply irrespective of the sex, gender, or residence status of the parents, and does not require proof that the parents have been formally recognised as stateless by Kosovo or any other jurisdiction. In such cases, children are entitled to automatically acquire citizenship either on the day of birth or the day they are found. However, where a child's parents possess citizenship but are unable to confer this to the child, the acquisition of Kosovar citizenship is not automatic. Instead, a formal application must be submitted to the local municipality and is subsequently reviewed by the Department for Citizenship, Asylum, and Migration (DCAM) within the Ministry of Internal Affairs.

While the legal provisions are broadly aligned with international standards, there is limited data on their implementation in practice. In particular, the automatic acquisition of citizenship for otherwise stateless children born on the territory has reportedly not yet been applied, seemingly due to the absence of formally identified cases. This lack of implementation creates uncertainty about how the safeguard will operate in practice and whether it will be interpreted in a way that effectively prevents childhood statelessness in all cases. For example, there are concerns that children born in Kosovo to foreign parents without lawful residence sta-

tus, who are unable to acquire their parents' citizenship, may face barriers to accessing Kosovar citizenship given their parent's irregular residence status and/or lack of documentation. These risks are especially relevant for children from Roma communities, who are disproportionately affected by marginalisation, lack of civil registration, and barriers in accessing documentation.

Should such cases arise, it would be important to ensure that the safeguard is applied in a manner consistent with its purpose to prevent statelessness and ensure every child's right to a legal identity and citizenship in line with the Convention on the Rights of the Child, including through clear guidance issued to local authorities, monitoring of implementation, and provision of legal assistance where needed. To support this, an Administrative Instruction under the relevant law from the Ministry of Internal Affairs could be adopted to define the rights, procedures, and documentation requirements associated with acquiring citizenship in such cases, ensuring that no child is excluded from citizenship rights due to a lack of clarity or inconsistent interpretation of the law.

There are also gaps and limitations in Kosovo's existing legal framework to prevent stateless. One such gap is that the automatic safeguard to acquire citizenship for foundlings and children who would otherwise be stateless applies only to children under 18 years of age. This is inconsistent with the standard set by the 1961 Convention, which requires States to allow such acquisition of citizenship up to the age of 21. Under the current system, a person born in Kosovo to a foreign parent who does not acquire another citizenship and does not apply for Kosovar citizenship before the age of

13 Information from the Civil Registration Agency (report not available online). See ENS Statelessness Index, Survey: Kosovo, available at: <https://index.statelessness.eu/country/kosovo>.

14 Law No. 04/L-215 on Citizenship (2013), available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8873>.

18 must first undergo the statelessness determination procedure and then apply for naturalisation. This process can result in significant delays in acquiring citizenship, as naturalisation requires five years of residence following the formal recognition of statelessness status. Additionally, application fees to acquire citizenship (currently 50 EUR for children and 150 EUR for adults) may pose a financial barrier to accessing citizenship.

Another important area that can limit the effectiveness of the safeguard to prevent statelessness is parents' limited access to information concerning their children's citizenship rights. Neither the Law on Citizenship nor the Law on Civil Status establish a clear obligation for authorities to inform parents about citizenship rights and relevant procedures, and while some parents have reported receiving guidance from officials, others have not. Legal aid providers may help fill this gap, but access remains inconsistent. Institutionalising the proactive provision of information, including through legal or procedural guarantees, would significantly strengthen the protection framework and would likely be of particular benefit to Roma communities, who may face additional barriers in accessing administrative procedures due to discrimination and marginalisation.

Birth registration

In Kosovo, the Law on Civil Status provides that all children must be registered immediately after birth, free of charge. The standard procedure requires that birth registration occurs within 30 days and is carried out by the Municipal Civil Status Offices (MCSOs) in the municipality of the child's birth or, in the case of foundlings, where the child was found. Health institutions are also obliged to notify the MCSOs weekly about all births occurring under their care in the interest of comprehensive registration.

Information used to complete the birth act, which constitutes legal proof of birth, is sourced from medical reports, verification by municipal authorities, and official documentation, including that provided by police or other actors when a child is born outside a health institution. This birth act contains essential information, such as the child's name, personal identification number, the date and place of birth, and details of the parents, if known, and serves as the basis for issuing a birth certificate. This birth certificate is an official document issued by the MCSO and serves as a certified extract of the birth act and records details about the child including their citizenship, which is

later determined by competent authorities under the Law on Citizenship.

However, while the legal framework is broadly inclusive and mandates universal birth registration, significant implementation challenges persist in practice. Certain minoritised groups, particularly Roma, Ashkali, and Egyptian communities, face disproportionate barriers in accessing birth registration. These challenges are not only administrative but are compounded by social, economic, and institutional factors, which together undermine the full realisation of the right to legal identity and citizenship. Members of these communities are more likely to lack the documents typically required by civil registrars, including valid personal identification of the parents or hospital-issued birth confirmations, resulting in difficulties initiating or completing the registration process. Issues have also been raised concerning non-resident Roma women born in neighbouring jurisdictions who, after marriage, are categorised as foreigners and often lack the documentation required to regulate their temporary residence. This irregular residence status can hinder their ability to register their children's births, exacerbating the risk of statelessness. Furthermore, inconsistencies in how the law is applied across municipalities result in a patchwork of administrative practices, where officials exercise wide discretion in documentation requirements, leading to further uncertainty and obstacles for families who may already be marginalised.

The combination of bureaucratic hurdles, unclear or inconsistently implemented procedures, and discrimination contributes to a cycle of legal invisibility. The non-registration of births continues to be a critical obstacle to accessing rights such as education, healthcare, social assistance, and housing. These challenges are exacerbated by stigma and discrimination, low levels of trust in institutions, limited awareness of registration procedures, and material poverty, which can prevent families from initiating or pursuing the process. The impact of such exclusion is particularly acute given the constitutional guarantee of non-discrimination in Kosovo, including on the grounds of community and birth. Without civil registration, children are left without legal identity, restricting their access to essential services and leaving them vulnerable to statelessness and exclusion throughout their lives.

Issues are particularly prevalent within procedures for late birth registration. Births that are not registered within the initial 30-day window are treated as subse-

quent registrations and must be authorised by a decision of the Civil Registration Agency. These cases also incur a financial penalty ranging from EUR 20 to 50, which may serve as a further barrier to vulnerable families, particularly when combined with the procedural and evidentiary burdens required to prove birth and parentage.¹⁵

These challenges persist despite legislative efforts to improve birth registration procedures. Administrative Instructions issued in 2013 aimed to simplify procedures and improve access to documentation,¹⁶ and further progress was made with the 2015 Administrative Instruction on Late Registration,¹⁷ which enabled the use of witness testimony to establish birth and parental identity when documentation is unavailable. In 2011, alongside the adoption of the Law on Civil Status, an agreement was reached with the European Union Rule of Law Mission in Kosovo (EULEX) to facilitate the certification and transfer of scanned registry books from Serbia to Kosovo, contributing to efforts to reconstruct civil records lost or previously inaccessible due to the legacy of conflict and displacement. However, issues in practice remain. Inconsistent implementation and discretionary decision-making by civil registrars persist, often with an excessive demand for supporting documents even when simplified procedures apply.

In cases where applicants lack documentation, officials frequently reject requests for late registration outright, sometimes without a clear legal basis or adequate reasoning. Although court procedures are available when administrative avenues fail, they are often lengthy, costly, and difficult to navigate, particularly for marginalised individuals. Legal identity disputes are com-

monly deprioritised by the judiciary, and even when favourable decisions are issued by the courts, they are not always enforced by the administrative authorities, resulting in prolonged periods of legal uncertainty for affected individuals.

Ongoing reforms, including the draft Law on Civil Status, draft Law on Citizenship, and draft Law on Foreigners, have been shaped by recommendations from civil society and legal experts and present an opportunity to address some of these implementation gaps. Proposed reforms include the extension of deadlines for registering children born abroad to Kosovar citizens until age 23, automatic birth registration through health institutions, and exemption from late registration penalties. If adopted in their current form, these measures represent a significant opportunity to harmonise Kosovo's legal framework with international human rights and statelessness prevention standards. However, as of April 2025, the timeline for the adoption of these draft laws remains unclear, and it is yet to be seen whether all proposed safeguards will be retained in the final texts.

To address the continued under-registration of births, particularly among Roma, Ashkali, and Egyptian children, it is also essential that public authorities institutionalise targeted outreach, information, and assistance mechanisms. Efforts must include sustained information and awareness campaigns on the benefits of birth registration and the consequences of non-registration, delivered through accessible channels such as television and direct outreach in partnership with community leaders and Roma-led organisations to build trust and foster inclusion.

15 Law No. 04/L-003 on Civil Status (2011), Articles 54 and 63, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2743>.

16 Administrative Instruction 2012 (20213). https://studylib.net/doc/6990240/civil-registration-agency?utm_source=chatgpt.com.

17 Administrative Instruction No. 24/2015 (https://www.refworld.org/legal/legislation/natlegbod/2015/en/123464?utm_source=chatgpt.com).

Remaining gaps in measures to reduce statelessness

Since the Zagreb Declaration in 2011,¹⁸ Kosovo has taken very important steps to develop a legal and policy framework aimed at reducing statelessness and promoting inclusion. Various reforms and initiatives have sought to improve access to civil documentation and strengthen institutional capacities. However, some significant barriers remain, particularly affecting Roma, Ashkali, and Egyptian communities. Sustained political commitment, targeted outreach, and effective implementation of reforms are needed to ensure that everyone can fully exercise their right to a legal identity and citizenship.

One of the most persistent and systemic challenges to addressing statelessness in Kosovo relates to the lack of civil registration. The majority of cases concern people whose lack of documentation or civil status registration prevents them from having their citizenship confirmed, mostly people from Roma, Ashkali, and Egyptian communities. Although Kosovo has introduced policies intended to facilitate access to personal documentation, implementation remains inconsistent across municipalities. *The 2022-2026 Strategy for the Advancement of the Rights of The Roma and Ashkali Communities* acknowledged civil registration as an unresolved priority,¹⁹ reflecting broader findings that legal reforms have yet to deliver universal access in practice. Many individuals from these communities continue to face serious barriers in accessing documentation due to a lack of proof of parentage, discretionary or inconsistent municipal practices, and limited institutional outreach.

In particular, the registration of individuals who missed the legal deadline for birth registration continues to present major hurdles in Kosovo, requiring them to navigate administrative or judicial procedures. Court cases related to identity documentation are often deprioritised, leading to prolonged delays, and even when favourable decisions are issued, administrative bodies may disregard them, forcing individuals to restart the process. This can contribute to long-term exclusion

from legal identity and the rights associated with it. To address these barriers, the Ministry for Local Government Administration launched a temporary initiative in April 2024 and again in April 2025,²⁰ encouraging municipalities to offer free subsequent registration for Roma, Ashkali, and Egyptian communities. While the initiative aimed to uphold fundamental rights and eliminate financial obstacles, its application was limited to a single month each year.

Opportunities for reform have recently emerged through the draft Law on Civil Status,²¹ which includes provisions with the potential to strengthen civil registration practices. Civil society organisations and legal experts have proposed important amendments to ensure the law addresses the needs of stateless persons and marginalised communities more effectively. For example, one such recommendation is that the central civil status register under Article 11(1) of the draft law should explicitly include categories such as returned persons and all stateless individuals, as well as their family members. Additionally, provisions should be added to promote the creation of administrative capacities within the relevant Ministry to support implementation and outreach.

Article 27 of the draft law provides for the subsequent registration or re-registration of individuals born in Kosovo who fulfil the legal requirements for acquiring citizenship but have never been recorded in the civil status registry. However, this article must be interpreted cautiously. It does not create an automatic right to registration for every unregistered person discovered. Legal eligibility must still be established in each case, and the process remains conditional on meeting all applicable criteria.

Beyond the content of legal amendments, Kosovo's current focus on minority inclusion and digital governance presents a window of opportunity to advance civil registration. The Ministry of Internal Affairs has

18 Zagreb Declaration, 27 October 2011, available at: <https://www.refworld.org/reference/research/2011/en/85482>.

19 Strategy for the Advancement of the Rights of the Roma and Ashkali communities in Kosovo 2022 – 2026 and the Action Plan 2022-2024, p. 54, available at: <https://kryeministri.rks-gov.net/wp-content/uploads/2023/05/Strategy-for-Advancing-the-Rights-of-the-Roma-and-Ashkali-communities-in-the-Republic-of-Kosovo-for-the-period-2022-2026-and-its-Action-Plan-for-the-period-of-2022-2024-1.pdf>.

20 Krasniqi asks municipalities to declare April as a free month for community registration in Kosovo - Telegraph - Telegraph.

21 Draft Law on Civil Status, 22 November 2022, available at: <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=41643>.

introduced digital civil registration systems, which, if deployed through mobile units and extended to informal settlements, could significantly improve access to documentation for marginalised populations. However, these innovations will only be effective if accompanied by dedicated funding, inter-ministerial coordination, and involvement of community leaders and community-led organisations in initiatives to foster the meaningful participation of affected communities in planning and implementation processes.

Access to legal assistance remains a critical concern for individuals affected by (risk of) statelessness. Many depend on legal aid provided by NGOs, as the publicly funded Free Legal Aid Agency requires applicants to present an identity document, effectively excluding unregistered adults from eligibility. As a result, these individuals are not considered beneficiaries of public legal aid services. While UNHCR and organisations such as the Civil Rights Program Kosovo have provided essential legal support, this assistance is vulnerable to cuts to the regional and international funding that facilitates this critical work. It is therefore essential that donors continue to support these services, and that public authorities expand eligibility for free legal aid to include those without documentation. Enhancing inter-institu-

tional cooperation and building the capacity of officials in areas such as late registration and implementation of the statelessness determination procedure will also be critical to ensuring the domestic legal framework operates as intended.

Lastly, while some progress may be underway to reduce known cases of (risk of) statelessness, further outreach and identification efforts remain critical. A major obstacle is the lack of reliable data and systematic mapping of unregistered populations, which limits the ability to target and assist those most at risk. Strengthening cooperation among affected communities, local authorities, civil society organisations, and other stakeholders is essential. Civil society organisations such as Civil Rights Program Kosovo and Roma Versitas Kosovo, must be adequately supported to enhance outreach, provide expert legal assistance, and act as intermediaries with civil registry institutions and a bridge with affected communities. Encouragingly, the Civil Registration Agency has committed to developing a mechanism to identify, prevent, and reduce the number of unregistered children. However, this mechanism has not yet been operationalised, and its success will depend on sustained political will, institutional commitment, and dedicated funding.

Statelessness in a migratory context

Kosovo has taken important steps to address statelessness among migrant and displaced populations, most notably through the introduction of a statelessness determination procedure through an administrative instruction in 2020.²² This marked a significant development in efforts to identify and protect stateless people and to ensure compliance with international standards. The procedure establishes a dedicated legal status for recognised stateless people and provides a clearer institutional pathway for their protection, which is a critical step toward the long-term reduction of statelessness in a migratory context.

The SDP is broadly aligned with international and regional norms, with accessible application procedures and the possibility for initiation *ex officio* by the authorities, although the latter has not yet been used in prac-

tice. Applicants must submit all available documentary evidence to the competent authority, and the burden of proof is shared in practice. In principle, individuals recognised as stateless through the SDP have access to a number of rights and benefits. However, several challenges have emerged in practice, particularly with regard to the limited awareness among local officials about the rights associated with statelessness status. To date, no travel documents have been issued to people with recognised statelessness status, despite this being foreseen under law.

Importantly, the legal framework provides a naturalisation pathway for people recognised as stateless. Under current law, such individuals may apply for Kosovar citizenship after five years of continuous residence from the date of recognition, provided they meet additional

22 Administrative Instruction (Ministry of Internal Affairs (MIA)) No.06/2020 for the Procedure and Criteria of Determining the Status of the Stateless person, the Manner of Acquisition of the Citizenship by the stateless persons and the persons with refugee status, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8873&langid=2>; (EN).

legal requirements, which is a facilitated route compared to foreign nationals who must prove five years of continuous permanent residence prior to naturalisation. However, there have been no reported cases of stateless people acquiring citizenship through this mechanism to date, meaning its practical impact remains untested.

While the establishment of the SDP and the corresponding naturalisation route are important components of Kosovo's response to statelessness, they

do not provide an appropriate solution to all cases of (risk of) statelessness in Kosovo. In the case of long-term residents and individuals with ties to Kosovo (e.g. through birth on the territory or family ties), issues of unregistered civil status or unclear citizenship are better addressed through procedures to confirm citizenship or facilitate access to documentation proving citizenship. These mechanisms should therefore complement broader efforts to strengthen civil registration systems and reduce the risk of statelessness across all affected populations.

Challenges in resolving cross-border cases of statelessness

Returnees from Western Europe and Western Balkans

Many Roma, Ashkali, and Egyptians were displaced from Kosovo during the war in 1998–1999, and their personal documents were lost or destroyed. After the war, authorities in Western Europe and in the region began implementing returns—both voluntary and forced—of members of these communities to Kosovo. This led to an increasing number of undocumented individuals returning to the territory, some of whom were stateless or at risk of statelessness. Still today, many of these individuals and their families continue to face bureaucratic procedures, complex document requirements, literacy barriers, and discrimination and are unable to resolve their residence and citizenship status in Kosovo.

Parallel registration structures

In areas of Kosovo where there are Kosovar- and Serbian-run administrative structures, some individuals continue to rely on civil documentation issued by Serbian institutions. This dual engagement with administrative systems is reflective of people's complex lived realities in terms of how they access social security, healthcare, education, and family life, particularly for those living in municipalities such as Gračanica, Mitrovica, Kamenica, and Leposavic.

This lived reality can result in gaps in registration within Kosovo's civil status system, especially for children born in parallel healthcare facilities run by Serbian authorities in municipalities of Kosovo. Where such births are not subsequently registered with Kosovar authorities, children may lack the documentation necessary to establish or confirm Kosovar citizenship under domestic law, placing them at risk of statelessness if they are also unable to acquire (proof of) Serbian citizenship. The reliance on Serbian documents by residents of Kosovo can contribute to legal uncertainty, particularly when individuals seek to access rights or services tied to citizenship or legal identity in Kosovo.

Recent policy changes – including an end to acceptance of Serbian issued Kosovar passports for registration in Kosovo's civil registry system,²³ and a new requirement that people with documents issued by parallel Serbian institutions must submit a request for subsequent registration through a declaration at the civil status offices of their respective municipalities²⁴ – may further limit the ability of individuals with Serbian-issued documentation to register within Kosovo's civil registry system. The ongoing dialogue between Kosovo and Serbia remains strained, which complicates coordination on dual documentation and the rights of returnees. This affects Roma individuals, who often rely on cross-border familial, legal, and civil documentation.

23 Decision of the Minister of Internal Affairs, No. 0017/2024 of January 12, 2024, repealing Decision of the Minister of Internal Affairs, No. 321/18 of December 7, 2018.

24 Decision of the Minister of Internal Affairs, No. 0616/2024 of November 21, 2024.

Action Areas

Central authorities

- Adopt the proposed amendments to the draft Law on Civil Registration, Law on Citizenship, and Law on Foreigners and initiate the amendment of the Law on Free Legal Aid to include undocumented persons as beneficiaries of publicly funded legal aid.
- Eliminate overly bureaucratic procedures and complex document requirements related to essential civil registration services, which particularly impact Roma, Ashkali and Egyptian communities.
- Implement commitments made through the Poznan Declaration regarding equality, inclusion and participation of Roma, and the elimination of obstacles to civil registration and statelessness issues.
- Take concrete steps working together with Roma, Ashkali and Egyptian NGOs and affected communities to disseminate accessible information and strengthen awareness about the importance of civil registration and the consequences of not registering, as well as providing clear information about the criteria that must be met for civil registration.
- Create mechanisms for improved coordination and cooperation between the Agency for Civil Registration and Offices for Civil Registration at the Local Level to effectively respond to the civil registration needs of Roma, Ashkali and Egyptian communities.

Local authorities

- Develop guidelines on existing mechanisms and policies for municipal offices and CSOs in order to ensure consistent application and implementation of procedures relating to civil registration and citizenship.
- Train local civil registration offices on relevant topics, including:
 - Coordination of information sharing between central and local government, and between local government offices and CSOs.

- Including active participation of relevant CSOs and/or informal groups in the development of future policies for civil registration.
- Provide support and affirmative measures for Roma communities to support universal access to civil registration.

European Union and Council of Europe

- Integrate statelessness into Kosovo's EU Enlargement monitoring under fundamental rights and Roma inclusion benchmarks.
- Provide targeted funding to support work to address statelessness in Kosovo, including knowledge-sharing, capacity-building, community engagement, provision of legal aid, and advocacy activities.
- Support Kosovo to participate in regional cooperation initiatives.
- Monitor and support alignment of domestic laws with international and regional standards concerning the prevention and reduction of statelessness, child rights, anti-discrimination, and Roma inclusion.
- Promote inclusive data systems and monitoring frameworks involving civil society to track progress on ending statelessness.

UNHCR, Other International Organisations and Donors

- Continue to support the Kosovar central authorities and civil society to prevent and reduce statelessness and address systemic barriers to birth registration, citizenship acquisition, and personal documentation.
- Provide technical assistance and monitoring support for the implementation of Kosovo's Statelessness Determination Procedure and legislative reforms.
- Assist in aligning domestic laws with the 1954 and 1961 Conventions, ensuring procedural safegu-

ards, legal status, and rights for recognised stateless persons.

- Support improved data collection and analysis on statelessness and facilitate coordination among central authorities and civil society.
- Support Kosovo to engage with the Global Alliance to End Statelessness, and other international initiatives such as the Global Compact on Refugees.
- Fund projects working with and for communities affected by statelessness in the Western Balkans, including specifically for legal assistance, capacity-building of public institutions and services, community engagement, and law and policy reform.

public authorities in evaluating and improving statelessness-related frameworks, including the SDP.

- Provide free legal aid, engage in strategic litigation, and conduct community outreach to identify and support stateless persons, especially among Roma, Egyptian, and undocumented migrant and returnee communities.
- Strengthen coordination among CSOs working on Roma inclusion to increase the efficiency and impact of services in areas such as housing, healthcare, and employment.
- Monitor implementation of Kosovo's international and regional commitments.

Civil Society

- Raise awareness, advocate for policy change, and participate in public consultations to support the

This paper was prepared by Roma Versitas Kosovo in collaboration with the European Network on Statelessness.

Roma Versitas Kosovo was founded in 2017 as a community-based NGO that focuses on the rights and needs of university students belonging to the Roma, Ashkali and Egyptian communities in Kosovo. Currently, Roma Versitas Kosovo aims to empower Roma communities to take part in public and political life in Kosovo. Our movement was founded in response to social inequalities that Roma in Kosovo face every day. Roma Versitas Kosovo is the only organisation in Kosovo whose top priority is to work with Roma, Ashkali, and Egyptian students and invest in the fulfilment of their basic rights. Our experienced staff team work towards supporting 1,000 Roma, Ashkali, and Egyptian students and yo-

uth in three resource centres (in Prishtina, Prizren, and Peja) across Kosovo. Since its inception, Roma Versitas Kosovo has expanded the scope of its work to also cover human rights work, participation in policymaking, education and research, and overall inclusion of Roma, Ashkali, and Egyptian communities, including addressing statelessness.

The European Network on Statelessness (ENS) is a civil society alliance of over 180 NGOs, lawyers, academics, and other independent experts in over 40 Beneficiaries committed to addressing statelessness in Europe. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments.

Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population re-registration, as well as the green and digital transition.

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