

KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN THE WESTERN BALKANS: REGIONAL CHALLENGES AND ACTION AREAS



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Statelessness among Roma in the Western Balkans:
regional challenges and action areas

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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 policy paper is a key output of Roma Integration
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Phiren Amenca – Walk with Us in Montenegro,
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European
Network on
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Roma Integration Phase III

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List of Abbreviations

1954 Convention	1954 Convention Relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
SDP	Statelessness determination procedure
UNHCR	United Nations High Commissioner for Refugees
ENS	European Network on Statelessness
EU	European Union
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
NGO(s)	Non-governmental organisation(s)

Summary

This policy paper presents a regional analysis of remaining challenges and action areas to address the risk of statelessness among Roma communities in the Western Balkans. The paper draws on and consolidates information from six papers drafted by [European Network on Statelessness \(ENS\)](#) member organisations from Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia. These papers were produced as part of projects supported by the Roma Integration Phase III Joint Programme of the European Union and the Council of Europe, through grants awarded to ENS and its member organisations.¹

The paper identifies persistent legal, administrative, and structural barriers that prevent thousands of individuals from accessing civil documents, citizenship, and other fundamental rights. Despite commendable progress—including accession to key international conventions, legal reforms, and regional political commitments—statelessness remains a systemic issue, particularly affecting Roma communities. The paper underscores the need for inclusive, evidence-based, and community-informed policy and service responses that are adequately resourced and institutionally embedded. By resourcing and supporting action in the areas outlined, Beneficiaries can make decisive progress towards ending statelessness and ensuring that no one is left without legal identity, citizenship, and a sense of belonging.

* 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.

¹ The organisations are: Tirana Legal Aid Society and Roma Active Albania in Albania, Association Vaša Prava BiH in Bosnia and Herzegovina, Roma Versitas Kosovo in Kosovo, Phiren Amenca – Walk with Us in Montenegro, Macedonian Young Lawyers Association in North Macedonia, and Praxis in Serbia.

Introduction

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.² Discrimination is both a cause and a consequence of statelessness, with citizenship laws often structured or implemented in ways that exclude certain groups or make it more difficult for them to acquire or prove their citizenship. 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.³

In the Western Balkans, 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, 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.

Since the Zagreb Declaration in 2011, authorities in the Western Balkans have taken important steps to recognise and address these challenges. All have acceded to the two core international statelessness conventions – the 1954 United Nations (UN) Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 UN Convention on the Reduction of Statelessness (1961 Convention)⁴ – and most are bound by other human rights treaties that guarantee the right to a nationality.⁵ Important legal and policy reforms have been undertaken at domestic level to introduce simplified procedures for birth registration, facilitate access to citizenship, and in some cases, to determine statelessness and grant residence rights and a pathway to naturalisation on this basis. These legal frameworks have been reinforced by welcome political commitments in international and regional fora, including under the auspices of United Nations High Commissioner for Refugees (UNHCR) #IBelong Campaign 2014-24⁶, the 2019 High-Level Segment on Statelessness⁷, the Global Compact on Refugees⁸, and the Global Alliance to End Statelessness.⁹ The issue of statelessness has also gained visibility in the context of the European Union (EU) Enlargement and the Berlin Process, with the 2019 [Poznan Declaration](#) marking a key moment of regional consensus on Roma integration, including on universal access to civil registration.¹⁰ Moreover, strategies for

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

3 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.

4 Convention relating to the Status of Stateless Persons, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117; Convention on the Reduction of Statelessness, 30 August 1961, United Nations, Treaty Series, vol. 989, p. 175.

5 The right to a nationality is affirmed in several international human rights instruments, *inter alia*, Article 24(3) of the International Covenant on Civil and Political Rights and Article 7(1) of the Convention on the Rights of the Child.

6 UNHCR #IBelong Campaign, see: unhcr.org/ibelong/.

7 UNHCR, High Level Segment on Statelessness, October 2019. See pledges from public institutions, international and regional organisations, and civil society organisations at: <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

8 UNHCR, Global Compact on Refugees, Pledges and Contributions, available at: <https://globalcompactrefugees.org/pledges-contributions>.

9 [Global Alliance to End Statelessness](#)

10 Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan Declaration), 5 July 2019, at: <https://www.rcc.int/docs/464/declaration-of-western-balkans-partners-on-roma-integration-within-the-eu-enlargement-process>.

Roma Equality, Inclusion, and Participation adopted across the region further signal political commitments to address the marginalisation of Roma communities, including the specific barriers they face in accessing or proving their citizenship.

While these developments mark a significant and welcome shift in regional attention to statelessness, the challenge now lies in ensuring that legal and political commitments are translated into sustained, practical impact on the lives of those individuals and communities affected by statelessness and lack of legal identity. Several gaps in the prevention and reduction of statelessness remain across the region. Roma communities continue to face barriers to birth registration, civil documentation, and citizenship. Targeted efforts to address these barriers must be adequately resourced, institutionally embedded, and designed with the participation of affected communities to ensure relevance, inclusivity, and durability. In the current context of funding constraints and political uncertainty, there is a real risk that recent gains may stall or regress without continued investment and leadership. This moment presents a crucial opportunity not only to reaffirm commitments,

but to operationalise them through clear central and local strategies, concrete actions, and collaborative implementation, to ensure that no one is left behind.

This policy paper seeks to contribute to these efforts by highlighting some of the key common legal, policy, and practical gaps, challenges, and trends across the region in relation to the prevention and reduction of Roma statelessness. It is a key output of the Roma Integration Phase III Programme's efforts to address statelessness (June 2024–June 2025), coordinated by the European Network on Statelessness (ENS) and the Council of Europe, in collaboration with partner organisations in Albania (Tirana Legal Aid Society, Roma Active Albania), Bosnia and Herzegovina (Vaša prava BiH), Kosovo (Roma Versitas Kosovo), Montenegro (Phiren Amenca), North Macedonia (Macedonia Young Lawyers Association), and Serbia (Praxis). It draws on six policy papers produced for each Programme Beneficiary, along with the outcomes of a [regional roundtable](#) held in Podgorica on 27 May 2025. By bringing together the evidence from across the region, the paper aims to inform progress towards ending statelessness among Roma in the Western Balkans.

Lack of comprehensive population data

Globally, a key issue hindering progress towards ending statelessness is the lack of comprehensive, disaggregated population data. Reliable data is essential to understanding the scale and impact of statelessness, identifying affected individuals, and designing appropriate legal and policy responses.¹¹ In the Western Balkans (as in other parts of the world), data systems frequently fall short of these objectives, and data on statelessness and populations at risk is incomplete or unreliable. While all censuses in the region have included specific questions on citizenship status, there are concerns about the accuracy of census data when it comes to statelessness. A consistent challenge is the significant underreporting of stateless populations in census data compared to data from other sources, including UNHCR estimates in some cases, as well as civil society mapping exercises, casework data, and community-based identification activities.¹² The reasons for this include census data collection methodologies that rely heavily on self-identification, a lack of guidance and training on citizenship status and statelessness for census operators, and marginalisation, exclusion, and distrust which all hinder participation in the census. Many impacted individuals do not understand their citizenship status or may unknowingly identify with a citizenship they do not actually possess. Moreover, sometimes ambiguous data categories are used, such as 'unknown citizenship' with little guidance on how to apply these.¹³ Individuals without civil documentation or residence status may be excluded from Beneficiary-led census exercises or, where included, a lack of trust in central authorities or fear of discrimination may reduce participation in official data collection exercises.

A related concern is the lack of disaggregation in existing data sets. While in some Beneficiaries, official data

is disaggregated by sex or gender, age, and place of residence, most do not capture key risk indicators such as documentation or residence status and similarly do not disaggregate for factors such as ethnicity, which may be highly relevant when designing targeted policy interventions. In rare instances where disaggregation has included ethnicity, the results have been contested by those working directly with affected communities. Compounding these shortcomings is the persistent underreporting of the Roma population more generally across the region. Roma-led and other civil society organisations have repeatedly challenged official census figures, highlighting widespread underreporting due to various factors.¹⁴ This underreporting not only has the indirect effect of obscuring the true scale of statelessness, which disproportionately impacts on Roma communities, but also perpetuates cycles of exclusion, as without this accurate data, policymakers lack the necessary evidence to identify challenges and design and prioritise interventions.

To fill these information gaps, civil society organisations and international agencies have frequently engaged in community-based mapping, outreach, and individual case identification. Such exercises are invaluable for informing policy responses, as well as identifying individuals in need of legal assistance or support to resolve their documentation and citizenship status. However, without support from public authorities and sustained resourcing, these crucial mapping and outreach activities are at risk. Efforts to monitor or map statelessness, supported by public authorities, have been carried out in the past. However, in recent years, no new initiatives have been undertaken to accurately identify and survey remaining cases.¹⁵ There is an urgent need for public authorities to commit to and invest in better population data. This is

11 UNHCR, Global Action Plan to End Statelessness 2.0, 2024, Action 10: Improve quantitative and qualitative data on stateless populations, at: <https://www.refworld.org/policy/strategy/unhcr/2024/en/148761>.

12 For examples of UNHCR estimates on stateless population data by Beneficiary, see UNHCR Refugee Data Finder, at: <https://www.unhcr.org/refugee-statistics/download>.

13 States should use standardised definition of statelessness and consistent indicators for collecting statelessness data. See International Recommendations on Statelessness Statistics (IROSS), endorsed by UN Statistical Commission in 2023, at: <https://egrisstats.org/recommendations/international-recommendations-on-statelessness-statistics-iross/>.

14 This issue was recognised by the Regional Cooperation Council, Roma Integration 2020 report: Data Collection to Monitor the Declaration of Western Balkans Partners on Roma Integration and EU Enlargement, at: https://www.rcc.int/romaintegration2020/inc/download.php?tip=docs&doc=ANNEX%20V%20-%20Concept%20Note%20Data%20Collection%20exercise%20to%20monitor%20the%20Poznan%20De...pdf&doc_url=052990e2c025341d9437186561831128.pdf.

15 For example, see UNHCR, Mapping of the Population at Risk of Statelessness in Albania, May 2018, jointly conducted by Tirana Legal Aid Society (TLAS), UNHCR, and Albanian ministries, available at: <https://www.refworld.org/reference/countryrep/unhcr/2018/en/121478>.

essential to effectively implement efforts to end Roma statelessness and develop appropriate policies.

Across the region, there are limited official mechanisms to record when individuals attempt to access civil registration services but are refused, nor are there follow-up mechanisms or cooperation with civil society organisations to ensure that such cases are resolved. This is a missed opportunity to monitor and resolve individual cases and improve the quality of data on individuals at risk of statelessness. Compounding this challenge is the absence of formalised cross-border data sharing and cooperation between Beneficiaries in the region. Given the causes and consequences of statelessness in the region, shaped by histories of migration, displacement, and State succession, this lack of coordination results in complex cases involving individuals born abroad,

returning migrants, or families with mixed residence and citizenship statuses remaining unaddressed for lengthy periods of time. Consequently, individuals affected, including children, remain at risk of statelessness and invisible to public institutions for years, with no structured means for case monitoring or resolution.

In order to effectively implement commitments to resolve remaining cases of (risk of) statelessness in the region, there is an urgent need for all Beneficiaries to work together with each other, with regional institutions and international organisations, and with community-based and civil society organisations, to proactively identify remaining cases, monitor these, cooperate across borders, and regularly report reliable disaggregated data to inform and shape more appropriate legal, policy, and service responses.

Gaps in measures to prevent statelessness

Challenges in implementing legal safeguards to prevent childhood statelessness

Legal safeguards to prevent statelessness at birth are critical to ensuring that no child is left without citizenship due to the status of their parents, gaps in citizenship laws, or any other circumstances beyond their control. Applying these safeguards is also a clear obligation under international law, most notably set out in Article 1 of the 1961 Convention, which requires Beneficiaries to grant citizenship to children born on their territory who would otherwise be stateless.¹⁶ Positively, across the Western Balkans, citizenship laws have incorporated legal safeguards to prevent childhood statelessness in many cases. However, the scope and operation of these safeguards vary significantly, and there are critical implementation gaps that hinder their effectiveness and leave some children at risk of growing up without citizenship.

A key concern is that, while legal safeguards to ensure otherwise stateless children born on the territory acquire citizenship are automatic by law, in practice they often require parents to take further steps to ensure their children acquire citizenship. These steps can include submitting an application or taking action to complete the birth registration process, and often present barriers for parents (particularly mothers) who are

undocumented, have irregular residence status, or lack the legal and administrative support needed to navigate complex procedures. Without assistance, many families struggle to complete these procedures, leaving children stateless for a period of time until their case can be resolved despite having an entitlement to citizenship by law.

Access to these safeguards is further hindered by administrative and practical obstacles that disproportionately affect marginalised communities. These can include application fees, which can be prohibitive for families living in poverty or remote areas where transportation costs and time add to the burden, and the absence of publicly-funded legal aid means that parents must often navigate complex procedures alone with little guidance on how to do so or their children's rights. Many parents, particularly in communities facing systemic exclusion and living in informal settlements, are unaware of their children's citizenship status. Furthermore, there is very limited data or publicly available information on how these safeguards operate in practice. Statistics on the number of children acquiring citizenship through these mechanisms are either unavailable or not disaggregated, making it difficult to assess their impact or identify where action is needed to improve their implementation.

16 1961 Convention on the Reduction of Statelessness, Article 1: "A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless".

In addition to implementation problems, there are legal gaps in safeguards to prevent childhood statelessness in some Beneficiaries in the region. A full safeguard is one that guarantees citizenship to any child born on the territory who would otherwise be stateless, regardless of the status of their parents, in line with the 1961 Convention. However, some Beneficiaries limit the safeguard so that it applies only to children born to stateless or unknown parents. This excludes children whose parents cannot confer citizenship, for example due to legal or practical barriers such as gender-discriminatory laws in the mother's country of citizenship, or because they are refugees and cannot approach their embassy to complete a procedure to confirm their child's citizenship. Even where full safeguards are established under law, automatic application may only apply to children born to stateless or unknown parents, while for children who are stateless for other reasons, the law provides for non-automatic application. Such legal distinctions risk creating additional barriers, particularly given that proving statelessness is inherently very difficult, and especially so for children.

Another significant issue across the region is the age limit imposed on these legal safeguards. In several Beneficiaries, the legal provision applies only to children under the age of 18, despite the 1961 Convention requiring that such safeguards be available at least until the age of 21.¹⁷ This legal cut-off is especially problematic in contexts where children were excluded from birth registration or other civil documentation due to systemic barriers and are now legally adults, particularly those from Roma and other marginalised communities. As a result, individuals who were born on the territory and have no other citizenship are denied access to the safeguard and, in some cases, even where they were legally entitled to citizenship during childhood, are now left with only limited – if any – options for applying for citizenship. Naturalisation may be an option, but this is often costly, time-consuming, and discretionary, making it an inadequate substitute for the right to acquire citizenship by operation of law. In line with UNHCR guidance and good practice, such cases (likely limited in number) could be resolved through improved identification mechanisms and measures led by public

authorities to confirm or determine citizenship, with a facilitated process for those born on the territory.¹⁸ However, this is currently a gap across the region, which means that this group of individuals has no clear legal route to resolve their citizenship status and may pass this risk on to their children, perpetuating statelessness.

Finally, a further issue hindering implementation of safeguards to prevent children being born stateless on the territory lies in the lack of effective mechanisms to determine a child's citizenship at or shortly after birth. While many domestic laws require that citizenship is recorded at birth, this may not always happen in practice, especially where a child's entitlement to a Beneficiary's citizenship is unclear. Authorities may leave the citizenship field on birth certificates blank or assume the child acquires a parent's citizenship without verifying whether this is legally or practically possible. This is particularly problematic for children of undocumented parents or those whose parents are unable to transmit their citizenship. Without standardised procedures and binding timeframes for determining a child's citizenship, these children face prolonged legal uncertainty and risk exclusion from essential rights and services. To ensure legal safeguards to prevent statelessness are effectively implemented, improved mechanisms are needed to identify children who should benefit from these protections, such as clearer guidance and training for officials.

Barriers to immediate birth registration

Birth registration is an essential first step in securing a child's legal identity and the gateway to a range of fundamental rights, including access to healthcare, education, social protection, as well as a key step in confirming or ensuring their access to citizenship.¹⁹ For Roma communities in the Western Balkans and minoritised communities everywhere, timely birth registration is a critical measure to help prevent intergenerational marginalisation and risk of statelessness. Nevertheless, despite domestic legal frameworks that require immediate and free-of-charge registration of all births, implementation gaps preventing universal, immediate birth registration persist across the Western Balkans. These

17 1961 Convention on the Reduction of Statelessness, Article 2(a).

18 UNHCR, Handbook on Protection of Stateless Persons, 2014, paragraph 58, at: <https://www.unhcr.org/ch/media/ch-unhcr-handbook-protection-stateless-persons-pdf>; UNHCR, Action to Address Statelessness: A Strategy Note, March 2010, paragraph 50, <http://www.unhcr.org/refworld/docid/4b9e0c3d2.html>.

19 For more information, see European Network on Statelessness, Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers, November 2024, available at: <https://www.statelessness.eu/updates/publications/birth-registration-and-prevention-statelessness-europe-identifying-good>.

challenges disproportionately impact children born to Roma parents, often due to intersecting barriers such as antigypsyism, parents' inability to obtain documents, geographic isolation, and a lack of information, awareness, and trust in public authorities among marginalised communities.

While the law in most Beneficiaries provides that children should be registered irrespective of their parents' residence or documentation status, the reality is that undocumented parents – and particularly mothers – encounter significant obstacles in registering the births of their children. In practice, registration processes are underpinned by inflexible and often discretionary documentation requirements, including requirements to produce identity documents, residence permits, proof of address, and marriage certificates. For those without such documents, navigating civil registration systems becomes nearly impossible in the absence of institutional flexibility and legal assistance. Among the most pressing challenges is the lack of legal clarity in complex cases, such as when parents are undocumented, unregistered, or foreign citizens without lawful residence, which often leaves them unable to access birth registration. In such cases, broad discretion afforded to civil registry officials can lead to inconsistent practices, with parents frequently turned away or misinformed. In the absence of dedicated support mechanisms or proactive outreach by the authorities, many families miss birth registration deadlines, leaving children without immediate access to a legal identity. This gap is rarely met with effective responses to rectify the situation, and instead responsibility is shifted onto parents who are already navigating precarious and exclusionary systems. A fear of the authorities may deter undocumented families from engaging with services, particularly where data sharing between civil registries and enforcement bodies is permitted or insufficiently regulated.

Moreover, access to healthcare plays a pivotal role in shaping access to birth registration across the region. In most cases, healthcare settings or health professionals must initiate birth registration, and in some cases, there are proposals to automate birth registration in maternity settings to facilitate the procedure. However, in all Beneficiaries, where women do not give birth in a healthcare setting, further action is required to complete birth registration. This has a disproportionate impact on Roma women's ability to register births as they often face barriers to accessing reproductive and maternity healthcare due to discrimination, mistrust of public services, geographic isolation, lack of health

insurance, and unregulated civil status, among other factors. Women who are undocumented, stateless, or without regulated residence status often face compounded barriers: they may be excluded from services outright, discouraged by the risk of interaction with immigration authorities, or deterred by bureaucratic demands for documents they cannot provide. Even where entitlements exist in principle, they may be undermined in practice by discriminatory attitudes or institutional policies that condition access to maternity care on proof of legal identity.

These barriers result in a significant number of births occurring outside the healthcare system, and in such cases, the absence of a medical professional to verify and document the birth becomes a key obstacle. Health professionals may be unwilling or unable to issue a declaration of birth if they were not present, particularly where liability concerns or institutional rules discourage flexibility. Individuals who lack health insurance may also lack access to a health professional to certify the birth. This creates a vicious cycle: exclusion from healthcare leads to exclusion from registration, which in turn risks children not being registered, thus perpetuating the risk of statelessness. Moreover, the burden of resolving these issues typically falls on mothers, who are often expected to navigate complex bureaucracies, meet tight deadlines, and provide extensive documentation, often without legal assistance or support. Where women have limited autonomy, lower literacy, or constrained mobility, this burden is further exacerbated. While healthcare access is frequently discussed in general terms, its impact on birth registration is intersectional: it is women, particularly those from marginalised communities and already in precarious socioeconomic circumstances, who are left to bear both the physical and bureaucratic consequences of exclusion. Ensuring that all women have access to universal reproductive health and maternity care is not only a critical matter of individual rights and wellbeing, but also a necessary condition for safeguarding every child's right to immediate birth registration, legal identity, and citizenship.

Moreover, where initial barriers prevent children from being registered at birth, inflexible late registration procedures and the absence of child-sensitive safeguards can further increase the risk of statelessness. Once the legally prescribed timeframe has passed, the pathway to late registration in some Beneficiaries is highly bureaucratic and often costly. Late registration procedures may involve additional documentation requirements

that are difficult to meet for families who already lack proof of identity, residence, or civil status. In several jurisdictions, the process must be initiated through court proceedings, requiring knowledge of complex procedures and often prolonging the period during which children remain unregistered. The inability to access state-funded legal aid further limits the effectiveness of court procedures, particularly given the cuts to UNHCR and US foreign assistance funding and wider funding challenges faced by NGOs that provide free legal assistance to plug gaps in legal aid. Financial costs can also deter access to late registration: fees are often applied to initiate these proceedings, and, in some cases, financial penalties are imposed for failure to register within the deadline. These measures disproportionately affect communities already living in poverty, social marginalisation, and limited mobility. As a result, many children remain unregistered for extended periods, or indefinitely, without access to basic rights and at risk of statelessness. Given the significant barriers these children may encounter in accessing civil registration once they reach adulthood, ensuring effective and universal

access to late registration remains one of the most urgent challenges across the Western Balkans.

Despite these challenges, it is important to recognise that there have been significant improvements in birth registration systems and processes in the region in recent years. Some Beneficiaries have piloted positive measures such as interim civil registers, digitalised registration systems,²⁰ simplified procedures for children born abroad, or automatic registration in specific cases, and legal frameworks have been improved to mandate birth registration where parents are unable or fail to do so. However, further attention and sustained political will is needed, including to ensure full implementation, monitoring and identification of more complex cases in need of assistance, and resourcing of Roma-led and other civil society organisation to support and improve trust and access to services among affected communities. Flexibility and accessibility could be improved in all Beneficiaries, ensuring that children's best interests is a primary consideration, especially in cases where parents cannot meet documentation requirements.

Gaps in measures to reduce (risk of) statelessness

As noted above, there have been important efforts to reduce statelessness in the Western Balkans in recent years, reflecting a growing awareness of the importance of addressing this issue as part of broader human rights and social inclusion agendas. This progress is evident in a gradual reduction of known cases of statelessness reported in official data, which demonstrates that targeted interventions, especially those focusing on civil registration and documentation, can yield tangible results. Yet, while such progress is encouraging, it has largely focused on individuals already identified as stateless or at risk. To achieve the goal of ending statelessness, efforts must be extended to include those who remain unidentified, unregistered, or otherwise excluded from civil registration systems and citizenship. This requires a shift from a reactive case-by-case response to a proactive, systematic approach aimed at identifying, reducing, and preventing statelessness.²¹

Positively, in several Beneficiaries, there have been noteworthy efforts to facilitate access to civil registration through streamlined and innovative routes. Public registration campaigns, mass registration initiatives, digitalisation, automation of processes, and outreach efforts led or supported by public authorities have played an important role in simplifying processes and raising awareness among populations at risk. There have been specific legal pathways to regularise and naturalise former Yugoslav citizens whose citizenship status remained unconfirmed, measures have also been introduced to simplify court procedures, facilitate registration of residence at social welfare centres to fulfil civil registration requirements, and to exempt specific affected communities from fees for subsequent registration. These measures demonstrate the positive impact that concrete action-planning, political will, and engagement with civil society and international

20 See further, OHCHR, *Use of digital technologies to achieve universal birth registration*, 25 April 2025, UN Doc A/HRC/59/61.

21 UNHCR, *Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness*, 16 August 2022, at: <https://www.refworld.org/policy/opguidance/unhcr/2022/en/124144>.

organisations can have on progress towards ending statelessness. Nevertheless, many of these initiatives have been time-bound or limited in geographic scope, often implemented as temporary measures rather than embedded within domestic legal or policy frameworks. Sometimes, new measures have been implemented without adequate risk assessments or input from those with lived or learned expertise to ensure their accessibility and sustainability. As such their overall impact has been limited in some cases, and there is a risk that remaining gaps in law and policy frameworks, combined with the barriers highlighted above, mean that new cases are still emerging daily for which solutions are lacking.

A key challenge is the lack of systematic, official identification and outreach mechanisms to identify stateless people or people at risk of statelessness who are not yet known to authorities. While civil society organisations have been indispensable in filling this gap, regularly identifying new cases through community outreach, legal support, and advocacy, their capacity is constrained by limited funding and resources. The absence of co-ordinated public-sector-led programmes means that many affected individuals remain unidentified and there is an over-reliance on civil society. *Ad hoc* efforts such as ‘mobile registration units’ operating among Roma communities in some Beneficiaries illustrate the value of proactive measures but also underscore the importance of embedding such initiatives within long-term, institutional frameworks to ensure sustained impact. Without stronger leadership and resourcing, the reliance on NGOs alone will not be enough to achieve the goal of ending statelessness.

Moreover, barriers to civil registration remain a core obstacle to reducing statelessness. Across the region, a combination of legal, administrative, and practical

hurdles continues to impede the subsequent registration of people who remain outside official civil registers, particularly for affected members of Roma communities. For example, the requirement for adults to provide proof of parentage, discretionary or inconsistent application of rules at the municipal level, and limited institutional flexibility have all been identified as contributing to exclusion from civil registries across the region. These challenges are often compounded by socioeconomic factors, antigypsyism, geographic isolation, and mistrust of authorities, making it difficult for affected individuals to secure civil documentation. Interventions designed to address these issues have often been temporary or narrowly targeted, rather than focusing on the systemic change needed to ensure universal access to civil registration and an end to statelessness.

Compounding these issues, access to free legal aid for civil registration and citizenship related procedures remains inconsistent and is often limited across the region. Even when domestic law formally guarantees publicly funded legal aid, access in practice may depend on lawful residence or proof of identity. These requirements often exclude people seeking assistance to resolve their documentation or citizenship status. In some cases, there is also a shortage of qualified or expert providers. Civil society together with UNHCR and other actors have provided training for officials, lawyers, and judiciary in the past, but this resource and expertise is under threat due to funding cuts. Affected individuals often rely on the invaluable support of NGOs for legal assistance, which, although instrumental in reducing statelessness over recent years, is being significantly impacted by funding cuts and resource constraints in the current context. The absence of public-funded legal aid or civil society support will leave many exposed to prolonged bureaucratic delays and exclusion.

Statelessness in a migratory context

The distinction between *in situ* Roma populations and migratory or displaced individuals affected by statelessness is often blurred in the Western Balkans, particularly given cross-border movement within and beyond the region. Migration, whether voluntary or forced, can significantly impact access to documentation, especially where individuals cannot meet documentary or procedural requirements upon arrival in a new Beneficiary, or upon return. Children born during migration or to parents residing irregularly in a host Beneficiary may also be at heightened risk of remaining unregistered and without citizenship. An emerging issue across the region is a new risk of statelessness among returnees from other parts of Europe, who often face significant challenges to access socio-economic rights and documentation on return, including for their children.

Despite these risks, statelessness among migrant and displaced populations (both Roma and non-Roma) remains insufficiently addressed in domestic frameworks across the region. Several Beneficiaries have yet to establish dedicated statelessness determination procedures (SDPs) to give effect to their obligations under the 1954 Convention relating to the Status of Stateless Persons. Where these do exist, they are not always in line with international norms and good practice standards, including in some cases being inaccessible to those who lack residence status or identity documentation.²² Access to legal assistance in such procedures is another significant barrier to protection, as some Beneficiaries exclude these procedures from legal aid provision. Stateless migrants and refugees may also face overlap-

ping legal and practical barriers to regularising their residence status, including limitations on access to a residence permit as a consequence of statelessness determination, lengthy procedures, and limited procedural safeguards. Improvements to existing SDPs to bring them in line with good practice, and the introduction of SDPs in all Beneficiaries in the region, would contribute significantly to reducing and ending statelessness.

Barriers to naturalisation procedures also limit the ability for identified stateless people to acquire citizenship and therefore resolve their statelessness. In most Beneficiaries, naturalisation is not significantly facilitated for stateless people, with lengthy residence criteria, stringent documentation requirements, and broad discretion to refuse applications, creating high thresholds that many stateless people cannot meet. Requirements such as high fees, health insurance, or proof of subsistence can also pose significant barriers that disproportionately impact on the most marginalised.

Taken together, these gaps highlight the urgent need for a more comprehensive and coordinated approach, led by public authorities, to reducing statelessness in the Western Balkans, particularly among Roma and migrant communities. By introducing comprehensive identification, determination, and registration measures, simplifying administrative procedures, removing legal and socioeconomic barriers, and enhancing access to legal aid, Beneficiaries in the region could build on existing progress and take significant steps towards ending statelessness.

22 For more information on SDPs, see UNHCR, Good Practices Paper – Action 6: Establishing Statelessness Determination Procedures to Protect Stateless Persons, July 2020, available at: <https://www.refworld.org/policy/opguidance/unhcr/2020/en/123292>; See also European Network on Statelessness, Statelessness determination and protection in Europe: good practice, challenges, and risks, September 2021, available at: https://www.statelessness.eu/sites/default/files/2021-09/ENS-Statelessness_determination_and_protection_in_Europe-Sep_2021.pdf.

Cross-border challenges in addressing statelessness in the Western Balkans

While substantial progress can be achieved at the domestic level, efforts to fully address statelessness in the Western Balkans will also require a cross-border approach and strengthened regional cooperation. Statelessness in the region is caused by a complex legacy of displacement, conflict, migration, civil documentation challenges, and State succession. Important political commitments were made under the 2019 Poznan Declaration to strengthen cooperation to address the civil registration and inclusion of Roma communities,²³ and these were reaffirmed at the 2023 Regional Conference organised by UNHCR and the Organization for Security and Co-operation in Europe (OSCE) in Skopje,²⁴ but cross-border issues remain, which underscore the need for coordinated regional action.

There remain an important number of individuals who were displaced during the 1990s and have never acquired civil status or documents, often because their births were never registered. This issue is especially acute for people born in Kosovo residing elsewhere who face difficulties accessing regularisation or naturalisation procedures. Additionally, returnees often encounter obstacles when undocumented or without recognised civil status. The children of such individuals also frequently lack formal birth registration or are unable to provide valid foreign-issued documents typically required by authorities to confirm legal identity or citizenship. Often foreign birth certificates, sometimes with legalisation or apostille, are required as a prerequisite for registering children. For returnee families, who may have been forcibly returned or lacked access to birth registration in the child's place of birth, such requirements can be impossible to meet for logistical, legal, or financial reasons. Consequently, they and their children can remain unregistered for years, with unclear residence status and limited access to fundamental rights and services.

These challenges are further compounded in cases involving children with ties to Serbia and Kosovo. For such children administrative uncertainty, particularly in

cross-border contexts, can mean that documentation requirements may differ or be difficult to fulfil. In some cases, families find themselves unable to establish a child's legal identity or citizenship due to difficulties navigating procedures across jurisdictions. Authorities in neighbouring Beneficiaries may be reluctant to recognise children as stateless or address their legal identity and citizenship problems due to political sensitivities. This can delay the application of necessary safeguards under international law, leaving affected children without access to essential documentation or legal status. These difficulties are often exacerbated in cases where parents are in common-law unions or where marriages are not formally registered in either jurisdiction, resulting in further obstacles to birth registration and confirmation of parentage.

Another related challenge lies in the limited availability and coordination of consular support for individuals navigating civil registration and citizenship-related procedures across borders. In situations where documentation must be obtained from or verified by embassies or consulates, such as to confirm identity, parentage, or eligibility for citizenship, gaps in cooperation and the absence of clear and harmonised procedures can delay or impede the resolution of cases leaving people at risk of statelessness. These difficulties are particularly pronounced for individuals who lack identity documents or whose residence status is uncertain, and who may not be in a position to travel or meet other formal requirements. While there are examples of constructive engagement between consular authorities in specific cases, this support is often *ad hoc* and dependent on the persistence of individuals or civil society actors rather than being underpinned by formal mechanisms or protocols. Strengthening regional dialogue and coordination on consular practices presents an important opportunity to address these gaps.

Examples of cross-border cooperation do exist among civil society and international organisations, who have built collaborative relationships to help resolve com-

23 Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan Declaration), 5 July 2019, at: <https://www.rcc.int/docs/464/declaration-of-western-balkans-partners-on-roma-integration-within-the-eu-enlargement-process>.

24 OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe Skopje, North Macedonia, 17 October 2023, Final Outcome Document, available at: <https://www.unhcr.org/europe/publications/osce-unhcr-regional-conference-statelessness-south-eastern-europe-final-outcome>.

plex statelessness and civil documentation cases. These efforts often involve coordination across Beneficiaries to gather evidence, facilitate access to procedures, and engage with public authorities in pursuit of durable solutions. While such cooperation has proven both practical and impactful in individual cases, it remains reliant on limited project-based resources, and cannot replace institutionalised, officially mandated cooperation. Civil society organisations can also face practical constraints when supporting individuals living outside their place of origin, particularly in cases requiring court

proceedings or in-person registration in municipalities far from where the individual currently resides.

Moving forwards, it will be important for authorities in the region, supported by regional institutions, international organisations, and civil society, to give practical effect to their regional commitments by working together to develop regional approaches to address cross-border issues as a critical component of ending statelessness in the Western Balkans.

Action areas

Central Level Authorities

- Implement and adequately resource comprehensive strategies to prevent and reduce statelessness, with specific focus on access to birth and civil registration, documentation, and legal identity for Roma and other marginalised communities.
- Ensure that all Beneficiaries adopt and implement accessible statelessness determination procedures (SDPs) with procedural safeguards and access to residence and 1954 Convention rights as a consequence of being determined to be stateless in line with international norms and good practice.
- Introduce effective cross-border inter-institutional cooperation mechanisms to resolve complex cases of statelessness or where individuals lack civil documentation, including through consular engagement and information-sharing.
- Collect and publish accurate, disaggregated data on statelessness and populations at risk in collaboration with civil society and international organisations, in line with international standards.
- Ensure full implementation of international and regional commitments on statelessness and civil documentation, including those under the Poznan Declaration and relevant human rights treaties.
- Engage actively with international and regional initiatives such as the Global Compacts and Global Alliance to End Statelessness to strengthen

cooperation, share good practices, and mobilise resources, including by joining the Alliance and becoming Solution Seeker States.

Parliaments

- Review, monitor, and, where necessary, amend laws on civil registration, identity documents, citizenship, and related procedures to align with international standards, including the 1954 and 1961 Statelessness Conventions, 1989 Child Rights Convention, and other relevant human rights norms and good practices.
- Ensure legal safeguards to prevent childhood statelessness are comprehensive, in line with international norms, and apply to every child on the territory regardless of their migration or residence status or the status or identity of the parents.
- Introduce or improve mechanisms for citizenship verification to resolve cases of undetermined or disputed citizenship, in line with UNHCR guidance.
- Introduce or strengthen legal provisions for statelessness determination procedures (SDPs) within legislative frameworks to address statelessness in migratory contexts.
- Monitor the implementation of strategic plans and legislative reforms relevant to statelessness, Roma inclusion, and access to legal identity, including through parliamentary oversight mechanisms and public reporting.

- Facilitate inclusive legislative processes by engaging with affected communities and civil society during legal reform consultations.

Human Rights Institutions

- Actively monitor and investigate rights violations related to statelessness, discrimination in civil registration and documentation, and barriers to citizenship, with a focus on systemic issues affecting Roma and other marginalised communities.
- Issue recommendations to relevant authorities on eliminating discriminatory practices, improving procedural safeguards, and ensuring access to documentation and legal identity in practice.
- Facilitate dialogue and cooperation between public institutions, civil society organisations, and affected communities to address the prevention and reduction of statelessness and promote rights-based reforms.
- Engage in strategic advocacy or legal intervention in key cases to help establish standards on statelessness, legal identity, and access to rights.
- Contribute to international reporting processes and regional human rights monitoring by documenting trends and progress in reducing statelessness and improving access to citizenship.

European Union

- Integrate statelessness as a key issue within the EU Enlargement process, including by monitoring progress to address statelessness under fundamental rights, Roma inclusion, migration, and anti-discrimination benchmarks.
- Provide targeted funding through existing and future instruments to support work to address statelessness in the region, including networking, knowledge-sharing, capacity-building, community engagement, provision of legal aid, and advocacy activities.
- Promote and facilitate regional cooperation initiatives to address statelessness, including the sharing of good practice and knowledge exchange.

- Encourage and support alignment of internal laws with international standards concerning statelessness, birth and civil registration, and anti-discrimination, including through the active engagement of EU Delegations with civil society, affected communities, and public authorities to improve and implement relevant laws and standards.
- Monitor implementation of commitments made under regional frameworks including the 2019 Poznan Declaration and EU Strategic Framework for Roma Equality, Inclusion and Participation 2020-2030.
- Encourage development of inclusive data collection, monitoring, and reporting frameworks that involve civil society participation to track progress on addressing (risk of) statelessness and civil registration.
- Ensure that statelessness and risk of statelessness are duly considered in the design and implementation of readmission, return, and migration cooperation agreements between EU and Western Balkans Beneficiaries, including through appropriate safeguards and identification mechanisms.

Council of Europe

- Support public authorities in harmonising legislation and policies on civil registration, citizenship, and statelessness with European and international human rights standards.
 - Facilitate platforms for dialogue and knowledge exchange among Beneficiaries, civil society, and regional and international partners focused on addressing statelessness among Roma communities in the Western Balkans.
 - Encourage the inclusion of civil society organisations with expertise on statelessness and minority rights in consultative and monitoring processes, including through allocating funding to future projects.
 - Advocate for the incorporation of statelessness-related benchmarks into broader human rights, anti-discrimination, and inclusion frameworks.
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- Promote capacity-building and awareness-raising initiatives for public institutions and judicial bodies on the rights and protections of stateless persons.

UNHCR and other International Organisations

- Continue providing technical assistance and advisory support to central institutions for the development, implementation, and monitoring of statelessness determination procedures and related legislative reforms.
- Support the alignment of domestic laws with the 1954 and 1961 Statelessness Conventions, in line with its mandate, and ensure the application of safeguards and relevant procedures to prevent and reduce statelessness.
- Assist with improving identification, data collection, and research on populations affected by statelessness, particularly among marginalised groups such as Roma communities.
- Facilitate training for public officials, local authorities, and civil society on international standards concerning statelessness and birth registration.
- Strengthen coordination mechanisms between public authorities, civil society, affected communities, and other stakeholders to foster comprehensive, cross-border responses to statelessness.
- Continue UNHCR's vital engagement in the Western Balkans, both directly and through resourcing and supporting civil society implementing partners given their significant role and impact to date in addressing statelessness in the region
- Leverage engagement in global initiatives such as the Global Alliance to End Statelessness and its Solution Seekers Programme to mobilise resources and political will.
- Encourage multi-stakeholder partnerships between public authorities, civil society, and international organisations to maximise resource efficiency and programme impact.

Civil Society

- Continue raising awareness and advocating for legal and policy reforms addressing statelessness at Beneficiary and regional levels, including by facilitating platforms for those with lived experience and representatives of affected communities to shape and influence solutions.
- Continue providing legal assistance, strategic litigation, and community outreach to identify and support stateless people, particularly among Roma communities.
- Enhance coordination and information-sharing among organisations working on statelessness, Roma inclusion, and related social rights to improve impact and service delivery.
- Participate actively in Beneficiary-level consultations, monitoring mechanisms, and policy dialogues to ensure the inclusion of Roma and stateless people's voices and perspectives.
- Conduct research, data gathering, and mapping studies to inform evidence-based advocacy and programmatic interventions.
- Fundraise and engage donors on issues relating to statelessness and legal identity.

Donors

- Prioritise and increase funding for projects addressing statelessness in the Western Balkans, focusing on legal assistance, capacity-building, community engagement, and law and policy reform, particularly considering recent funding cuts to such work.
- Support regional initiatives that promote cooperation, knowledge exchange, and harmonisation of approaches to statelessness prevention and reduction.
- Facilitate sustainable, long-term investment in statelessness-related projects, ensuring continuity despite shifts in political or funding priorities.

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 policy paper is a key output of Roma Integration Phase III concerning the prevention and reduction of Roma statelessness in the Western Balkans.

This research was conducted by the European Network on Statelessness in partnership with seven of its member organisations during the period June 2024 to June 2025. The project partners were Tirana Legal Aid Society and Roma Active Albania in Albania, Association Vaša Prava BiH in Bosnia and Herzegovina, Roma Versitas Kosovo in Kosovo, Phiren Amenca – Walk with Us in Montenegro, Macedonian Young Lawyers Association in North Macedonia, and Praxis in Serbia. This synthesised regional report along with six other reports were presented at an event in Podgorica in May 2025. The European Network on Statelessness was awarded a grant in the framework of the Roma Integration Phase III to conduct this regional report.



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