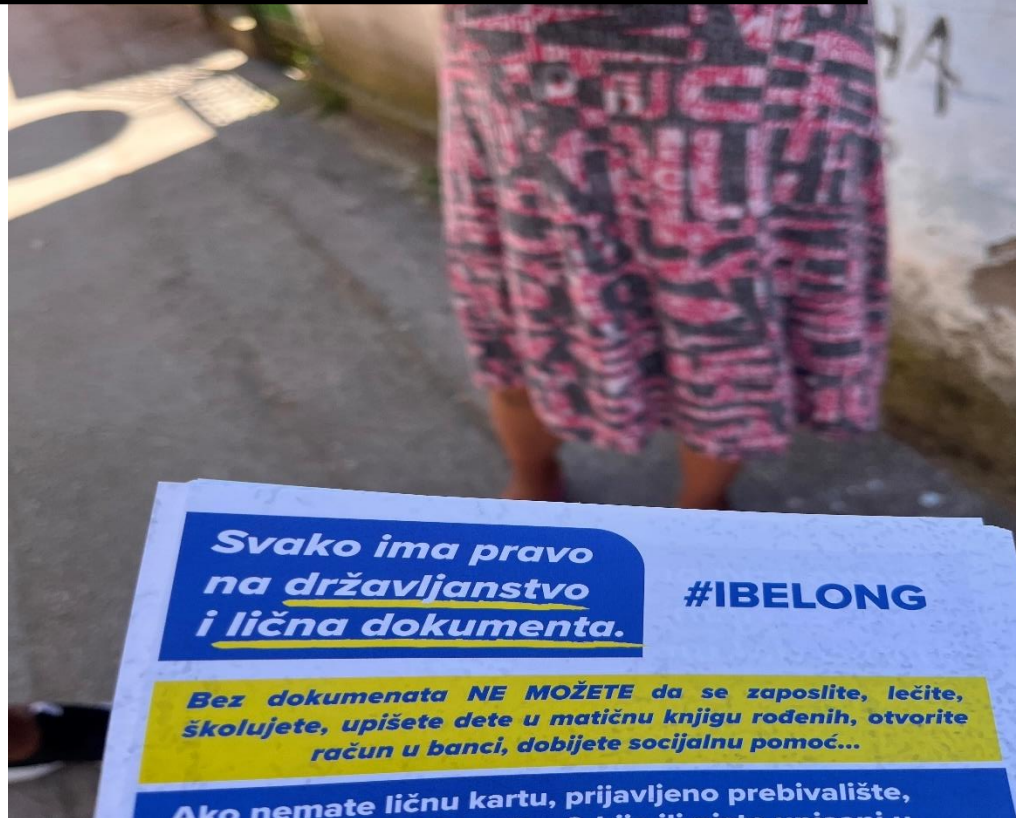




#IBELONG

P R A X I S

MAPPING OF PERSONS AT RISK OF STATELESSNESS IN SERBIA



November 2023



#IBELONG



Praxis is a national non-governmental organisation established in 2004 in Belgrade to protect human rights by providing legal protection and advocating for elimination of systemic obstacles in access to rights. Praxis works in the area of status and socioeconomic rights, antidiscrimination, gender equality, migration, child rights and public administration reform. In addition to providing free legal aid, Praxis achieves its goals through monitoring of public policies, research, analysis and advocating for systemic solutions and the elimination of obstacles to accessing rights by raising awareness of the problems faced by marginalised and socially excluded communities attempting to integrate, educational outreach, publishing of reports, and providing expert support for reforms, as well as through networking and cooperation.

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The views expressed in this report are those of the author only and do not necessarily reflect the official views of the UNHCR Office in Serbia.

Belgrade, November 2023

Mapping of Persons at Risk of Statelessness in Serbia

- Analysis -

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1 Summary of the Activities of Mapping Persons at Risk of Statelessness in Serbia

The **aim of the mapping activity** was to carry out the intensified field activities to map and identify persons at risk of statelessness in Serbia in the selected municipalities/towns and collect quantitative and qualitative data related to the number of these persons, the settlements in which they reside, legal problems regarding their personal status, in order to gain insight into the outstanding problems and develop a legal strategy accordingly to provide adequate legal assistance, information and/or counselling to identified persons in the relevant procedures before the authorities of the Republic of Serbia.

Based on the previous UNHCR surveys¹, the following indicators that may affect the occurrence of statelessness were examined: lack of registration in birth registry books, lack of citizenship, lack of registration of permanent residence and lack of ID card. Unlike in the previous UNHCR surveys, conducted on a representative sample of households, **the goal of this field activity was to identify persons who are at risk of statelessness in Serbia**, that is - persons who have a problem with personal documents, and to provide them with legal assistance.

The data presented in this analysis were obtained on the basis of mapping conducted by the collaborators/members of the Roma national minority, who covered 24 municipalities/towns in Serbia and visited 184 settlements (Roma settlements and/or settlements with a significant number of Roma residents, persons in individual streets, in individual households, as well as in rural areas) in the period June-October 2023, with the aim of identifying persons who have problems with personal documents and providing legal assistance to those who need it.

In addition to the information collected by the collaborators, the presented data also include the information obtained from additional 21 municipalities/towns, that is - 27 settlements visited by the Praxis lawyers, as part of their regular field activities. This analysis also includes a number of persons in other municipalities that Praxis identified in performing its previous activities, with whom the Praxis lawyers have been in contact and who have not resolved yet the problem related to personal documents.

It should be noted that Praxis did not visit all the settlements in these additional municipalities/towns, but only those where, according to the information received by Praxis, there were persons at risk of statelessness.

According to the data obtained, on 1 November 2023, a total of 785 persons at risk of statelessness were identified in the municipalities/towns covered by the mapping activity. According to the latest UNHCR survey entitled Persons at Risk of Statelessness in Serbia, Overview of Current Situation and the Way Forward, conducted in 2020, 2,139 persons at risk of statelessness live in Serbia.

That number includes 383 persons who are not registered in the birth registry books in Serbia (including 164 persons who are not registered in birth registry books in any place), 431 persons who do not have a proof of Serbian citizenship (88% of them are not registered in the birth registry books in Serbia; the successfully completed procedure for registration in birth registry books should result in the acquisition of citizenship at the same time), 746 persons who do not

¹ [Persons at Risk of Statelessness in Serbia](#), UNHCR, CeSID, November 2020, and [Persons at Risk of Statelessness in Serbia – Progress Report 2010-2015](#), Slobodan Cvejić, UNHCR, June 2016.

have a registered permanent residence in the place in which they live, and 325 persons who do not have a valid ID card. In the coming period, it is necessary to collect the necessary evidence for these persons and to initiate relevant procedures before the competent authorities of the Republic of Serbia.

When it comes to **migration experience**, the collected data indicate that **50% of identified persons are domicile population, while 46% have some migration experience**: 26% of the total number are internally displaced persons from Kosovo and Metohija (IDPs), 14% are returnees from Western Europe, 5% are foreign nationals, while 1% are refugees from the former Yugoslav republics. A total of 4% of identified persons did not specify their status.

In terms of territorial distribution, **the largest number of persons at risk of statelessness in the municipalities/towns included in the mapping was identified in the region of Southern and Eastern Serbia (35% of all identified persons) and the Belgrade region (32% of all identified persons)**, which coincides with the previous UNHCR surveys. They are followed by the region of Western Serbia and Šumadija (17%) and the region of Vojvodina (16%).

A total of 383 persons who are not registered in the birth registry books in Serbia include the following categories:

- **164 persons who are not registered in birth registry books in any place;**
- **50 persons who are registered in the birth registry books in Kosovo and Metohija, but not in the birth registry books administered by the authorities of the Republic of Serbia;**
- **169 persons who are registered in the birth registry books administered abroad but not in the birth registry books in Serbia.**

Additional procedures will have to be conducted for all these persons in order for them to be registered in the birth registry books in Serbia and to be able to access their fundamental rights.

Regarding the reasons for not being registered in the birth registry books in Serbia, **48% of persons state that they do not have the necessary evidence for registration, while 18% are not familiar with the procedure, or it is too complicated or expensive**. A smaller number of persons (3%) state that they were once registered in birth registry books, but the books were later destroyed or went missing. A total of 6% state that their parents, whose participation is required in the procedure, are not alive, known or available. **One quarter, or 25% of persons who are not registered in the birth registry books in Serbia are those whose parents (mothers) are not registered in birth registry books or those who do not have personal documents.**

A total of 84 children aged 0-6 years are not registered in any place, accounting for 22% of all unregistered persons.

Most of the persons registered in birth registry books abroad are registered in Germany (56), followed by Montenegro (32), North Macedonia (27), Italy (12), Sweden (10), France (8), Belgium (7), Croatia (7), Bosnia and Herzegovina (5), and there are also some persons born in Bulgaria, Austria, Switzerland and Slovenia.

431 identified persons do not have a proof of Serbian citizenship, due to which they cannot exercise the basic rights arising from the citizenship status. **A total of 88% of these persons are not registered in the birth registry books in Serbia** and, for the largest number of them, the successfully completed procedure for registration in birth registry books should result in the acquisition of citizenship at the same time, while a smaller number of persons (primarily those who do not have a proof that their parents are the citizens of Serbia) have to initiate special procedures for acquiring citizenship. **Fifty**

(12%) of the total number of persons who do not have Serbian citizenship **are those registered in the birth registry books in Serbia, but do not have citizenship** because their parents do not have Serbian citizenship, or they failed to obtain all the evidence, or they are not familiar with the procedure or it is too complicated. Most of these persons have ties to the Republic of Serbia (place of birth, origin of parents and a long period of stay in its territory), which indicates that their citizenship status can be regulated, but at the time of the mapping they did not initiate or did not have evidence to initiate necessary procedures.

Permanent residence continues to be a problem for a large number of persons:

- **573 identified persons do not have a registered permanent residence in any place;**
- **173 persons have a registered permanent residence but not in the place in which they live (including 43 persons whose permanent residence is registered in Kosovo and Metohija).**

Most of 573 persons who state that they do not have a registered permanent residence in any place explain it with the lack of birth/citizenship certificate (72%), 20% of persons specify other reasons, while 8% state that they were refused by the competent authorities. This number includes 373 persons who are not registered in the birth registry books in Serbia, 46 persons who do not possess the citizenship of the Republic of Serbia, and they will first have to successfully complete the procedures for registration in birth registry books and acquisition of citizenship, before they can even submit a request for registration of permanent residence and issuance of an ID card.

Of all persons who do not have a registered permanent residence in the place in which they live, **72% state that they did not even try to register their permanent residence in the place in which they live, while 4% point out that they submitted a request, but it was refused.** What is particularly worrying is that **23% of persons tried to register their permanent residence, but were verbally refused.**

A total of 325 persons do not have a valid ID card. The reasons for not having an ID card usually derive from the fact that the persons are not registered in birth registry books or do not have citizenship, do not have a registered permanent residence in any place or do not have a registered permanent residence in the place in which they live. A total of 28 persons, or 9% of all persons who do not have a valid ID card, state that they do not have the money to pay the fee.

The research has shown that 112 persons who have a valid ID card are also at risk. These are mostly people who have a registered permanent residence outside the place in which they live or who lost their permanent residence after the issuance of an ID card (primarily because their permanent residence was inactivated or the owners of the real estate in which they live deregistered them). These persons will face problems when they try to get a new ID card.

2 Introduction

The international law definition of “person without citizenship - stateless person” is *“a person who is not considered as a national by any state under the operation of its law”*. The causes of statelessness can be numerous, including discrimination against certain ethnic or religious groups or discrimination based on gender, the establishment of new states and the exchange of territories between the existing states, as well as gaps in the laws on citizenship. Regardless of the cause, statelessness has serious consequences for people in almost every country and every region of the world. Millions of people all

over the world live without citizenship². It is often the reason why they cannot go to school, see a doctor, get a job, open a bank account, travel freely or even get married or register their children in birth registry books - they do not have the basic rights that are available to others. In Serbia, this problem mainly affects members of the Roma national minority.

In cooperation with the competent authorities of the Republic of Serbia, the United Nations High Commissioner for Refugees (UNHCR) has been implementing activities aimed at preventing and eradicating statelessness since 2004. As part of its activities, UNHCR has been implementing the #IBelong campaign since 2014 with the main goal to end statelessness worldwide by 2024 (when the campaign ends). The aim of the actions within this campaign is to solve the existing cases of statelessness, prevent the emergence of new cases and to identify stateless persons and provide them with protection.

The non-governmental organisation Praxis is a partner of UNHCR and since its foundation has been carrying out activities aimed at eradicating statelessness in Serbia, primarily through providing free legal assistance to persons at risk of statelessness in the procedures aimed at registration in birth registry books, acquisition of citizenship, registration of permanent residence and ID card issuance. In addition, Praxis has been actively advocating for systemic solutions in this area for years.

In previous years, there have been significant changes in Serbia, both in relation to the regulations governing this area and in the practice of the competent authorities, which have resulted in a significant decrease in the number of individuals who are not registered in civil registry books, do not have citizenship or a registered permanent residence and an ID card. The most important progress, which allowed a large number of people to register in birth registry books, took place in 2012, when the Law on Non-Contentious Procedure was amended with new provisions that introduced a new procedure into the legal system of Serbia - the procedure for determining the date and place of birth intended for individuals who cannot prove the fact of their birth in the administrative procedure and in accordance with the regulations governing the administration of civil registry books. In the years that followed, thanks to that procedure, many citizens were able to register in birth registry books, including many who had been trying unsuccessfully to do so for years in procedures before the administrative authorities. On the other hand, the 2011 Law on Permanent and Temporary Residence of Citizens allowed individuals living in informal settlements and non-legalised buildings and without a legal basis of residence to register their permanent residence at the address of social welfare centres and thus fulfil the condition for obtaining an ID card.

In addition to adopting the Law, the relevant public authorities have shown their willingness to work on solving the problem of persons without personal documents. Hence, in 2012, the first of three Memorandums of Understanding (MoUs) was signed by the UNHCR, the Protector of Citizens and the Ministry of Public Administration and Local Self-Government of the Republic of Serbia, which established the basis for closer cooperation and the implementation of coordinated activities in solving the problem of legally invisible persons. Based on the MoU, other competent ministries and institutions are actively involved in solving the problem of persons at risk of statelessness through the technical/operational group, primarily the Ministry of Interior, the Ministry of Labour, Employment, Veterans and Social Affairs, the Ministry of Health, the Ministry of Justice and others. During 2014 and 2015, the relevant ministries issued opinions and instructions on the application of regulations governing the procedures of registration in birth registry books, determining personal name and acquiring citizenship, thanks to which the practice of competent authorities was improved and harmonised. Numerous trainings were held for judges, registrars, social welfare centres staff and the

² Mid-Year Trends 2023, UNHCR, available at: <https://www.unhcr.org/sites/default/files/2023-10/Mid-year-trends-2023.pdf>.

police. At the same time, Praxis continued to provide free legal aid to legally invisible persons and persons at risk of statelessness, and, as a partner of UNHCR, had the opportunity to present to the representatives of competent institutions the most complicated cases of persons who faced a problem with registration in birth registry books, acquiring citizenship or registering permanent residence, which led to investing joint efforts in solving those cases.

The third Memorandum of Understanding, signed by the UNHCR, the Protector of Citizens and the Ministry of Public Administration and Local Self-Government in February 2022, envisages the continuation of cooperation in the field of eradicating statelessness in Serbia. The goal of the MoU is that all three institutions make additional joint efforts, through enhanced cooperation, to solve the remaining cases of Roma and non-Roma individuals who face these problems, did not exercise their right to registration in birth registry books or other personal status rights, with a special focus on the registration of their newborns in civil registry books.

These efforts have led to a significant reduction in the number of persons at risk of statelessness in Serbia, and Serbia has become an example of good practice in the region.

The UNHCR in Serbia has conducted periodic surveys on persons at risk of statelessness for years. According to the most recent research [Persons at Risk of Statelessness in Serbia, Overview of Current Situation and the Way Forward](#), prepared by CeSID in November 2020, there are 2,139 persons at risk of statelessness in Serbia. A person at risk of statelessness is considered to be a person who lacks one or more of these four elements: registration in birth registry books, confirmed citizenship, registered permanent residence and ID card. The obtained data show that at the time of the survey 253 residents of informal settlements were not registered in birth registry books, 275 residents did not have the confirmed citizenship of the Republic of Serbia, 1032 residents did not have an ID card, while 2027 residents of informal settlements did not have a registered permanent/temporary residence. According to this research, there are two regions with the largest number of persons at risk of statelessness: Southern and Eastern Serbia and Belgrade.

According to the latest [2022 population census in Serbia](#), a total of 675 persons were registered as stateless, most of them in the region of Vojvodina (270), followed by the region of Southern and Eastern Serbia (173), the region of Belgrade (145), the region of Šumadija and Western Serbia (87).

Despite the progress made, a number of persons still encounter problems in accessing personal documents.

In previous years, a significant number of persons who are not registered in birth registry books and/or do not have citizenship addresses Praxis seeking help. In 2021, Praxis initiated 162 relevant procedures for registration in birth registry books or acquiring citizenship; 152 procedures were initiated in 2022, while in the period January-October 2023, Praxis initiated 187 procedures. All this shows that in order to eradicate statelessness in Serbia, it is necessary to invest additional efforts in identifying all persons at risk of statelessness and providing them with adequate legal assistance.

3 Mapping Goal and Methodology

For nearly 20 years, UNHCR and Praxis have been dealing with the problems of persons without personal documents and the problem of statelessness in Serbia. The **aim of the mapping activity** was to carry out the intensified field activities to map and identify persons at risk of statelessness in Serbia and collect quantitative and qualitative data related to the number of these persons, the settlements in which they reside, legal problems regarding their personal status, in order to gain insight into the

outstanding problems and develop a legal strategy accordingly to provide adequate legal assistance, information and/or counselling to identified persons in the relevant procedures before the authorities of the Republic of Serbia, in accordance with the goal of the #IBelong campaign, conducted by UNHCR, to end statelessness in Serbia by 2024.

Based on the previous UNHCR surveys, the following indicators that may affect the occurrence of statelessness **were examined: lack of registration in birth registry books, lack of citizenship, lack of registration of permanent residence and lack of ID card.**

It should be noted that previous UNHCR surveys were conducted on a representative sample of households in Roma settlements, and that the number of persons at risk of statelessness was obtained by extrapolating percentages from the representative sample to estimate the size of population living in informal settlements. This research differs in that an effort was made to identify, through mapping, all persons who have a problem with personal documents; the number of persons at risk of statelessness specified in this analysis has been obtained through field activities and reaching out to individuals who face some of the problems dealt with in the research. In other words, **the mapping was aimed at identifying individuals at risk of statelessness in order to offer them legal assistance to solve their problem.**

For the purpose of mapping, Praxis engaged **24 collaborators - members of the Roma national minority from local communities** (coordinators for Roma issues, pedagogical assistants, activists and members of the local civil sector), based on the previously successful collaboration on the implementation of various projects related to the Roma community; they are familiar with local conditions and the population, and to some extent with the work of Praxis and the problems of persons at risk of statelessness in Serbia.

The collaborators **carried out the mapping in 24 municipalities/towns** in the territory of the Republic of Serbia: Bujanovac, Bor, Bojnik, Novi Pazar, Sjenica, Kragujevac, Niš, Subotica, Novi Sad, Zemun, Novi Beograd, Surčin, Čukarica, Palilula, Zvezdara, Obrenovac, Smederevo, Kostolac, Požarevac, Vranje, Aleksinac, Prokuplje, Žitoradja, Zrenjanin. The municipalities/towns covered by the research were selected based on the experience of Praxis in providing legal assistance to persons at risk of statelessness, which showed that the largest number of persons at risk of statelessness in Serbia lived in those municipalities/towns. In selecting the municipalities, the aforementioned UNHCR survey was also taken into account. It identifies two regions with the largest number of persons at risk of statelessness: Southern and Eastern Serbia and Belgrade. These two regions make up 41% of the sample, while the percentage of persons at risk of statelessness living in them was 66%.

In the aforementioned 24 municipalities/towns, the collaborators **mapped 184 settlements** (Roma settlements and/or settlements with a significant number of Roma residents, persons in individual streets, in individual households, as well as in rural areas). The collaborators carried out the mapping **in the period June-October 2023**. During the mapping activities, the collaborators visited Roma settlements or settlements/streets with a significant number of Roma men and women, conducted interviews with residents and identified persons who had problems with personal documents and the type of legal problem related to personal status, and recorded additional explanations for each identified case.

In addition to the information collected by the collaborators, the Praxis lawyers, as part of their regular field activities, tried to collect information about persons at risk of statelessness, not only in the aforementioned municipalities, but also in other municipalities where the collaborators were not engaged, and where there are occasional cases of statelessness, in order to collect more comprehensive data from as many municipalities/settlements in Serbia as possible. In addition to 24 municipalities mapped by the collaborators, **Praxis visited additional 21 municipalities/towns** during

its regular field activities within the project in the period from January to October 2023: Arandjelovac, Čačak, Doljevac, Indija, Jagodina, Knjaževac, Kikinda, Kruševac, Kuršumlija, Koceljeva, Lajkovac, Leskovac, Merošina, Mladenovac, Negotin, Pančevo, Rača, Savski venac, Topola, Tutin and Voždovac. **27 settlements, as well as persons at risk of statelessness in individual households**, were visited.

It should be **noted** that Praxis legal teams visited only some, not all, settlements in additional municipalities/towns, or visited individual households, according to the information received about the existence of persons at risk of statelessness. Therefore, the number of persons who have problems with personal documents in these municipalities/towns could be higher.

In addition to visiting these municipalities, Praxis also visited all 24 municipalities where the collaborators carried out the mapping, in order to provide them with additional support in identification and to establish direct contact with persons at risk of statelessness in order to collect the information necessary for providing free legal assistance and initiating relevant procedures.

This analysis also includes a number of persons in other municipalities that Praxis identified while performing its previous activities, with whom the Praxis lawyers have been in contact and who have not resolved yet the problem related to personal documents.

After identifying persons at risk of statelessness, the Praxis lawyers contacted all of them and conducted more **detailed interviews based on a pre-prepared questionnaire**, which, in addition to some basic information questions, contains questions about the legal problems faced by the identified persons, the reasons why they do not have documents, possible legal actions, etc. These interviews were conducted to obtain more detailed information about the cases of persons at risk of statelessness and to develop a legal strategy accordingly.

The obtained data are the basis for this analysis. The analysis includes an overview related to persons at risk of statelessness in Serbia, both those identified by the collaborators and by Praxis, and their legal problems.

4 Persons at Risk of Statelessness in Serbia Identified During Mapping- Overview

During the implementation of the activity, a total of 855 persons at risk of statelessness in Serbia were mapped, 548 were mapped by the collaborators and 307 were mapped by the Praxis lawyers as part of the activities of the project Persons at Risk of Statelessness in Serbia implemented in 2023.

Since the field activities, which included the identification of cases, were carried out by Praxis throughout the year, and the collaborators started to perform the intensive mapping activity in June of this year, in cases where there was available evidence, relevant procedures for registration in birth registry books or acquisition of citizenship were initiated for a number of persons in the course of the year. Out of 855 mapped persons at risk of statelessness, relevant procedures were successfully completed for 70 persons as of October 2023.

As at 1 November 2023, a total of 785 persons still at risk of statelessness were identified. That number includes 383 persons who are not registered in the birth registry books in Serbia, 431 persons who do not have a proof of Serbian citizenship, 746 persons who do not have a registered permanent residence in the place in which they live, and 325 persons who do not have a valid ID card. In the coming period, it is necessary to collect the necessary evidence for these persons and initiate relevant procedures before the competent authorities of the Republic of Serbia.

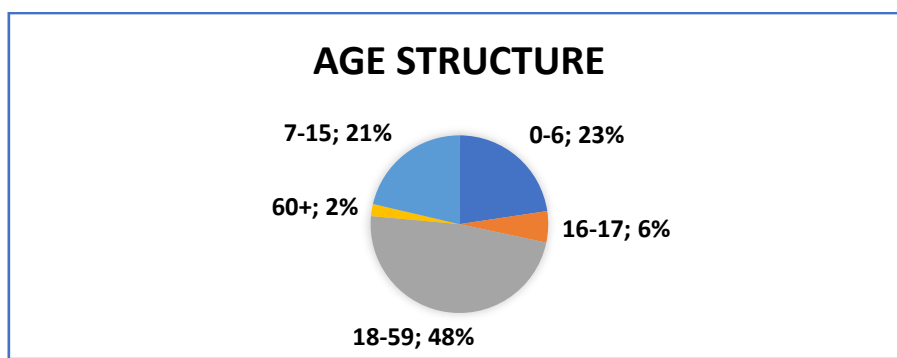
The data presented below refer to persons who were at risk of statelessness in Serbia on 1 November 2023.

4.1 Demographic data

Among the identified persons who are still at risk of statelessness, there are a total of 390 women and 395 men, which indicates that there is no gender difference when it comes to the problems with personal documents.

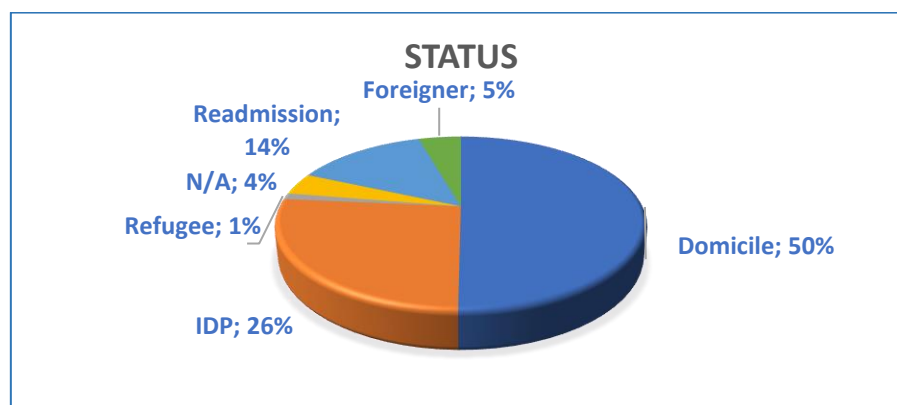
As regards the age structure of all identified persons, 50% are minors and 50% are adults. Depending on the problem they have, this structure will be slightly different, as shown below.

Chart 4.1.1. Age structure of persons at risk of statelessness in Serbia



When it comes to **migration experience**, the collected data indicate that 50% of identified persons are domicile population, while 46% have some migration experience: 26% of the total number are internally displaced persons from Kosovo and Metohija (IDPs), 14% are returnees from Western Europe, 5% are foreign nationals, while 1% are refugees from the former Yugoslav republics. A total of 4% of identified persons did not specify their status.

Chart 4.1.2. Persons at risk of statelessness in Serbia by migration experience



4.2 Territorial distribution

As mentioned, the mapping was carried out in a total of 45 municipalities, as follows:

- 24 municipalities/towns where the collaborators visited 184 Roma settlements and other settlements with a significant number of Roma residents; in addition to these settlements, the Praxis lawyers carried out their field visits to 15 more settlements in these municipalities/towns;
- 21 municipalities/towns where the Praxis lawyers visited 27 settlements and individual households of persons at risk of statelessness; not all settlements in these municipalities/towns were visited, but only those where, according to the information received by Praxis, there were persons at risk of statelessness.

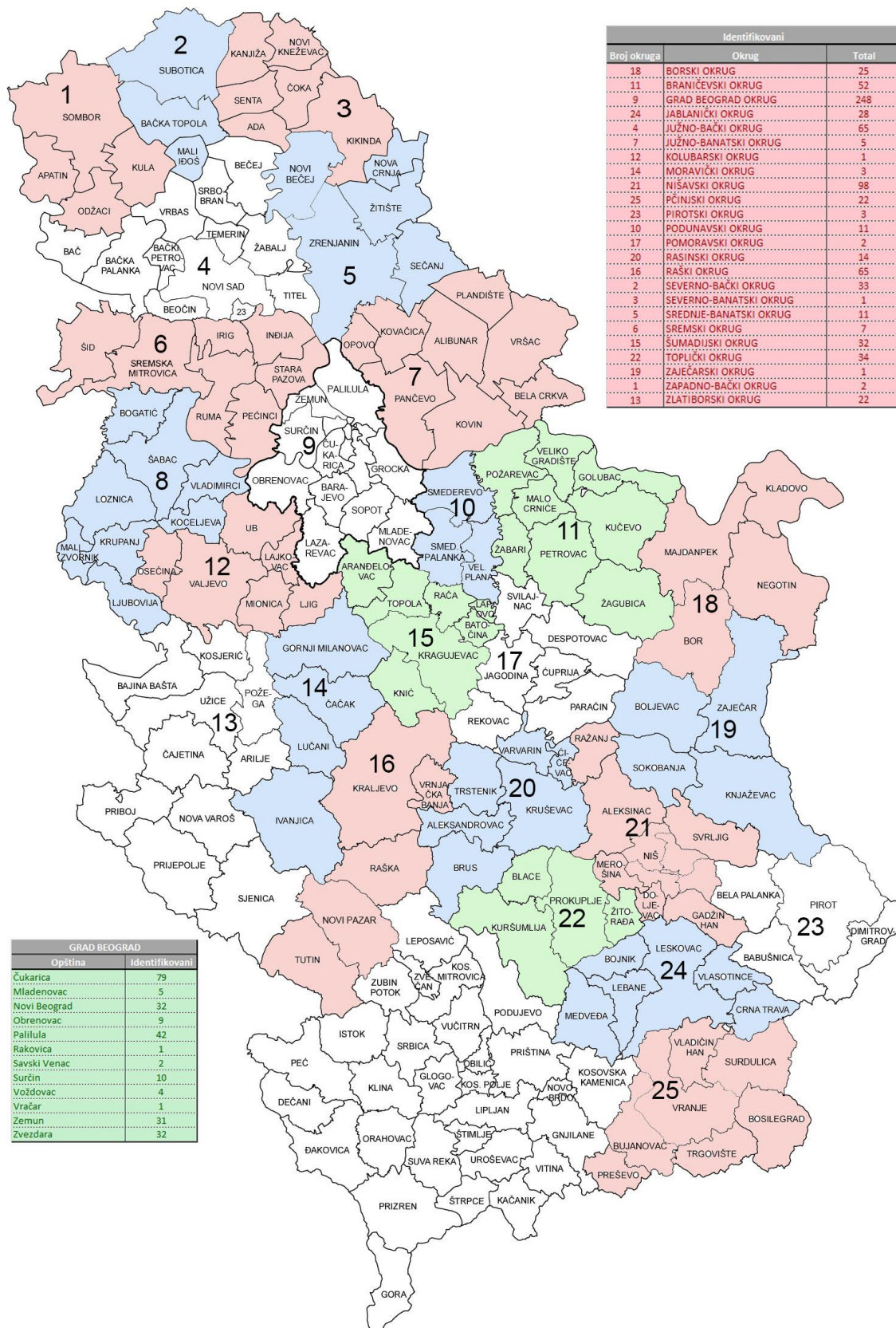
Additionally, the analysis includes a number of persons who occasionally called from other municipalities (34 in total), as mentioned above.

By region, the largest number of persons at risk of statelessness in the municipalities/towns included in the mapping was identified in the region of Southern and Eastern Serbia (274 or 35% of all identified persons) and the Belgrade region (248 persons or 32% of all identified persons), which coincides with the previous UNHCR surveys. They are followed by the region of Western Serbia and Šumadija (139 persons or 17%) and the region of Vojvodina (124 persons or 16%).

By districts, the largest number of persons at risk of statelessness live in the City of Belgrade (248), followed by Nišava District (98), South Bačka District (65), Raška District (65), Braničevo District (52), Toplica District (34), North Bačka District (33), Šumadija District (32), Jablanica District (28), Bor District (25), Pčinja District (22), Zlatibor District (22), while fewer than 20 persons were identified in each of the other districts.

In the Belgrade municipalities included in the mapping, most identified persons live in the Municipality of Čukarica (79), followed by the Municipality of Palilula (42), 32 persons in Novi Beograd and Zvezdara each, and 31 persons in Zemun, while in other municipalities the number is significantly lower.

Chart 4.2.1. Persons at risk of statelessness in Serbia by district

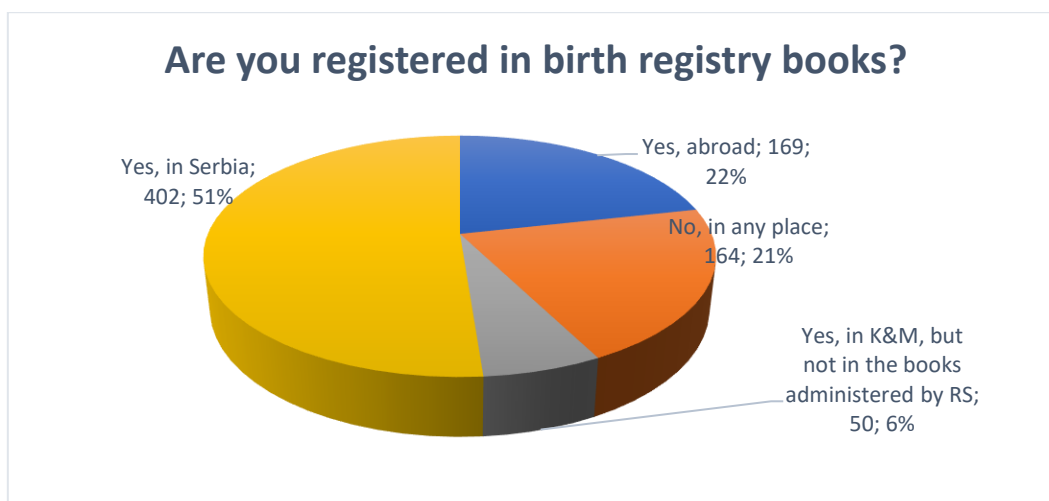


4.3 Lack of documents

4.3.1 Registration in birth registry books

During the interviewing of the mapped persons, the first question was about registration in birth registry books. According to the obtained data, out of 785 identified persons at risk of statelessness, **164 were not registered in birth registry books in any place**. Furthermore, **50 persons are registered in the birth registry books in Kosovo and Metohija, but not in the registry books administered by the competent authorities of the Republic of Serbia, while 169 persons are registered in the birth registry books administered abroad, but not in the birth registry books in Serbia**. A total of 402 persons are registered in the birth registry books in Serbia.

Chart 4.3.1. *Are you registered in birth registry books?*



Counting persons born and registered in birth registry books abroad who cannot exercise their rights in Serbia until they are registered in the birth registry books in Serbia³, and persons registered in the birth registry books in Kosovo and Metohija, but not in the civil registry books administered by the competent authorities of the Republic of Serbia, who cannot exercise their rights in Serbia since their documents are not recognised by the authorities of the Republic of Serbia, as well as a number of persons who are not registered in birth registry books in any place, **we arrive at the figure of 383 persons who live in Serbia, excluding Kosovo and Metohija, and who are not registered in the birth registry books in Serbia, and for whom it is necessary to conduct additional procedures, so that they can exercise their basic rights in Serbia.**

As regards the **age structure** of persons who are not registered in the birth registry books in Serbia, 67% are persons under the age of 18, most of whom are children aged 0-6 (33% of the total number of persons), followed by children aged 7-15 (26%), children aged 16-17 (8%), while 33% are adults.

A total of 57% of those who are not registered in the birth registry books in Serbia **have some migration experience**, whether they are internally displaced persons from Kosovo and Metohija (IDPs)

³Most of them are individuals who were born abroad, but do not possess the citizenship of that country and/or identification documents of the country of birth, due to which they cannot exercise their rights in Serbia even as foreigners.

- 24%, refugees from the former Yugoslav republics (2%) or foreign nationals originating from the former Yugoslav republics (8%) or returnees from Western European countries (23%). The domicile population makes up 37% of those who are not registered in the birth registry books in Serbia, while 6% did not specify their status.

The largest number of people who are not registered in the birth registry books live in the Belgrade region (118 or 31% of all unregistered persons). As regards the number of persons who are not registered in birth registry books and who have been identified in the Belgrade municipalities,⁴ most of them live in the Municipality of Čukarica - 46 (mainly in the settlements Čukarička šuma and Makiš), followed by Novi Beograd - 14 (mainly in the settlement Ledine), Palilula - 22 (mainly in the settlement in Vuka Vrčevića Street and in the settlement Reva) and Zemun - 18 (mainly in Zemun polje and Vojni put Street), while the number of persons identified in the other Belgrade municipalities is less than ten.

Nearly the same number of persons who were not registered in birth registry books was identified **in the region of Southern and Eastern Serbia** (110 or 29%); most of them were identified in the Nišava District (33 - mainly in Niš and Aleksinac), followed by the Braničevo District (23 - mainly in Kostolac), Toplica District (23 - mainly in Prokuplje), Jablanica District (10 - mainly in Bojnik), while in the other districts these numbers are less than ten.

In the region of Western Serbia and Šumadija, 76 persons who were not registered in birth registry books were identified (20% of all persons who were not registered in birth registry books), with the highest number in the Raška District (38 - mainly in Novi Pazar), followed by the Zlatibor District (18 - mainly in Sjenica) and Rasina District (12 - in Kruševac and Aleksandrovac), while in the other districts the number is less than ten.

In the region of Vojvodina, 73 persons were identified (19% of the total number of persons not registered in birth registry books), most of them in the South Bačka District (37 - mainly in Novi Sad), followed by the North Bačka District (13 - all in Subotica) and Central Banat District (11), while in the other districts this number is less than ten.

Regarding the **reasons for not being registered in the birth registry books in Serbia, 48% of persons do not have the necessary evidence for registration, while 18% are not familiar with the procedure, or it is too complicated or expensive.** A smaller number of persons (3%) state that they were once registered in birth registry books, but the books were later destroyed or went missing.⁵ A total of 6% state that their parents, whose participation is required in the procedure, are not alive, known or available. One quarter, or **25% of persons who are not registered in the birth registry books in Serbia are those whose parents (mothers) are not registered in birth registry books or those who do not have personal documents.**

⁴The collaborators conducted the mapping in the following Belgrade municipalities: Čukarica, Zvezdara, Palilula, Novi Beograd, Zemun, Surčin and Obrenovac. A small number of cases were identified in other municipalities during the field activities carried out by Praxis.

⁵ After the 1999 war in Kosovo and Metohija, the civil registry books for more than 10 municipalities remained completely or partially unavailable to the authorities of the Republic of Serbia. Citizens who were registered in those civil registry books could no longer obtain civil registry certificates and citizenship certificates, but had to conduct re-registration procedures before the registry offices. Most persons have so far managed to complete re-registration.

There are 128 children aged 0-6 years who are not registered in the birth registry books in Serbia, including 44 children who are registered in birth registry books abroad and for whom it is necessary to conduct a procedure for registration in the birth registry books in Serbia. **A total of 84 children aged 0-6 years are not registered in any place** (22% of the total number of unregistered persons).

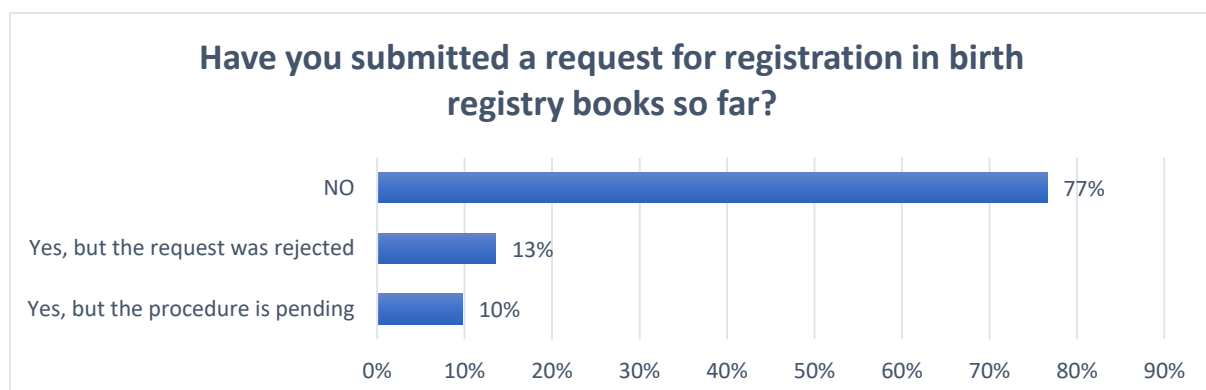
Most of the persons registered in birth registry books abroad are registered in Germany (56), followed by Montenegro (32), North Macedonia (27), Italy (12), Sweden (10), France (8), Belgium (7), Croatia (7), Bosnia and Herzegovina (5), and there are also some persons born in Bulgaria, Austria, Switzerland and Slovenia. The majority of these persons do not have the necessary evidence for registration, or are not familiar with the procedure. It is usually necessary to obtain birth certificates from abroad (which can take more than a year) before they submit a request for registration in the birth registry books in Serbia. A smaller number of persons born abroad cannot meet the requirements for acquiring Serbian citizenship by descent (their parents are not citizens of the Republic of Serbia or they do not have a proof of this), and they cannot conduct the procedure for registration in the civil registry books in Serbia, but they have to initiate more uncertain and complicated procedures for admission to citizenship.

Chart 4.3.2. *If you are not registered in birth registry books in Serbia, what is the reason for that?*



Seventy-seven percent (77%) of persons have not yet submitted a request for registration in birth registry books. Thirteen percent (13%) of them did submit a request, but it was refused, while the procedure is still pending for 10% of the persons who submitted the request.

Chart 4.3.3. *Have you submitted a request for registration in birth registry books so far?*



4.3.2 Citizenship

Citizenship means the legal relationship of an individual with a state, and the status of citizenship allows access to civil, political, economic, social and other rights.

Asked whether they had the citizenship of the Republic of Serbia, and whether they were registered in citizenship registry books, out of 785 mapped persons at risk of statelessness, **a total of 431 persons (55%) answered that they did not have the citizenship of Serbia.** These persons, therefore, are not able to enjoy the rights deriving from the citizenship status. The remaining 354 persons (45%) answered that they were registered in citizenship registry books.

Chart 4.3.2.1. *Do you have Serbian citizenship? (Are you registered in the citizenship registry books in Serbia)?*



431 persons who do not have citizenship include 221 women and 210 men. Out of the total number of persons without citizenship, a total of 276 persons are under the age of 18, while 155 persons are adults.

As in the case of persons who are not registered in birth registry books, more than half of persons who do not possess Serbian citizenship, more precisely **55% of them have some migration experience:** IDPs (25%), refugees from the former Yugoslav republics (2%) or foreign nationals originating from the former Yugoslav republics (7%), returnees from Western European countries (21%). The domicile population makes up 39% of those who do not have citizenship, while 6% did not specify their status.

Nearly three-quarters, that is - 313 or **73% of those who are not registered in citizenship registry books, state that the main reason for not having citizenship is the fact that they are not registered in birth registry books.** Moreover, 7% of the respondents state that their parents do not have citizenship of the Republic of Serbia, while 5% have not managed to obtain all the required evidence; 5% were not familiar with the procedure, or it was too complicated or expensive. A number of persons (10%) who live in Serbia today, state that they do not have Serbian citizenship either because they were not born in Serbia and their parents are not citizens of Serbia, and/or because they are over 23 years old.⁶

Thirty-eight (38) or 9% of all persons who do not have the citizenship of Serbia, possess the citizenship of another country. These persons were born abroad and registered there in birth registry books,

⁶ A smaller number of persons born abroad cannot meet the requirements for acquiring Serbian citizenship by descent, among other things because they are over 23 years old, due to which they have to initiate procedures for admission to citizenship. See Articles 7-14 of the Law on Citizenship of the Republic of Serbia (*Official Gazette of the RS*, nos. 135/2004, 90/2007 and 24/2018) that regulate the acquisition of citizenship by descent.

mostly in the former Yugoslav republics, and in a smaller number of cases in the countries of Western Europe. Eleven (11) of them applied for citizenship of the Republic of Serbia, 4 were refused, while the procedure is pending for 7 persons.⁷

Out of 431 persons who do not have Serbian citizenship, 381 (88%) are not registered in the birth registry books in Serbia: they are registered abroad, or in Kosovo and Metohija, but not in the birth registry books administered by the competent authorities of the Republic of Serbia, or they are not registered in any place. For the largest number of these persons, the successfully completed procedure for registration in birth registry books should result in the acquisition of citizenship at the same time, while a smaller number of persons (primarily those who do not have a proof that their parents are the citizens of Serbia) have to initiate special procedures for acquiring citizenship.

Fifty (50 or 12%) of the total number of persons who do not have Serbian citizenship **are those registered in the birth registry books in Serbia, but do not have citizenship** because their parents do not have Serbian citizenship, or they failed to obtain all the evidence, or they are not familiar with the procedure or it is too complicated. Only 14 persons have applied for Serbian citizenship so far, but their applications were refused in 3 cases, while the procedure for 13 persons is still pending.

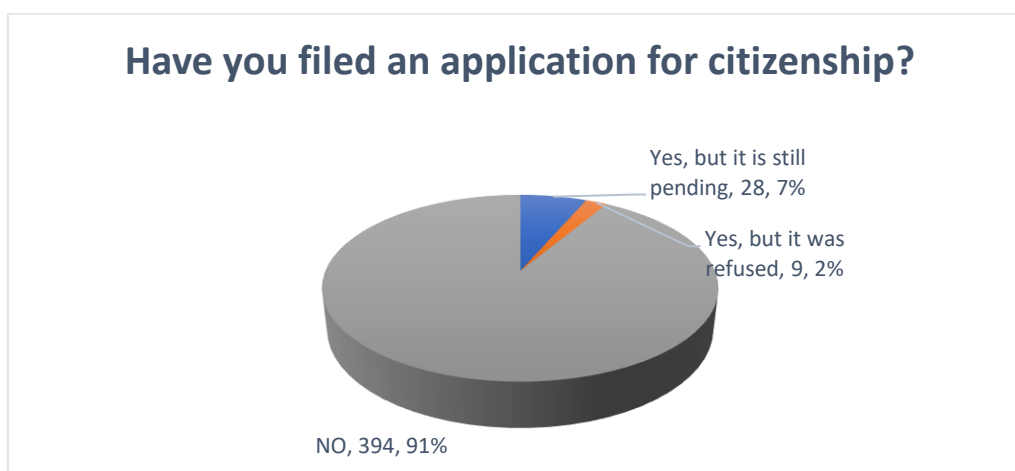
Chart 4.3.2.2. *If you do not have Serbian citizenship, what is the reason for that?*



Out of 431 persons who do not possess Serbian citizenship, **394 persons (91%) state that they have not yet filed an application for acquiring citizenship.** Nine (9) persons (2%) state that they filed an application, but it was refused, while 28 of them (7%) filed an application, but the procedure is still pending.

⁷ Seven of these persons have a residence permit in the Republic of Serbia and are not at risk of statelessness.

Chart 4.3.2.3. Have you filed an application for citizenship?



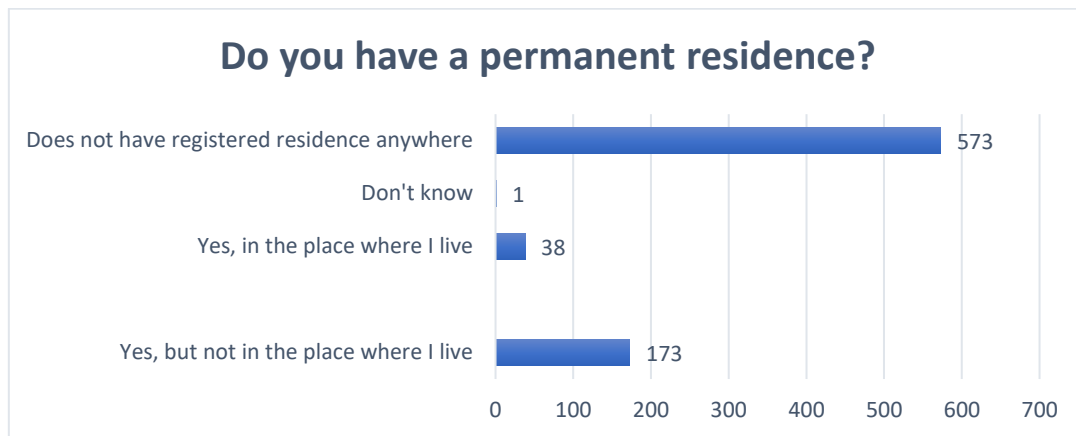
Given that the largest number of stateless persons are not even registered in the birth registry books in Serbia, the territorial distribution of stateless persons coincides with the territorial distribution of persons who are not registered in the birth registry books in Serbia. The largest number of these persons live in the City of Belgrade (131 or 30% of the total number of persons who do not have citizenship of the Republic of Serbia), followed by the region of Southern and Eastern Serbia (121 or 28%), the region of Western Serbia and Šumadija (87 or 20%) and the region of Vojvodina (86 or 20%), while 6 persons are from the region of Kosovo and Metohija.

4.3.3 Permanent residence

All citizens of the Republic of Serbia who reside permanently in its territory have the right to register permanent residence in the Republic of Serbia. As stated above, the 2011 Amendments to the Law on Permanent and Temporary Residence of Citizens brought a significant progress in this field. However, a large number of citizens continue to encounter significant problems that hinder permanent residence registration and usually derive from incorrect actions by the authorities that conduct the procedures of permanent residence registration. As a result, many citizens either remain without a registered permanent residence or have a registered permanent residence in the places in which they have not lived for a long time, sometimes for decades. Individuals who do not have a registered permanent residence in any place cannot obtain an identity card, and therefore cannot access any of the rights for which the possession of identification documents is necessary. On the other hand, individuals who have a registered permanent residence, but are unable to register it in the places in which they live, cannot exercise numerous rights in their places of actual residence since these rights should be exercised in the place of permanent residence.

The largest number of mapped persons at risk of statelessness face difficulty in registering their permanent residence to be able to exercise their basic rights. According to the mapping results, **as many as 573 persons do not have a registered permanent residence in any place, 173 persons have a registered permanent residence but not in the place in which they live, including 43 persons whose permanent residence is registered in Kosovo and Metohija. Only 38 persons have a registered permanent residence in the place in which they live, but most of them do not have an ID card.**

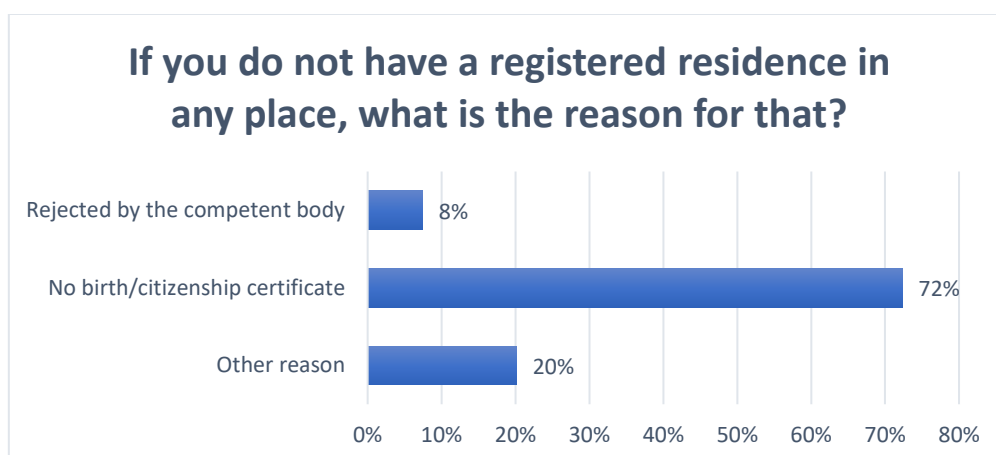
Chart 4.3.3.1. Do you have a registered permanent residence?



A total of **573 persons** state that they do not have a registered permanent residence in any place. The **most frequent reason** given is that they do not have a birth/citizenship certificate (72%), 20% of persons specify other reasons, while 8% say that they were refused by the competent authorities. This number includes 373 (65%) persons who are not registered in the birth registry books in Serbia (161 persons are registered abroad, 162 persons are not registered in birth registry books in any place, 50 persons are registered in Kosovo and Metohija, but not in the registry books administered by the competent authorities of the Republic of Serbia), and they will first have to successfully complete the procedures for registration in birth registry books, before being able to submit a request for registration of permanent residence and issuance of an ID card.

Approximately one quarter (46) of the remaining 200 persons who do not have a registered permanent residence in any place will first have to solve the issue of citizenship before submitting a request for permanent residence registration. **The remaining 156 persons who are registered in birth registry books and possess Serbian citizenship** include 6 persons who have submitted a request for permanent residence registration and the procedures are pending, 58 persons who were verbally refused, 17 persons who submitted a request but it was refused, and 73 persons who did not even try to submit a request for permanent residence registration.

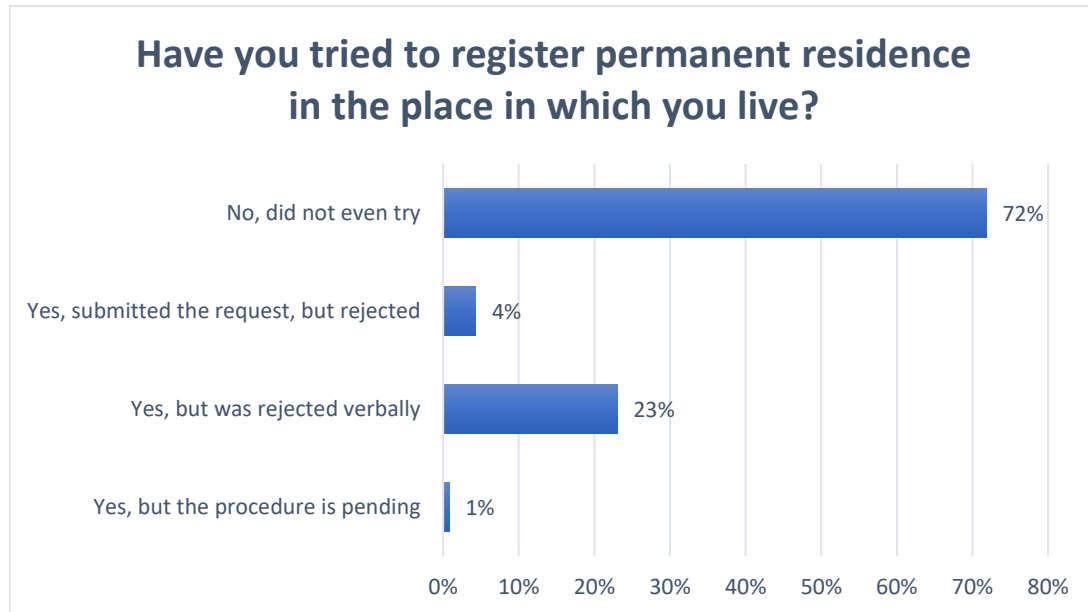
Chart 4.3.3.2. If you do not have a registered permanent residence in any place, what is the reason for that?



Of all persons who do not have a registered permanent residence in the place in which they live, as much as **72%** state that they did not even try to register their permanent residence in the place in

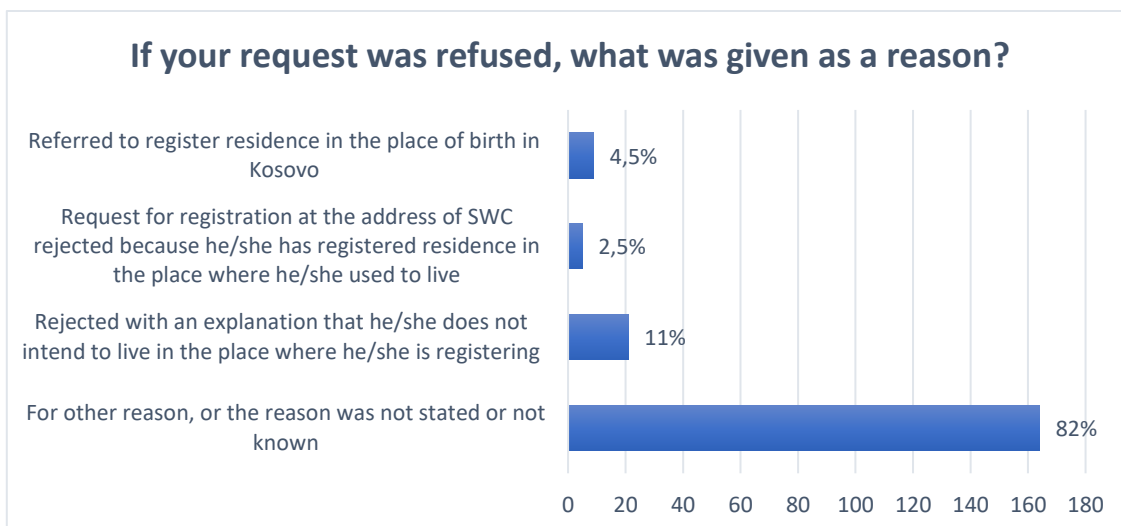
which they live, while 4% point out that they submitted a request, but it was refused. What is particularly worrying is that 23% of persons tried to register their permanent residence, but were verbally refused, which shows the poor practice of the competent authorities.

Chart 4.3.3.3. *Have you tried to register permanent residence in the place in which you live?*



There are various reasons for refusing requests for permanent residence registration.

Chart 4.3.3.4. *If your request was refused, what was given as a reason?*



As regards persons who tried to register permanent residence in the place in which they live but were verbally refused, in most cases the reason for the refusal is not specified or known, but one of the frequent answers is that they were instructed to register permanent residence in the place of birth in Kosovo and Metohija, or were refused with the explanation that they did not intend to live in the place in which they wanted to be registered.

In the case of persons who submitted a request, but it was refused, more than half of the requests were refused with the explanation that the persons who submitted the request did not intend to live in the place in which they wanted to be registered. In a small number of cases, the request for permanent residence registration at the address of a social welfare centre was refused because the person has a registered permanent residence in the place in which they previously lived.

Thirty-four percent (34%) of the total number of persons who do not have permanent residence in the place in which they live are in the region of Southern and Eastern Serbia, while 32% live in the region of Belgrade. The problem with permanent residence is somewhat less frequent in the region of Western Serbia and Šumadija with 17% of identified persons without permanent residence in the place in which they live, as many as in the region of Vojvodina.

In the Belgrade municipalities, the largest number of persons who do not have a registered permanent residence in the place in which they live is in the Municipality of Čukarica (79), followed by the Municipality of Palilula (41), the Municipality of Zemun (30) and the Municipality of Novi Beograd (28). Although the number of persons who are not registered in birth registry books or do not have citizenship in the Municipality of Zvezdara is less than ten, the number of those who do not have a registered permanent residence in this municipality is 30. In addition to these municipalities, ten persons were identified also in Surčin, while in other municipalities the number of these persons is less than ten and such problems occur only sporadically.

By district, in addition to Belgrade, most of these persons live in the Nišava District (88 persons or 12% of the total number, mainly in Niš and Aleksinac), followed by the South Bačka District (65 persons or 9%, mainly in Novi Sad, and a slightly smaller number in Bečej), Raška District (63 persons or 9%, including as many as 50 persons in Novi Pazar). The number of persons who do not have a registered permanent residence in the place in which they live is 47 (6%) in Braničevo District, 31 in North Bačka District (almost all in Subotica) and 31 in Šumadija District (almost all in Kragujevac). There are 30 persons without registered permanent residence in the place in which they live in the Toplica District, 28 in the Jablanica District (mainly in Bojnik), 25 in Bor District 25 (mainly in Bor), 22 in Pčinj District (almost all from Bujanovac) and 21 in Zlatibor District (almost all in Sjenica), while in other districts that number is below 20.

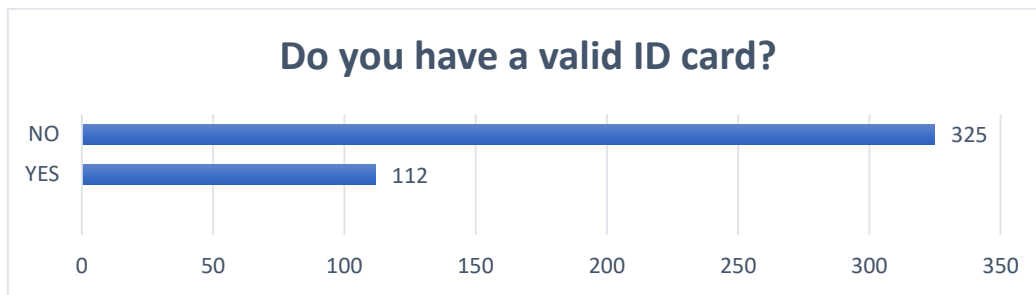
Finally, it should be noted that these are only the cases that the collaborators of Praxis and the Praxis legal team were able to identify in the field, given that persons who do not have a registered permanent residence were often unwilling to talk about it.

4.3.4 ID Card

Citizens of Serbia over the age of 16 who reside in the territory of the Republic of Serbia are required to have an identity card. Possession of an identity card is a condition for access to all rights in the Republic of Serbia.

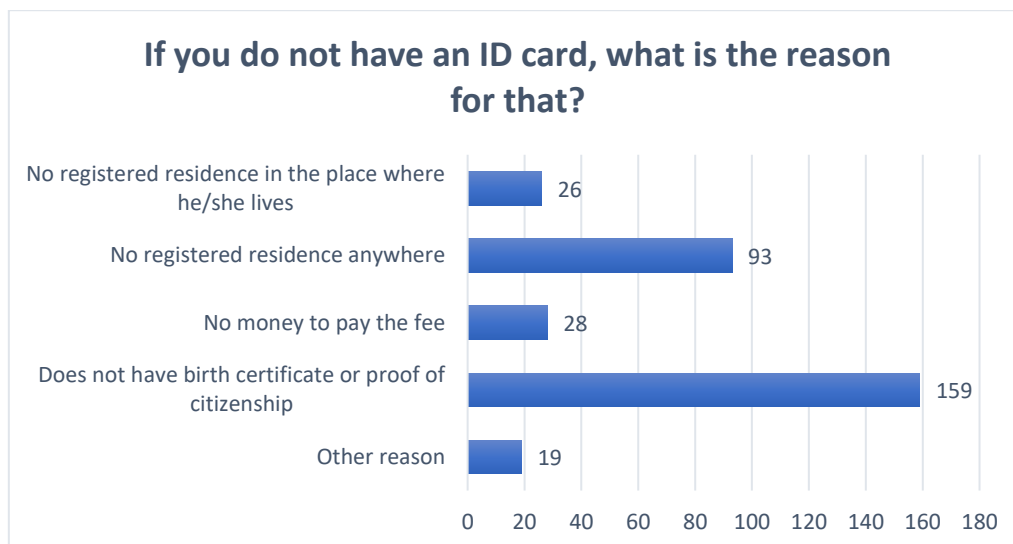
We can say that the research has shown that 112 persons who have a valid ID card are also at risk. These are mostly persons who have a registered permanent residence outside the place in which they live or who lost their permanent residence after the issuance of an ID card (primarily because their permanent residence was inactivated or the owners of the real estate in which they live deregistered them). These persons will face problems when they try to get a new ID card.

Chart 4.2.4.1. Do you have a valid ID card?



A total of 325 persons do not have a valid ID card. The reasons for not having an ID card usually derive from the fact that the persons are not registered in birth registry books or do not have citizenship, do not have a registered permanent residence in any place or do not have a registered permanent residence in the place in which they live. A total of 28 persons, or 9% of all persons who do not have a valid ID card, state that they do not have the money to pay the fee for its issuance.

Chart 4.2.4.2. If you do not have an ID card, what is the reason for that?



5 Conclusions and Recommendations

Over the past 15 years, the Republic of Serbia has made a huge progress in eradicating statelessness in Serbia, both in terms of legislation and practice, which is an example of good practice, not only for countries in the region, but also for other countries facing this problem. Such progress would not be possible without the commitment and joint work of state institutions, international organisations - primarily the United Nations High Commissioner for Refugees, independent institutions and the non-governmental sector.

At the same time, significant progress has been made in raising the awareness of the population that is most affected by this problem about the importance of registration in civil registry books and possession of personal documents, which contributed to their more proactive approach in solving the problem of the lack of personal documents.

In previous years, thousands of people managed to solve their status and obtain personal documents, which is the first step towards exercising their basic rights. This is particularly significant considering that the largest number of persons at risk of statelessness come from the most socially vulnerable and marginalised families.

Without diminishing the importance of all the results achieved so far, this analysis shows that there are still a number of persons living in the Republic of Serbia who are not registered in birth registry books, do not have citizenship or face problems in registering their permanent residence.

The mapping has shown that statelessness affects both adults and children, men and women equally. The largest number of persons at risk of statelessness in the municipalities/towns included in the mapping was identified in the region of Southern and Eastern Serbia (35%) and the region of the City of Belgrade (32%), followed by a smaller percentage in the region of Western Serbia and Šumadija (17%) and the region of Vojvodina (16%). These findings are in line with the previous surveys conducted by the UNHCR.

Migration experience plays a significant role in the lack of personal documents, since the mapping showed that 46% of persons have some migration experience, whether they are returnees from Western Europe, refugees from the former Yugoslav republics or internally displaced persons from Kosovo and Metohija. The majority of persons born and registered in birth registry books abroad do not have the necessary evidence for registration, or are not familiar with the procedure and therefore need help with initiating a procedure for registration in the birth registry books in Serbia. The biggest problem in initiating these procedures is obtaining the necessary documents from abroad, since it can take more than a year.

Registration in birth registry books continues to be a problem for 383 persons, and the most frequent reason is a lack of necessary evidence for registration (48% of persons not registered in birth registry books), while a significant percentage (18%) do not know the procedure or it is too complicated. Furthermore, a quarter of persons who are not registered in birth registry books state that the reason is that their parents (mother) are not registered in birth registry books or do not have personal documents. A total of 22% of all unregistered persons are children aged 0-6 years who are not registered in birth registry books in any place. This information points to systemic obstacles, due to which there are still newborns who cannot be registered immediately after birth, because their mothers do not have personal documents, and consequently, it is not possible to complete the registration of children in birth registry books, but additional procedures must be conducted, which may last for several months.

Overall, the lack of documents for parents and the impossibility of registering children immediately after birth, regardless of the parents' status, may in the future cause the emergence of new persons at risk of statelessness, which would undermine the progress achieved in this field, if this problem is not systematically solved.

A total of 431 persons do not have citizenship of the Republic of Serbia. Eighty-eight percent (88%) of these persons are not registered in birth registry books and it is realistic to expect that the successfully completed procedure for registration in birth registry books should result in the acquisition of citizenship at the same time. The remaining 12% (50 persons), primarily persons who do not have a proof that their parents have Serbian citizenship, will have to initiate special procedures for acquiring citizenship, which take a long time and their outcome is uncertain. During that time, they will remain deprived of the rights arising from the status of citizenship.

The largest number of identified persons who do not have a registered permanent residence in any place will have to first solve the issue of registration in birth registry books and acquisition of citizenship. However, particularly worrying is the poor practice of the competent institutions in cases of persons who have the necessary documents and can submit a request for registration of permanent residence, given that as many as 23% of persons who tried to register their permanent residence in the place in which they live were verbally refused. Internally displaced persons from Kosovo and Metohija are particularly at risk, especially those who live in informal settlements and do not have a legal basis of residence, given that the regulations on permanent residence registration at the address of social welfare centres are inconsistently applied.

The special importance of mapping is that individuals who face problems with personal documents have been identified through the performed activities and that they will be provided with adequate legal assistance to solve the issues of their status.

However, it should be reiterated that the activities were carried out only in a number of municipalities/towns in Serbia, selected on the basis of previous estimates of the highest representation of these persons in certain regions, but their number in the Republic of Serbia may be higher. In addition, the experience of Praxis shows that, even in the municipalities and settlements that have been visited several times, new persons at risk of statelessness may appear, most often due to migration.

The mapping activity and the number of identified persons indicate that it is necessary to continue and enhance information campaigns targeting the Roma community, in order to invite and empower persons at risk to turn to competent authorities and institutions, as well as free legal aid providers, in order to solve their status related issues. The mapping has shown that as much as 77% of persons who are not registered in birth registry books have not yet submitted a request for registration, 91% of persons have not filed an application for citizenship, while 72% of persons have not even attempted to submit a request for registration of permanent residence in the place in which they live.

At the same time, the competent authorities and institutions of the Republic of Serbia, especially those that are most often in contact with this category of population, such as social welfare centres, should take a more proactive role in informing these persons, but also in providing adequate assistance within their scope of work and through networking with other relevant institutions, in order to provide comprehensive assistance to persons at risk of statelessness. We should not forget the free legal aid services in local self-governments, which play a particularly important role in court procedures that some of these persons need to conduct in order to be registered in birth registry books. According to the experience of Praxis, these services have not acted in accordance with the regulations, which is why a number of persons at risk of statelessness were unable to initiate relevant procedures.

In order to end statelessness in Serbia in the future, it is necessary that all relevant actors, primarily the institutions responsible for specific procedures related to registration in birth registry books, acquisition of citizenship and registration of permanent residence, have a proactive role and that they work on solving individual cases in a comprehensive manner, through integrated approach, especially at the level of local self-governments, where such cooperation still does not exist in some cases. Finally, it is necessary to systematically solve the issue of registration in birth registry books immediately after birth to prevent the emergence of new cases of statelessness in the future.