**KOSOVO**

**An overview of law and administration in the field of civil status in the Republic of Kosovo**

**Prepared by: H.E Mimoza Ahmetaj, Ambassador**

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Civil status registration (i.e. the entirety of the personal data of citizens of Kosovo, foreign citizens and stateless persons with temporary or permanent residence in the Republic of Kosovo, which are registered and kept in the Civil Status Registry certifying the birth, family status, death, relationship among them and any alteration that might take place in these relationships) remains a fundamental prerequisite for the enjoyment of any right in any democratic society based on the rule of law. Only after the formal registration of a person, she/he becomes visible to society and can claim the realization of the rights and freedoms applicable in the relevant legal system.

Birth registration is first and foremost a State responsibility.

The legal and administrative purpose relies on the establishment of a link between the government and its citizens, mostly manifested by concstitutional provisions, national laws or international treaties.

In Kosovo despite the inherent difficulties of the post-war situation, followed by the disappearance, burning and destruction of civil registers, it can be concluded that a substantial progress was achieved.

**CIVIL REGISTRATION AGENCY**

MANDATE AND ROLE OF THE CIVIL REGISTRATION AGENCY (CRA)

The establishment of the Civil Registration Agency (CRA) is regulated by Law **No. 04/L-160** based on the decision of the Government of the Republic of Kosovo. This decision defines the duties of CRA by mandating it to “provide all services to citizens and habitants who apply for ID-cards, passports, citizenship, civil status documents, driver licence and vehicle registration documents”.

Law on Civil Status No. 04/L-003 defines the Agency as the highest body of civil status. The law is in power since July 2011 and it regulates the meaning and civil status components of the Kosovo citizens, foreign nationals and stateless persons with temporal or permanent residence in the Republic of Kosovo, defines the rules for their creation, maintenance and amendment, as well as the organization and functioning of civil service in the Republic of Kosovo.

Administrative Instruction 17/2010 defines the structure, organization and operation of the CRA.

This authority acts in accordance with the mission of the MIA, its strategic documents and the clear vision for building, maintains, raises the overall safety and provids quality professional and advanced services, based on democratic values of impartiality and professionalism.

Provision of quality and professional services for citizens in the civil status area represent the CRA’s main objective.

CRA, as part of the general structure of the MIA, has the following authority and responsibilities.

For a more efficient exercise of its powers and functions, the CRA is organized and structured with four following departments:

* Department for Civil Registration and Civil Status Registration;
* Department for production of documents;
* Department for registration of vehicles and driving licences;
* Department of information technology and communications,
* and two other offices (the inspector’s office and the office for coordination and cooperation).

The following Administrative Instructions that support the implementation of Civil Status Law are in place:

* UA Nr.01/2013- for civil status documents
* UA Nr. 03/2013 – for verification stamp
* UA Nr.18/2012 – for central civil registry system
* UA Nr. 02/2012 – for late registrations in civil registers
* UA Nr.19/2012-for principal registers of civil status and special registers
* UA Nr. 03/2012 – for re -registration in principal registers of civil status
* UA Nr.20/2012- for procedure of passing the professional exam for civil status employees
* UA Nr. 04/2012 – for personal number
* UA Nr. 05/2012 – for the commission that reviews the complaints addressed to municipal bodies
* UA Nr. 02/2012 – for general procedures of registrations
* UA Nr. 01/2012 – for corrections on the civil status registries
* UA Nr. 37/2012 – for the use of certified copies of original civil status registries of Kosova, that were taken by the ex-regime of Serbia before June 1999

Civil Status service is organized in:

1. Central Level of Civil Status Service, respectively Civil Registration Agency;
2. Local Level of Civil Status Service, respectively Civil Status Offices;
3. Civil Status Service on the diplomatic and consular missions of the Kosovo.

Based on the Law on Civil Status no. 04/L-003, Article 2, paragraph 1.1, Civil Status provides ”the entirety of the personal data of citizens of Kosovo, foreign citizens and stateless persons with temporary or permanent residence in the Republic of Kosovo, which are registered and kept in the Civil Status Registry certifying the birth, family status, death, relationship amongs them and any alteration that might take place in these relationships”.

Civil Status Registration is a permanent and official record in the civil status registers of the existence legal fact of birth, death and marriage, its of fundamental importance for the realization of human rights and practical needs of citizens. Civil status registry is the only official public document which proves the civil status of a person in the family, society and state.

The identication of citizens as permanent residents of the Republic of Kosovo is conducted in conformity with the rules of the civil registration procedure, on the basis of the certificates of citizenship and ID-card.

Civil registration is a fundamental prerequisite for access to civil, political, economic, social and cultural rights. Through civil registration, a person’s identity is established before the law and her/his legal situation and legal status in the society is recognised.

The Law on Citizenship of the Republic of Kosovo, Article 2 (a), defines citizenship as follows:

“a legal bond between the State of Republic of Kosova and a person which establishes mutual rights and obligations”.

Definitions issued by the aforementioned laws are in accordance with international instruments, such as the Universal Declaration of Human Rights, International Covention on Civil and Political Rights and the European Convention on Nationality of 1954.

The right of registration of civil status and obtaining of citizenship are fundamental rights of every individual as they determine the legal subjectivity of the citizen in relation to the state in which she/he lives. These rights enable individuals to have legal identity in an organized society and facilitate their access to other civil and social rights such as the right to health care, education, social security, pension, employment, etc.

In Kosovo some municipalities face challenges in verifying the accuracy of civil status fact related to identity of the person who has submitted a request for late registration, because the principal civil status registers (Birth Register Books) and other associated files have been transferred to Serbia or damaged by the Serbian regime in 1999. Therefore, additional procedures had to be applied, unlike other municipalities where registers (books) exist.

***The procedure for the issuance of citizenship certificate***

Taking into consideration that a considerable number of Kosovo citizens were displaced during 1999, conditioning the obtainment of citizenship certificate with the residence certificate is contrary to law.

This is because Article 29 of the Law on Citizenship of the Republic of Kosovo provides that “all persons who on 1 January 1998 were citizens of the Federal Republic of Yugoslavia and on that day were habitually residing in Republic of Kosova shall be citizens of Republic of Kosova and shall be registered as such in the register of citizens irrespective of their current residence or citizenship”.

The certificate of residence, as a necessary document to prove residence address, is a criterion to be met with respect to the implementation of Civil Registration procedure.

The residence certificate is obtained based on the Law on Dwelling and Emplacement.

RETURNING OF CIVIL REGISTRY BOOKS TO KOSOVO

Last but not les important, Serbia is returning the civil registry books which where transfered to Serbia by serbs after the war was over in Kosovo.

Project of civil registry books in Nish

* This project started in 2012
* It consists of:
* Scanning
* Printing
* Verifying
* Certifying of the civil registry books and
* Transporting of certified copied to Prishtina

**The grand total of all certified copies has reached the number of 2459** and it is covering Lipjan/Lipjan (848), Obiliq/Obilic (264), Fushë Kosovë/Kosovo Polje (219), Gllogoc/Glogovac (425) and Prishtinë/Priština (703) municipalities.

This is a project which will continue until all registry books will return back to Kosovo.

Thank you for your attention!