

Organization for Security and Co-operation in Europe
MISSION IN KOSOVO

Access to civil registration in Kosovo

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LIST OF ABBREVIATIONS

AI	Administrative Instruction
CRA	Civil Registration Agency
CRPK	Civil Rights Program Kosovo
MCRO	municipal civil registration office
MCSO	municipal civil status office
MHRU	municipal human rights unit
MIA	Ministry of Internal Affairs
MLGA	Ministry of Local Government Administration
MOCR	municipal office for communities and return
MOGE	municipal officer for gender equality
MoU	memorandum of understanding
NGO	non-governmental organization
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

To be recognized as a person before the law is a fundamental human right. Civil registration is a process whereby a person is identified and recognized as an integral part of the society in which he or she lives. Persons that are not registered are unable to obtain official documents and are thereby prevented from exercising their rights and freedoms. In Kosovo, community members still face difficulties to register and therefore remain without personal identification. The Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) has monitored the civil registration process and examined progress and shortcomings of Kosovo institutions in ensuring access to civil registration for communities who are in a numerical minority in a given municipality, covering the period January 2010 – October 2011.

While there has been an increase in the number of civil registration offices, insufficient financial, logistical and human resources limit their proper functioning. Relevant institutions do not conduct sufficient outreach and awareness-raising activities to the population, informing them about the importance of and the procedures related to civil registration.

At the local level, communities who are in a numerical minority in a given municipality, are often unable to communicate with civil registration officers and to obtain documents in their own language, as civil servants frequently speak only the language of the majority community living in that given municipality.

Furthermore, fees for civil registration documents are not affordable for the poorest part of the population. Much remains to be done to facilitate the registration of undocumented applicants, since civil registration officials struggle to deal with complex cases in the absence of guidance from the central level and a uniform approach. Of special concern is the unlawful practice of conditioning the issuance of civil registration documents to the payment of property taxes in place in some municipalities.

In order to bring the civil registration process in line with international human rights standards and the legal requirements in Kosovo, several measures should be taken by the relevant institutions. Central- and municipal-level institutions should allocate adequate financial, logistical and human resources to improve the functioning of civil registration offices as well as their capacities to outreach rural areas, and provide services in all official languages. Municipal civil registration officers should receive training on all necessary birth registration procedures and on the registration of undocumented applicants. Relevant institutions should also ensure the affordability of fees through clearly defined exemption criteria, and should resume the practice of declaring an annual month of free registration, as provided for in the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015, and its Action Plan. Finally, municipal institutions should abstain from the unlawful practice of conditioning the issuance of civil documents on the payment of property taxes.

1. INTRODUCTION

International human rights standards¹ protect the right of every individual to be recognized as a person before the law², to be registered immediately after birth, to have a name and to acquire a nationality³. Internationally, the recognition of a person before the law is contingent upon a person's registration into a state's registry books and it is essential to the attainment and protection of other rights without discrimination⁴. The legislative framework in Kosovo defines the communities and their special rights with regard to their identity, stipulating the measures that Kosovo institutions shall take to ensure their effective equality in respect to a full set of rights.⁵

Mandated to, *inter alia*, monitor and promote the protection of human rights of communities in Kosovo, the OSCE advocates for, and promotes the inclusion of, the most disadvantaged members of the population. In line with this mandate, this report focuses on the right of access to civil registration for communities who are in a numerical minority in a given municipality vis-à-vis the implementation of policies and measures foreseen in several legal and policy documents in Kosovo. This report partially follows up on an earlier OSCE assessment which focused on Kosovo Roma, Ashkali and Egyptian communities⁶, who are among the most vulnerable communities in Kosovo and have historically and continuously faced problems associated with the lack of personal documents.⁷ The purpose of this report is to provide a more comprehensive assessment of the access to civil registration for all communities living in Kosovo.

This report is based on regular field monitoring as well as interviews conducted by the OSCE in Kosovo municipalities, from July to October 2011. At the municipal level, the OSCE interviewed representatives of those institutions directly responsible for the implementation

¹ Kosovo is applying a number of international human rights conventions and stipulated their priority over other provisions of laws and administrative acts.

² See Article 6, Universal Declaration of Human Rights, United Nations General Assembly, 10 December 1948. See also Article 16, International Covenant on Civil and Political Rights, United Nations General Assembly Resolution 2200 (XXI), 16 December 1966.

³ See Article 24(2), International Covenant on Civil and Political Rights, *ibid.* Also, Articles 7 and 24, United Nations Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25, 20 November 1989. Of special relevance to children's rights, see: Human Rights Committee, General Comment No.17, Rights of the Child, Article 24, 07/04/1989, paragraph 7 [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/cc0f1f8c391478b7c12563ed004b35e3?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/cc0f1f8c391478b7c12563ed004b35e3?Opendocument) (accessed 28 February 2012).

⁴ For the connection between the right to recognition before the law and the general principle of non-discrimination see: Human Rights Committee, CCPR/C/21/Rev.1/Add.10, General Comment No.28, 29/03/2000, paragraph 19. [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/13b02776122d4838802568b900360e80?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/13b02776122d4838802568b900360e80?Opendocument) (accessed 28 February 2012).

⁵ Legislation protecting the rights of communities in Kosovo is extensive, with one of the most important laws being Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, 4 June 2008. Yet, only limited progress has been achieved in the implementation of the entire legal framework in the protection and promotion of the rights of communities in Kosovo.

⁶ OSCE report *Civil Registration of the Roma, Ashkali and Egyptian Communities*, January 2007, <http://www.osce.org/kosovo/25844> (accessed 28 February 2012).

⁷ Kosovo institutions and international organizations estimate that up to 40 percent of Roma, Ashkali and Egyptian community members who live in Kosovo are not registered as residents and lack personal documents, including passports and identity cards. See: Human Rights Watch, *Rights Displaced, Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo*, October 2010, p. 41. <http://www.hrw.org/reports/2010/10/28/rights-displaced> (accessed 28 February 2012).

of civil registration policies and procedures and the issuance of civil documents.⁸ Additional information was gathered from other municipal officials responsible for communities in a numerical minority in a given municipality and for the reintegration of returnees⁹ in particular the municipal offices for communities and return (MOCR)¹⁰. The assessment also involved interviews with representatives of all communities living in Kosovo,¹¹ local non-governmental organizations (NGOs) as well as the local representatives of the United Nations High Commissioner for Refugees (UNHCR) and its implementing partner, Civil Rights Program/Kosovo (CRPK).¹² At the central level, interviews were conducted with the Ministry of Internal Affairs (MIA) and the Ministry of Local Government Administration (MLGA). The report is based on a combination of quantitative, qualitative and descriptive analysis of the information collected.

The report initially provides an outline of the legal and policy framework aimed at regulating and facilitating the civil registration process in Kosovo. The report then assesses central and municipal institutions' implementation of their obligations towards ensuring civil registration of the most vulnerable, in particular the Kosovo Roma, Ashkali and Egyptian communities. Finally, it concludes by presenting recommendations aimed at improving institutional responses to the main obstacles still challenging the process of civil registration.

2. LEGAL AND POLICY FRAMEWORK

In Kosovo, there are two types of civil registration: a) the civil status registration related to the registration of civil status facts of a person, such as birth, marriage and death¹³; and b) the civil registration related to the issuance of identification and travel documents (identity cards, passports and driving licenses)¹⁴. The MIA is responsible for the development,

⁸ A total of 33 municipal civil status offices, 27 municipal civil registration offices and directors of five municipal departments of general administration.

⁹ A total of 27 municipal officers for gender equality, 26 municipal offices for communities and return, three municipal return officers, two deputy mayors for communities, one co-ordinator of municipal human rights unit.

¹⁰ The MOCRs are established pursuant to Law No.03/L-040 on Local Self-Government, 15 June 2008, and the Law on Protection and Promotion of the Rights of Communities and their members in Kosovo, note 5, *supra*. Where MOCRs have not been established, the municipal return officers or chiefs of municipal communities offices were interviewed for the purpose of the report.

¹¹ The interviewees were selected on the basis of their functions (elected village/community leaders, municipal leadership, municipal employees or members of municipal committees, active members of the civil society or of non-governmental organizations). Also, some individuals were interviewed based on their experienced difficulties with the civil registration procedure.

¹² The local NGO CRPK has been an UNHCR implementing partner since 2006, when the latter launched its Action Plan for the Civil Registration Campaign targeting Roma, Ashkali and Egyptian communities in Kosovo.

¹³ Law No. 04/L-003 on Civil Status, 8 July 2011. The matter was previously regulated by the Law No. 2004/46 on Civil Status Registers, as promulgated by UNMIK Regulation No. 2005/21, 7 May 2005 and the Law No.02/L-126 on Amending and Supplementing the Law on Civil Status Registers No.2004/46, 27 September 2007.

¹⁴ Among the relevant legislation: Law No.03/L-099 on Identity Cards, 13 October 2008; Law No.03/L-037 on Travel Documents, 15 June 2008; Law No.02/L-118 on Personal Name, as promulgated by UNMIK Regulation 2008/11, 22 February 2008; Law No.2004/32 on Family Law, as promulgated by UNMIK Regulation 2006/7, 16 February 2006.

implementation, organization and supervision of the civil registration and civil status registration policies through its Civil Registration Agency (CRA).¹⁵

At the municipal level, civil registration is carried out by municipal civil registration offices (MCROs), which fall directly under the MIA and are in charge of issuing travel documents and identity cards.¹⁶ As a delegated competence¹⁷, civil status related services are exercised at the local level by municipal civil status offices (MCSOs), which are in charge of issuing personal identification numbers as well as birth, family, marriage and death certificates.¹⁸ The MCSOs are set up through the municipal statutes and depend on the municipal departments of general administration for their organization and financial support, although they work in co-operation with and under the monitoring and supervision of the MIA.¹⁹

Through the endorsement of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities²⁰ in December 2008 and the Action Plan²¹ for its implementation in December 2009, the Kosovo institutions committed to facilitate the registration of members of the Kosovo Roma, Ashkali and Egyptian communities. These two policy instruments urge the MIA, in co-operation with other relevant ministries²² and municipalities, to replace standard procedures with more flexible short-term measures to facilitate the registration of these vulnerable communities.²³

Facilitation measures for civil registration are also foreseen in the Revised Manual for Sustainable Return²⁴, as well as in the Revised Strategy for the Reintegration of Repatriated

¹⁵ The CRA was established with the Administrative Instruction (AI) No.17/2010 on Organization and Structuring of Civil Registration Agency, 7 September 2010 and functions as an executive agency within the MIA. It is responsible for the Central Civil Status Registry, containing civil status information for all Kosovo residents, foreign nationals and stateless persons, with temporary or permanent residence in Kosovo, as well as for foreign citizens who have been granted asylum in Kosovo. See Law on Civil Status, note 13, *supra*, Article 26.

¹⁶ The work of the MCROs is based on the Law on Identity Cards and the Law on Travel Documents, note 14, *supra*.

¹⁷ Law on Civil Status, note 13, *supra*, Article 56.

¹⁸ *Ibid.* Article 59. The MCSOs are also responsible for updating the central registry on civil status and keeping the acts of births, marriage and deaths.

¹⁹ See note 16 *supra*, Article 10.

²⁰ Office of the Prime Minister, *Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo, 2009–2015*, December 2008; http://www.kryeministri-ks.net/zck/repository/docs/Strategy_for_the_Integration_of_Roma,_Ashkali_and_Egyptian_communities_2009-2015.pdf (accessed 28 February 2012).

²¹ Office of the Prime Minister, *Kosovo Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities 2009–2015*, December 2009; http://www.kryeministri-ks.net/zck/repository/docs/Action_Plan_on_the_Implementation_of_the_Strategy_for_the_Integration_of_Roma,_Ashkali_and_Egyptian_Communities_2009-2015.pdf (accessed 28 February 2012).

²² The MLGA, the Ministry of Education, Science and Technology, the Ministry of Health as well as the Office of Community Affairs and the Advisory Office for Good Governance within the Office of the Prime Minister.

²³ See *Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo*, note 20, *supra*, Chapter 2.7.

²⁴ United Nations Interim Administration Mission in Kosovo/Provisional Institutions of Self Government *Revised Manual for Sustainable Return*, July 2006. Its Annex 1, section 3 (C) states: “[...] recognizing the backlog of requests for civil registration documentation, municipalities are instructed to ensure that pending registration requests for Roma, Ashkali and Egyptians are completed in the next six months. No late fees for these administrative services shall apply to these groups”.

Persons²⁵ and its Action Plan²⁶. Legislation in Kosovo also allows for some flexibility related to the evidence for establishing the applicant's identity and eligibility.²⁷

3. MAIN DEVELOPMENTS AND PROGRESS IN THE FIELD OF CIVIL REGISTRATION

In an interview conducted by the OSCE, the MIA²⁸ highlighted the steps taken in co-operation with the international community to improve civil registration services, such as improvements in the functioning of the address system in Kosovo²⁹, the consolidation of registry books³⁰, and digitalization of data. According to the MIA, the number of MCSOs and MCROs and respective sub-offices is increasing, with the aim of covering all municipalities in Kosovo.³¹ Also, the recently adopted law on civil status³² improves the legal framework for the registration and issuance of civil status documents, covering persons living permanently and temporarily in Kosovo as well as those living abroad. It also regulates gaps in the areas of re-registration and late registration.³³

On a different note, as an attempt to remove obstacles to receive civil registration, and in line with the Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities³⁴, in 2010 the MLGA declared the month of April as the month of free registration for members of Roma, Ashkali and Egyptian communities.

²⁵ Kosovo government, *Revised Strategy for Reintegration of Repatriated Persons*, May 2010, <http://www.mpb-ks.org/repository/docs/Strategjia%20per%20Riintegrimin%20e%20personave%20te%20Riadheseuarenglish.pdf> (accessed 28 February 2012).

²⁶ Kosovo government, *Action Plan Implementing the Strategy for the Reintegration of Repatriated Persons*, August 2010. http://www.mpb-ks.org/repository/docs/PLANI_I_VEPRIMIT_I_MODIFIKUAR_final%2027%20shtator%202010.pdf (accessed 28 February 2012).

²⁷ MIA AI No.05/2009 on Requirements Composing Evidence of Citizenship of the Former Federal Republic of Yugoslavia and Permanent Residence in the Territory of Kosovo on 1 January 1998, 3 March 2009, Article 4.2.

²⁸ OSCE interview with the Director of the Department of Registration and Civil Status, CRA, 11 August 2011, CRA premises in Prishtinë/Priština.

²⁹ European Union-project on Support to the Civil Registration Agency and Unified Address System, e-newsletter, November 2011, No.1. http://www.change4kosovo.com/data/Ressources/5_3-the_newsletter.pdf (accessed 28 February 2012).

³⁰ Within the framework of the EU-led Belgrade – Prishtinë/Priština dialogue on technical issues, in July 2011 the two parties reached an agreement on civil registry books. With facilitation of the EU rule of law mission (EULEX), the process of consolidation of registry books in Kosovo consists of scanning, copying and certifying all available original civil status registry books (more than 14,000). The CRA is then expected to consolidate the data in order to achieve a reliable civil status registry within Kosovo.

³¹ As of October 2011, a total of 31 MCROs and 33 MCSOs and 140 satellites offices were counted Kosovo-wide. See e-newsletter, note 29, *supra*.

³² See Law on Civil Status, note 13 *supra*.

³³ The issues of re-registration and late registration are explained and elaborated below in chapter 4.6, note 81, *infra*. With regard to late registration, the MIA issued on 15 March 2012 the circular n.123 to release the Kosovo Roma, Ashkali and Egyptian communities from paying the fees for late registration of births and deaths for a period of up to one year.

³⁴ See *Kosovo Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities*, note 21, *supra*, chapter 2.7 Registration, Objective 1, Action 1.2.3. The Action Plan instructs that “all municipalities declare once a year the free of charge civil registration month for unregistered persons and children born outside the health care system”.

In the course of the OSCE's 2011 monitoring exercise, the central- and municipal-level institutions highlighted their public awareness activities and their outreach to remote areas. Recognizing that most outreach activities are carried out by the CRPK, some MCSOs and MCROs described their proactive co-operation with this NGO, mainly in the distribution of informative material (posters and leaflets) to the Kosovo Roma, Ashkali and Egyptian communities.³⁵ Other municipalities have conducted their own information campaigns and outreach activities.³⁶ Also, several municipalities, through the MCSO, MCRO and/or MOCR, reported to have taken steps to facilitate access to civil registration through ad hoc mobile teams servicing isolated settlements or the most vulnerable persons, such as disabled or hospitalized individuals, people who cannot afford the transport costs to reach the offices, as well as returnees.³⁷ Some MCROs also reported to be actively engaged in an MIA-led media information campaign on issuance of passports and identity cards.³⁸

Yet, despite some concrete steps and improvements, throughout Kosovo members of communities in a numerical minority in a given municipality often remain unregistered and without personal identification, curtailing the enjoyment of their fundamental human rights.³⁹ The following chapter highlights the main obstacles and challenges remaining in the field of civil registration, based on complementary information collected from both the civil registration institutions and communities' representatives.

4. OBSTACLES AND CHALLENGES IN THE FIELD OF CIVIL REGISTRATION

4.1. Inadequate financial, human and logistical resources

Insufficient human resources as well as lack of adequate office space and equipment (such as copy machines, computers, file cabinets and archive rooms) were reported in eight municipalities by the officials interviewed.⁴⁰ The MCSOs in Deçan/Deçane, Klinë/Klina and Prishtinë/Priština municipalities also observed difficulties deriving from a lack of regular computer maintenance, lack of working internet connections, old computers, and several technical problems when entering data for newly registered people.

³⁵ The Fushë Kosovë/Kosovo Polje and Gračanica/Gračanicë municipalities have been mentioned as positive examples of co-operation by the Regional Director of CRPK Prishtinë/Priština region during the interview held on 20 June 2011.

³⁶ For instance, in Gjakovë/Đakovica municipality the MCRO raised awareness on civil registration through the local radio station "Gjakovë" and TV "Syri", while in Klinë/Klina municipality the MCSO undertook concrete steps to facilitate the access to civil registration through an informative campaign on Radio "Alba". In Klinë/Klina municipality the MCRO organizes twice a year awareness raising campaigns with flyers and leaflets, as well as informative campaigns via radio. In Skenderaj/Srbica, the MCSO organized a radio show campaign in 2010.

³⁷ Municipalities of Ferizaj/Uroševac, Gjakovë/Đakovica, Gjiilan/Gnjilane, Istog/Istok, Klinë/Klina, Lipjan/Lipljan, Obiliq/Obilić, Rahovec/Orahovac and Vushtrri/Vučitrn. In some cases the mobile teams do the registration at the site, in some others they offer transport to the applicants, while in other cases they collect and return documents.

³⁸ Municipalities of Deçan/Deçane, Klinë/Klina, Novo Brdo/Novobërdë and Pejë/Peć.

³⁹ For instance, lack of documentation at the time of school registration is one of the obstacles to inclusive education. Likewise, lack of documentation is an obstacle to access to healthcare and to social benefits.

⁴⁰ Issues reported by the MCSOs and MCROs from municipalities of Deçan/Deçane, Obiliq/Obilić, Prizren, Vushtrri/Vučitrn and the MCSOs in Dragash/Dragaš, Istog/Istok, Shtime/Štimlje and Viti/Vitina.

A shortage of personnel in many municipalities throughout Kosovo is another problem affecting the proper functioning of MCROs and MCSOs⁴¹, including their capacities to reach out to remote areas. Yet, this problem has not been addressed in a viable way, and the number of personnel is increased only during summer to accommodate the additional requests for civil registration services by returning diaspora.⁴²

4.2. Non-compliance with language law, and illiteracy

Access to civil registration is also contingent upon language compliance⁴³ and requires the municipal institutions to ensure communication and service provision in the official languages, directly through the civil servants or through language assistance. Despite these obligations, some MCROs reported difficulties faced by members of non-Albanian communities, as the communication in the MCSOs and MCROs is either only in Albanian or in Albanian and poor Serbian. Among municipalities reporting this problem are Gjilan/Gnjilane, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë and Viti/Vitina, the last of which displays all public notices in the MCSO and the MCRO only in the Albanian language. Similarly, language problems have been reported by the Kosovo Albanian community in the municipality of Gračanica/Graçanicë, where a lack of employees speaking or translating into Albanian hinders communication with the Kosovo Albanian population.

In addition, literacy barriers have also been reported, for instance in Gjakovë/Đakovica municipality, where illiterate members of the Kosovo Roma community are facing difficulties in completing civil registration forms correctly. This is reflective of a general situation of marginalization suffered in particular by the Kosovo Roma, Ashkali and Egyptian communities, which face the most complex barriers to inclusion in education⁴⁴ despite government obligations⁴⁵ to take concrete measures to remove them.

4.3. Lack of public awareness of registration procedures and benefits

⁴¹ MCSO in Deçan/Deçane municipality, MCSO and MCRO in Prizren municipality, MCRO in Obiliq/Obilić, MCSO in Shtime/Štimlje and MCRO in Vushtrri/Vučitrn municipalities; the Prishtinë/Priština-run municipal community offices in the northern municipalities of Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan, which are located in villages inhabited only by Kosovo Albanians, and the civil registration office in northern Mitrovica/Mitrovicë which is located in Bosniak Mahalla, a neighbourhood populated by Kosovo Albanians, Kosovo Serbs, Kosovo Bosniaks, Kosovo Turks, Kosovo Roma, and others.

⁴² The MCSOs and MCROs in the municipalities of Deçan/Deçane, Dragash/Dragaš, Klinë/Klina, Obiliq/Obilić, Pejë/Peć and Prizren reported that they apply extended working hours or hire additional staff (often interns) during the summer.

⁴³ Article 7.2 of the Law No. 02/L-37 on the Use of Languages as promulgated by UNMIK Regulation No. 2006/51, 20 October 2006, provides that “every person has the right to communicate with, and to receive available services and public documents from municipal institutions and officials in any of the official languages. Every municipal representative and executive body has a duty to ensure that every person can communicate with, and can obtain available services and public documents from, any municipal institution or organ in any official language”.

⁴⁴ Kosovo Roma, Ashkali and Egyptian children stay at school for the least amount of time compared to members of other communities in Kosovo. As a result, more than 16 per cent of the members of these three communities do not read or write. See: United Nations Development Programme, *Kosovo Human Development Report 2010*, p. 59, <http://www.ks.undp.org/repository/docs/HDR-2010-English.pdf> (accessed 28 February 2012).

⁴⁵ “Members of communities shall have the right to receive public education at all levels in one of the official languages of Kosovo.” See Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, note 5, *supra*, Article 8.1.

In 2009, the findings of a report by the United Nations Children's Fund (UNICEF) revealed that 8.3 per cent of Kosovo households had failed to register the birth of at least some of their children under 18 years old.⁴⁶ According to the report, among all Kosovo residents, the Kosovo Roma, Ashkali and Egyptian communities were most likely not to register the births of their children, followed by Kosovo Albanians and Kosovo Turks. The most common reason given for non-registration of births in Kosovo was the lack of knowledge about the advantages of registration and disadvantages of non-registration, followed by missing documentation required from parents to register their children as well as lack of knowledge about birth registration procedures.

During the interviews, only some of the representatives from non-Albanian communities demonstrated a fairly good understanding of the importance and benefits of having personal documents, for instance to access education, employment or to travel.⁴⁷ There are still cases of community members (mainly from the Kosovo Roma, Ashkali and Egyptian communities⁴⁸) unaware of the importance, procedures and costs of civil registration, and who register their children only when they need Kosovo civil registration documents to apply for social assistance or to enroll their children to school. General unawareness was also conveyed in Deçan/Deçane municipality by internally displaced persons from the Kosovo Serb and Kosovo Montenegrin communities. Notably, the majority of respondents⁴⁹ not fully familiar with the procedures for obtaining personal documents reported to rely on CRPK, to which they submit all the papers in order to obtain civil registration.

The majority of municipal officials reported no need for additional outreach, maintaining that communities are fully aware of the civil registration process, although this proved not always to be reflective of the situation depicted by the communities themselves. During the interviews, several non-Albanian community members from different municipalities⁵⁰ stressed the need for relevant municipal institutions to increase their outreach activities to villages and informal settlements. In Lipjan/Lipljan municipality, the request for more information and support outlined by the interviewed Kosovo Ashkali community representative contrasted with the positive statement given by the local institutions who did not identify such a need.⁵¹ Yet, other civil registration officials agreed upon the need to

⁴⁶ See UNICEF report, *Birth Registration in Kosovo*, March 2009, p. 9, http://www.unicef.org/kosovo/UNICEF_Birth_Registration_2009_English.pdf (accessed 28 February 2012).

⁴⁷ Kosovo Roma, Ashkali and Egyptian communities representatives from the municipalities of Malishevë/Mališevo, Shtime/Štimlje, Suharekë/Suva Reka, Pejë/Peć, Deçan/Deçane, Gračanica/Gračanicë, Mitrovicë/Mitrovica; Kosovo Gorani and Kosovo Bosniak communities in the municipality of Dragash/Dragaš; Kosovo Serb representatives from the municipalities of Rahovec/Orahovac, Skenderaj/Srbica, Vushtrri/Vučitrn and Istog/Istok.

⁴⁸ Interviews with Kosovo Ashkali representatives in Lipjan/Lipljan municipality and Kosovo Roma, Ashkali and Egyptian community members in Fushë Kosovë/Kosovo Polje municipality.

⁴⁹ Kosovo Serbs in Skenderaj/Srbica, Vushtrri/Vučitrn and Ferizaj/Uroševac municipalities, Kosovo Egyptian leader in Istog/Istok municipality, Kosovo Ashkali representatives in Lipjan/Lipljan and Prishtinë/Priština municipalities, Kosovo Roma and Ashkali community members in Obiliq/Obilić and Ferizaj/Uroševac municipalities, Kosovo Serb and Kosovo Montenegrin displaced persons in Deçan/Deçane.

⁵⁰ Kosovo Egyptian and Kosovo Bosniak representatives from Istog/Istok municipality; Kosovo Ashkali representative from Lipjan/Lipljan municipality; Kosovo Roma and Ashkali representatives from Ferizaj/Uroševac municipality; Kosovo Roma, Ashkali and Egyptians from Obiliq/Obilić municipality; representatives from Kosovo Serb, Roma and Egyptian communities from Klinë/Klina municipality.

⁵¹ The MCSO reported that Lipjan/Lipljan municipality uses MCSO satellite offices in the villages Babush/Babuš, Janjevë/Janjevo, Magure/Magura, Kraisht/Kraište and Shalë/Sedlare (with both Albanian and Serbian speaking staff) in order to cover rural areas, and therefore does not use mobile teams anymore (apart from visits to persons with disabilities or elderly people). Furthermore, the MCSO officer underlined his

increase outreach, mobile teams and sub-offices serving the rural areas.⁵² Some MCSOs recognized the need for the municipalities to be more engaged and take the lead in outreach activities instead of simply delegating their obligations to UNHCR and CRPK, commenting that this would enhance their knowledge of specific cases and the capacity to address identified needs.

4.4. Failure to ensure registration of children born outside the health system

Birth registration, a right enshrined in a range of human rights treaties⁵³, is a gateway to the attainment of other fundamental rights because it facilitates access to essential services such as education and health⁵⁴. The Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities calls on municipal institutions to provide the population with information and advice on immediate registration of newborn infants, in co-operation with the Ministry of Health and hospital centres.⁵⁵ In addition, the same document encourages the municipal officers for gender equality (MOGEs),⁵⁶ in co-operation with NGOs, to organize meetings with communities to minimize the number of unregistered infants born outside the health system, mainly belonging to the Kosovo Roma, Ashkali and Egyptian communities.⁵⁷

According to interviews conducted by the OSCE, in the majority of cases, municipalities reported to have very good co-operation with the Ministry of Health and the hospital centres and family health centres, allowing municipalities to provide information and advice on immediate registration of newborn infants to the parents. In particular, the MCSO staff reported that they visit the hospitals and family health centres on a regular basis and instruct the medical staff, who directly informs families about the legal requirements and the

impression that over 99 per cent of the residents are registered and that compliance with the law is very high, deeming that outreach campaigns are not necessary.

⁵² Outreach activities were highly recommended by the interviewed civil status registration officials from the municipalities of Ferizaj/Uroševac, Gračanica/Gračanicë, Istog/Istok, Kamenicë/Kamenica, Klinë/Klina, Shtime/Štimlje, Suharekë/Suva Reka and Viti/Vitina. In Gjilan/Gnjilane municipality, the MCSO recommended the physical proximity of the MCRO and the MCSO to facilitate residents' access to the service providers. In Mitrovicë/Mitrovica municipality, the need to provide better notification and information about the benefits of registering to those residing in northern Kosovo and Roma Mahalla was stressed. The need for mobile teams or sub-offices has been reported on several occasions by the MCSOs often mentioning the difficulties to reach out to the population due to lack of transportation/vehicles.

⁵³ See note 3, *supra*.

⁵⁴ For the right to health and education as contingent to birth registration, see: Human Rights Committee, Concluding Observations regarding Bosnia and Herzegovina, UN Doc. CCPR/C/BIH/CO/1 (2006). <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/457/65/PDF/G0645765.pdf?OpenElement> (accessed 28 February 2012).

⁵⁵ See note 21, *supra*, Registration, Objective 1.

⁵⁶ The MOGEs are civil servants at the municipal level tasked to work towards achieving gender equality as well as mainstreaming gender issues into municipal policies, legislation and practices. This position was established by the MLGA AI 2005/08 on Determination of Competencies and Description of Duties of Officers for Gender Equality in Municipalities, 7 December 2005. The MOGEs were incorporated into the municipal human rights units with the MLGA AI No.2011/01 on Amending and Supplementing the AI No.2008/02 on the Establishment of Human Rights Units in the Municipalities, 29 April 2011, which also describes their new term of reference.

⁵⁷ See note 21, *supra*, chapter 2.7 Registration and Documents: "municipalities shall adopt a gender-sensitive approach that assists mothers and babies in cases of home birth and promotes civil registration of all new born babies. Municipalities shall establish a co-operation mechanism between the relevant municipal authorities, including health authorities and mid-wives, and the Roma, Ashkali and Egyptian communities, including women from the communities assisting in home-births, in order to prevent future non-registration".

procedures for registration of newborn infants.⁵⁸ However, some municipalities do not provide information on this topic. The municipal officials interviewed justified this on the grounds that there is an absence of any hospital in the municipality (such as Junik and Fushë Kosovë/Kosovo Polje municipalities⁵⁹) or that all residents are informed of procedures for registration and that they have no cases of non-registration (as reported by Dragash/Dragaš municipality⁶⁰). The MCSO in the “Bosniak Mahalla” neighborhood in northern Mitrovica/Mitrovicë does not receive data on newborns, since the registration service is carried out in southern Mitrovicë/Mitrovica.

When it comes to the MOGEs’ involvement, only in Gračanica/Graçanicë municipality does the MOGE (also acting municipal return officer) visit and advise parents who have children born at home or outside of Kosovo. Here, the MOGE stressed the need for special efforts in order to inform the Kosovo Roma community living in Gračanica/Graçanicë municipality of the importance of the registration of newborn infants.⁶¹ In the majority of other cases, the MOGEs reported that no initiatives to register children born outside of the health system have been taken because, they stated, there are no such cases. In a few municipalities, the MOGEs claimed never to have been informed of their role on the matter of the registration of newborn infants.⁶² In Gjakovë/Đakovica, where many members of the Kosovo Egyptian community⁶³ are facing problems with civil registration due to home births, the MOGE expressed the opinion that this issue is not under its competence.

Although not mentioned in the Strategy for the Integration of Roma, Ashkali and Egyptian Communities and its Action Plan, it is important to note that MOGEs are members of the municipal human rights units (MHRUs). These units are the responsible bodies to assess and ensure the compliance of municipal policies, legislation and activities with human rights standards.⁶⁴ The general lack of co-ordination among MHRUs and other relevant actors, for instance the MOCR, was referred to by the MOGEs in Gjilan/Gnjilane and Klinë/Klina municipalities as the reason for their inactivity with regard to outreach to families with home-born children.

4.5. Unaffordable registration fees

During the interviews, some representatives from non-Albanian communities reported having experienced problems in affording the costs associated with obtaining different documents.⁶⁵ Members of these communities are particularly affected by unemployment and poverty.⁶⁶

⁵⁸ Ferizaj/Uroševac, Prishtinë/Priština and Prizren municipalities have set up an office for registration in the respective hospitals, enabling the registration to take place directly at the hospital.

⁵⁹ OSCE interview with MOGE in Junik municipality, 2 June 2011; interview conducted with the MCSO in Fushë Kosovë/Kosovo Polje municipality, 20 June 2011.

⁶⁰ OSCE interview with municipal director of administration and MOGE, 19 May 2011.

⁶¹ The interviewed Kosovo Roma community representative from Gračanica/Graçanicë municipality confirmed that several women give birth at home and faced consequent difficulties in obtaining birth certificates.

⁶² Municipalities of Ferizaj/Uroševac, Klokot/Kllokot and Novo Brdo/Novobërdë.

⁶³ Through regular field monitoring, the OSCE has observed this problem faced by the Kosovo Egyptian residents of Neticë/Netic village, a community comprised of 70 members, mostly women and children.

⁶⁴ The current responsibilities, structure, composition (seven members, including MOGE) and functioning of the MHRUs is regulated by the MLGA AI No. 2011/04 on Amending and Supplementing the AI No. 2011/01 on the Establishment of Municipal Human Rights Units, 26 October 2011.

⁶⁵ During the interviews conducted by OSCE, reference to financial barriers were made by the following interlocutors: Kosovo Ashkali representatives from Prishtinë/Priština and Lipjan/Lipljan municipalities; Kosovo Roma representative in Gjakovë/Đakovica municipality; Kosovo Roma and Ashkali representatives from Ferizaj/Uroševac municipality; Kosovo Egyptians and Kosovo Bosniak representatives in Istog/Istok

While identity cards are issued free of charge, a 10 Euro fee applies in cases of their replacement (due to loss or damage), as well as in case of change of data.⁶⁷ Passports are issued for 25 Euros (100 Euros if issued within 72 hours), while a 25 Euro fee applies for replacement or renewal⁶⁸, whereas prices are higher for the issuance of new biometric passports⁶⁹. No exemptions are foreseen since, in the government's opinion, this would be perceived as a form of discrimination towards the categories not exempted, underlining that the only essential document, the identity card, is issued free of charge.⁷⁰ Fees applied to obtain civil status documents⁷¹ range from 50 cents up to 5 Euros⁷². Although some municipalities do exempt certain categories from paying for the civil status documents⁷³, this is not a Kosovo-wide practice. Even when it occurs, the identification of categories exempted is subject to a certain degree of discretion and does not encompass all cases of poverty existing in a given municipality. Kosovo-wide, 26 memoranda of understanding (MoUs) have been signed between municipalities and the CRPK covering facilitation of civil registration and fee exemptions. Yet, these documents apply only for refugees and asylum seekers, persons at risk of statelessness, returnees and displaced persons⁷⁴ and require the applicants to apply through the CRPK, which covers their fees. This has resulted in confusion amongst members of the Kosovo Roma, Ashkali and Egyptian communities in Mitrovicë/Mitrovica and Podujevë/Podujevo municipalities who, for example, expected to be exempted from fees, but were not. Furthermore, in some municipalities⁷⁵ the MoU has never entered into practice since municipal officials deem it discriminatory towards other categories of people⁷⁶.

municipality; Kosovo Roma, Egyptians and Kosovo Serbs in Klinë/Klina municipality; Kosovo Serb and Kosovo Montenegrin representative in Deçan/Deçane municipality.

⁶⁶ Kosovo Roma, Ashkali and Egyptians have the highest exclusion rate from factor markets with 40.6 per cent and experience a higher rate of unemployment than the Kosovo average (58 per cent versus 45 per cent). See: United Nations Development Fund, *Human Development Report 2010*, note 44 *supra*, p. 42.

⁶⁷ MIA AI No. 19/2008 on Procedures for Application for the Identity Card, Lost/Damaged Identity Card, Change of Data and Renewal of Data in the Identity Card, October 2008.

⁶⁸ The fee amounts to 15 Euros for passports issued to children (up to 3 year-old) and 20 Euros for passports issued to applicants below 18 years-old (MIA Decision No. 410 on Fees, 21 July 2008).

⁶⁹ The issuance of a biometric passport costs 30 Euros, while 35 Euros is the price for the replacement of the document or renewal of data. See MIA website: "Minister Bajram Rexhepi issued a decision for setting the fees for biometric passports", 6 October 2011. <http://www.mpb-ks.org/?page=2.46.785> (accessed 28 February 2012).

⁷⁰ See note 28, *supra*.

⁷¹ Municipal assemblies in Kosovo are authorized to define the level and type of fees applied to their civil status registration services in accordance with Article 16 of the Law No. 03/L-049 on Local Government Finance, 15 June 2008.

⁷² The MCSOs Kosovo-wide reported to apply 1 Euro fee to issue birth certificates. Fees for marriage certificates range from 1 to 2 Euros, while death certificates cost from 1 to 5 Euros (the only exception is the Suharekë/Suva Reka municipality where this document is issued free of charge).

⁷³ Municipalities of Deçan/Deçane, Dragash/Dragaš, Istog/Istok, Klinë/Klina, Malishevë/Mališevo, Pejë/Peć, Prishtinë/Priština and Shtime/Štimlje reported to exempt one or more of the following categories: social assistance scheme beneficiaries, pensioners, students and pupils, "martyrs" families and war invalids.

⁷⁴ These are the categories of interest to the UNHCR/CRPK, as reported by the Regional Director of CRPK, Prishtinë/Priština region during the interview held on 20 June 2011 at the OSCE premises. See also United Nations Kosovo Team – UNHCR, <http://www.unkt.org/?cid=2.93> (accessed 28 February 2012). During the same interview, OSCE was informed that at the initiative of Gračanica/Graçanicë municipality, the recent MoU includes also specific reference to the internally displaced Kosovo Serbs, as well as Kosovo Roma, Ashkali and Egyptians, which could become a practice also for other municipalities.

⁷⁵ Municipalities of Gjakovë/Đakovica, Istog/Istok, Klinë/Klina and Pejë/Peć.

⁷⁶ OSCE interview with the Regional Director of CRPK, Pejë/Peć region, 7 June 2011, CRPK premises.

At the central level, the MLGA did not continue in 2011 and 2012 to declare a month of free registration⁷⁷ since it was of the opinion that Kosovo Roma, Ashkali and Egyptians, as well as Kosovo Serbs, are never refused registration even when they are not able to pay the fees.⁷⁸

4.6. Inadequate guidance and procedures for undocumented applications

Producing the documentation required during the civil registration process is one of the main challenges for the applicants. Following the 1999 Kosovo conflict, the vast majority of civil status registries were damaged, destroyed or remained outside Kosovo.⁷⁹ A lack of access to pre-1999 civil registry books causes problems in the process of validation of identity of Kosovo residents. Producing the documentation is additionally challenging for those nomadic or largely marginalized communities, such as the Kosovo Roma, Ashkali and Egyptians who often do not possess any documentation because their parents also lack registration or give birth outside of the health system.

To facilitate the process of registration, the legislation allows for some flexibility, such as the use of “other documents” as evidence for establishing the applicant’s identity and eligibility and the possibility of using witness statements to collect evidence about relevant facts.⁸⁰ The lack of clear guidance and the absence of formal written instructions for the procedure of accepting the statement by witnesses and the conditions under which to accept “other documents” have led to an inconsistent application of procedures, especially when it comes to home-birth, late registration and re-registration.⁸¹

Within the scope of this report, the OSCE enquired about the extent of municipal implementation of flexibility measures, such as witness statements and “other documents”. The OSCE findings confirmed that, when faced with complex cases of undocumented applicants, and in the absence of clear directions⁸², municipalities have different approaches to implementing the relevant legislation and have slightly different requirements for

⁷⁷ Despite the failure of MLGA to officially declare it, the municipalities of Deçan/Deçane, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Obiliq/Obilić and Podujevë/Podujevo reported to have applied the month of free registration also in 2011.

⁷⁸ OSCE interview conducted with the Human Rights Co-ordinator within the MLGA, 10 August 2011, MLGA premises. In an update given in July 2012, the same interlocutor reported that according to MLGA all municipalities already offer free registration on a regular basis.

⁷⁹ Within the framework of the EU-led Belgrade – Prishtinë/Priština dialogue, in July 2011 the two parties reached an agreement on civil registry books. With facilitation of the EU rule of law mission (EULEX), the process of consolidation of registry books in Kosovo consists of scanning, copying and certifying all available original civil status registry books (more than 14,000). The CRA is then expected to consolidate the data in order to achieve a reliable Civil Status Registry in Kosovo. See European Union Press Statement, *European Union facilitated dialogue: three agreements*, Brussels, 2 July 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/123383.pdf (accessed 28 February 2012).

⁸⁰ See note 27, *supra*.

⁸¹ The procedure of late registration applies in cases when a birth is not reported within a 30-day term, as foreseen by the Law on Civil Status Registers, note 13, *supra*, Article 16. In such cases, the registration is performed by a decision on late registration, issued by the competent MCSO. The procedure of re-registration is instead based on AI No. 2006/7 on Reconstruction of Civil Status Registry Book, 2 June 2006. While proceeding cases of birth registration, MCSOs often do not make distinction between the procedure of late and that of re-registration. See UNHCR-Bureau of Population, Refugees and Migration Report, January - December 2007, <http://www.crpkosovo.org/Reports.aspx> (accessed 28 February 2012).

⁸² Municipal director of general administration in Gjilan/Gnjilane municipality, MCSOs in the municipalities of Hani Elezit/Đeneral Janković, Kačanik/Kaçanik and Viti/Vitina stressed difficulties in the application of the legislation, and the general lack of guidance or unified instructions from the central level.

obtaining certain documents. For example, in cases of persons with no documentation, some municipalities are less willing than others to rely on witnesses when it comes to the issuance of birth certificates or residence certificates. Also, different municipalities reported to ask for different documents to issue the same certificates.⁸³ In municipalities such as Gjilan/Gnjilane and Viti/Vitina, displaced persons reported that they had been required to present court-certified lease agreements for the houses they live in, which entails even more financial costs during the civil registration process (payment to a lawyer to prepare the lease agreement and court certification fees).

A specific concern was pointed out by two interviewed Kosovo Serb couples, who reported that personal documents such as marriage certificates issued by Serbian institutions were not recognized by civil registration offices. As a consequence the civil registration offices in Kosovo did not mark the change of marital status, leaving the applicants with their maiden names in all Kosovo documents.⁸⁴

The lack of clear guidance from central level institutions and a lack of adequate training for registration officials often result in contradictory information being given to the public, with the risk of alienating people from the institutions. Examples came from Kosovo Serbs and Kosovo Roma in Klokot/Kllokot municipality and the Kosovo Roma and Kosovo Ashkali communities in Obiliq/Obilić municipality, who reported feeling discouraged and confused when receiving contradictory directions and being asked by different employees within the same municipal office to submit different kinds of documents. The interviewees voiced their perception that civil registry officers work at their own discretion, and are perceived to be making arbitrary decisions.

In order to facilitate complex civil status registration cases of undocumented persons, 11 municipalities⁸⁵ reported the existence of municipal panels/boards tasked to conduct investigations in the field in order to collect and verify applicants' information. Yet, the majority of municipalities have not set up such mechanisms, claiming not to consider them to be necessary.⁸⁶

4.7. Distance, security concerns and conditioning of documents on payment of property taxes

Among the community members interviewed, travel costs were reported to be an obstacle by the ones who have to travel in order to reach their place of origin, since birth certificates are issued based on where the birth occurs (rather than the applicant's place of residence). A few of the same respondents also conveyed their reluctance, due to security concerns, to travel in order to get birth certificates.⁸⁷ On a different note, the OSCE has observed that, although the

⁸³ For instance, in Mitrovicë/Mitrovica municipality, in order to get a certificate of residence, one can resort to two witnesses with Kosovo identification cards, whereas in Vushtrri/Vučitrn municipality one needs to present an electricity or tax bill.

⁸⁴ Civil registration offices in Kosovo recognize documents issued by Serbian institutions, but do not recognize certificates issued by Serbia-run institutions in Kosovo. This particularly affects Kosovo Serbs and Kosovo Roma.

⁸⁵ Deçan/Deçane, Fushë Kosovë/Kosovo Polje, Glogovac/Glogovac, Istog/Istok, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Obiliq/Obilić, Pejë/Peć, Podujevë/Podujevo, Skenderaj/Srbica and Štrpce/Shtërpçë.

⁸⁶ These municipal panels/boards are set up on basis of municipal decisions.

⁸⁷ In Rahovec/Orahovac municipality, Kosovo Serbs born in Gjakovë/Đakovica municipality reported to be reluctant to travel there due to security concerns. The same security concerns were conveyed by Kosovo

number of municipalities requiring residents to pay property taxes in order to have civil status documents issued is on decrease, this practice is *de facto* still in place in three municipalities⁸⁸, in violation of the legal framework⁸⁹. In this regard, the OSCE has continued to raise its concerns with municipalities that such practice does not comply with the legal framework and, by denying access to these documents, they are in violation of international human rights standards.

5. CONCLUSIONS

Several legal and policy documents provide Kosovo institutions with a framework to ensure the full inclusion of all communities into the society through specific measures aimed at facilitating and improving the civil registration process.

The OSCE welcomes the co-operation of local stakeholders with the international community to improve the functioning of the civil registration system, the commitment to improve the legislative framework and the increased number of civil registration offices. At the municipal level, civil registration officials and municipalities carried out several initiatives and conducted outreach in co-operation with UNHCR and CRPK, and exempted certain categories from administrative fees for the issuance of documents. Nonetheless, while no individuals are actively prevented from accessing civil registration, there are still barriers to registration that mainly affect the most vulnerable groups in Kosovo.

The number of civil registration offices and sub-offices has increased throughout Kosovo, but inadequate financial, logistical and human resources limit their proper functioning.

Although municipal institutions and officials are obligated to ensure the provision of services in all official languages, communities who are in a numerical minority in a given municipality are still often unable to communicate in their municipalities with civil registration officials and obtain documents in their own language, as civil servants frequently do not speak their language. Moreover, illiterate members of the Kosovo Roma, Ashkali and Egyptian communities face additional obstacles to complete forms correctly in order to access civil registration.

At the municipal level, local institutions have undertaken several initiatives to improve the civil registration process, but they have not included adequate awareness-raising and outreach to local communities, as required under the general policy framework. Instead, local institutions continue to rely on UNHCR and CRPK to facilitate the registration of returnees and Kosovo Roma, Ashkali and Egyptian communities.

Roma, Ashkali and Egyptians from Obiliq/Obilić municipality regarding visiting Prishtinë/Priština municipality to obtain documents.

⁸⁸ This practice has been observed in Kamenicë/Kamenica (conditioning the issuance of civil status documents except the birth, marriage and death certificates), Mitrovicë/Mitrovica and Ranilug/Ranillug municipalities.

⁸⁹ The Law No.03/L-204 on Taxes on Immovable Property, 1 November 2010, Article 18, provides only for the termination of “municipal services to the taxpayers’ property” if a taxpayer fails to pay outstanding taxes. As the municipal services that can be terminated are exclusively related to property, the practice of conditioning the issuance of personal civil documents on payment of property taxes is not provided for within the legislative framework.

While the legal and policy framework requires municipalities to fully address human rights concerns affecting their residents, relevant municipal bodies, particularly MOGEs and MHRUs, have failed to consider the prevalence of births outside the health system in their work plans and to proactively co-operate with NGOs in order to monitor such cases and to facilitate the immediate registration of newborn infants.

Poverty and unemployment further complicate the process of registration, rendering some individuals unable to afford the fees required to obtain civil status documents. Although there are municipalities exempting some categories of the population from administrative fees, this is not a consolidated practice Kosovo-wide. Furthermore, the categories exempted are subject to a certain degree of discretion, and do not fully include all cases of poverty in a given municipality. In addition, the MLGA has only once since 2009 declared a month of free registration for the Kosovo Roma, Ashkali and Egyptian communities despite the fact that this is foreseen to take place annually in the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015, and its Action Plan.

Much remains to be done to facilitate the registration of undocumented applicants. Without guidance from relevant central level institutions, a unified approach and adequate training to deal with complex cases of undocumented applicants, civil registration officials in the municipalities have struggled to convey clear information to the public and to apply consistent criteria when deciding whether to accept “other documents” as evidence for establishing the applicant’s identity and eligibility.

Also of special concern is the practice of conditioning the issuance of civil registration documents upon the payment of property taxes *de facto* in place in some municipalities. This practice violates international human rights standards and the relevant legal framework in Kosovo.

6. RECOMMENDATIONS

To central institutions:

Ministry of Internal Affairs:

- Supply the MCROs with adequate financial, logistical and human resources in order to improve their functioning;
- Monitor the MCROs’ compliance with the obligation to provide communication and services in the official languages, directly through the civil servants or through language assistance;
- Develop a scheme to ensure that fees applied to personal civil documents are affordable to vulnerable members of the population, or removed altogether; categories to be exempted from civil status fees should be clearly defined at the central level and uniformly applied by the municipalities;

- Provide civil registration officials with guidance and clarify the conditions under which “other documents” can be accepted as evidence for establishing the applicant’s identity and eligibility as part of flexibility measures to facilitate civil registration.

Ministry of Local Government Administration:

- Promote affordability of fees by re-instituting annually a month of free registration;
- Provide comprehensive human rights training to increase the capacities of municipal human rights units to minimize the number of children born outside the health system, in compliance with the recommendations envisaged by the policy framework.

To municipal institutions:

- Supply the MCSOs with adequate financial, logistical and human resources to improve their functioning;
- Monitor the MCSOs’ compliance with their obligations to provide communication and services in the official languages, directly through the civil servants or through language assistance;
- Enhance the quality of information available at the MCSOs, by supplying them with written materials that clarify all requirements foreseen by the civil registration procedures, complementing the verbal information given by clerks;
- Enhance the integration of the municipal human rights units within the municipal structures promoting co-operation with other relevant municipal bodies.
- Abstain from conditioning the issuance of civil documents to the payment of property taxes.

To the municipal human rights units:

- Proactively co-operate with NGOs in order to organize meetings with Kosovo Roma, Ashkali and Egyptian communities to minimize the number of unregistered infants born outside the health system.