



**Organization for Security and Co-operation in Europe**

**Department of Human Rights, Decentralization and Communities**

**CIVIL REGISTRATION OF PERSONS BELONGING TO THE ROMA,  
ASHKALI AND EGYPTIAN COMMUNITIES  
FINDINGS OF A MONITORING EXERCISE**

**11 DECEMBER 2006 - 15 JANUARY 2007**

## TABLE OF CONTENTS

<b>1. EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>2. BACKGROUND.....</b>	<b>5</b>
<b>3. METHODOLOGY .....</b>	<b>8</b>
<b>4. LEVEL OF AWARENESS OF OPM RECOMMENDATIONS CONCERNING ROMA, ASHKALI AND EGYPTIANS CIVIL REGISTRATION .....</b>	<b>8</b>
<b>5. CIVIL REGISTRATION FEES.....</b>	<b>11</b>
5.1. <i>COST AND AFFORDABILITY OF MUNICIPAL FEES .....</i>	<i>11</i>
5.2. <i>EXEMPTIONS FROM MUNICIPAL FEES .....</i>	<i>13</i>
<b>6. MUNICIPAL INITIATIVES TO FACILITATE THE CIVIL REGISTRATION OF ROMA, ASHKALI AND EGYPTIANS.....</b>	<b>15</b>
6.1. <i>FACILITATION MEASURES .....</i>	<i>15</i>
6.1.1 <i>USE OF MOBILE REGISTRATION TEAMS .....</i>	<i>20</i>
6.1.2 <i>ROMA, ASHKALI AND EGYPTIANS CIVIL REGISTRATION AWARENESS INITIATIVES OF MCOs AND MROs .</i>	<i>22</i>
6.1.3 <i>STAKEHOLDERS' CO-ORDINATION MEETINGS.....</i>	<i>23</i>
6.2. <b>FLEXIBILITY MEASURES.....</b>	<b>24</b>
6.2.1. <i>EVIDENCE ACCEPTED BY MCRCs AS PROOF OF FORCED DISPLACEMENT .....</i>	<i>25</i>
6.2.2. <i>EVIDENCE ACCEPTED BY MCRCs AS PROOF OF IDENTITY AND ELIGIBILITY .....</i>	<i>27</i>
6.2.3. <i>WITNESS PROCEDURE .....</i>	<i>31</i>
6.2.4. <i>PERSONAL PRESENCE OF THE APPLICANT.....</i>	<i>35</i>
<b>7. THE CAMPAIGN'S IMPACT.....</b>	<b>38</b>
<b>8. RECOMMENDATIONS .....</b>	<b>42</b>

## **Abbreviations and Definitions**

Civil registration: for the purposes of this report, the term civil registration is a generic term used in the meaning of civil status registration and registration as habitual resident of Kosovo in accordance with the applicable legislation.

Habitual resident's registration: for the purposes of this report, the term habitual resident's registration is a specific term used in the meaning of registration as habitual resident of Kosovo in accordance with the applicable legislation.

Civil status registration: for the purposes of this report, the term civil status registration is a specific term used in the meaning of registration of facts regarding the applicant's birth, marriage, death and other civil status in accordance with the applicable legislation.

AoK: Assembly of Kosovo

Recommendations: OPM Recommendations Updating Returns Policies and Procedures, 24 May 2006

CoE: Council of Europe

CRPK: Civil Rights Programme Kosovo

DRC: Danish Refugee Council

FCNM: CoE Framework Convention on National Minorities

GTZ: Gesellschaft für Technische Zusammenarbeit

ICMC: International Catholic Migration Commission

MAP: Municipal Assembly President

MCO: Municipal Community Office

MCSO: Municipal Civil Status Office

MCRC: Municipal Civil Registration Centre

MLGA: PISG Ministry of Local Government Administration

MoIA: PISG Ministry of Internal Affairs

MoU: Memorandum of Understanding

MPS: PISG Ministry of Public Service

MRO: Municipal Returns Officer

MT: OMiK Municipal Team

MWG: Municipal Working Group on Returns

NCA: Norwegian Church Aid

NGO: Non Governmental Organisation

OMiK: OSCE Mission in Kosovo

OMiK RC: OMiK Regional Centres

OPM: PISG Office of the Prime Minister

PISG: Provisional Institutions of Self-Government

PMU: PISG Pilot Municipal Unit

PWD: Person with Disability

RoS: Republic of Serbia

SFRY: Socialist Federal Republic of Yugoslavia

UNHCR: United Nations High Commissioner for Refugees

UNMIK: United Nation Interim Administration Mission in Kosovo

UNMIK CCR: UNMIK Central Civil Registry

UNMIK CCR Leaflet: UNMIK Central Civil Registry Information Leaflet on Procedures for Civil Registration and Travel Documents

UNMIK/DCA: UNMIK Department of Civil Administration

## **1. Executive Summary**

On 24 May 2006, the Office of the Prime Minister (OPM) of Kosovo issued the Recommendations Updating Return Policies and Procedures (Recommendations), and instructed the Provisional Institutions of Self-Government (PISG) and municipalities “[t]o 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.” In September 2006, the United Nations High Commissioner for Refugees Office in Kosovo (UNHCR) undertook a civil registration campaign targeting members of these communities to support the OPM action.

From December 2006 to January 2007, the OSCE Mission in Kosovo (OMiK) monitored municipal practices related to the registration of undocumented applicants belonging to the Roma, Ashkali and Egyptian communities. This report contains the findings of this monitoring exercise.

The implementation of the Recommendations has been negatively affected by the fact that they have no legal force, their distribution to relevant municipal offices has not been adequate, and they were not later supported by written instructions, detailing specific obligations of conduct and implementation for central PISG and municipalities. In some cases, municipal officials appeared not even aware of the existence of the Recommendations, while others claimed not to be aware of their content. Few municipalities have taken concrete measures to facilitate the civil registration of Roma, Ashkali and Egyptian applicants, and only six were exempting Roma, Ashkali and Egyptian applicants from civil status registration fees. The lack of subsequent written instructions has resulted in most municipalities not taking a flexible approach regarding the civil registration of Roma, Ashkali and Egyptian applicants.

The report also highlights some positive municipal practices whose replication and extension may contribute to improving the ongoing PISG efforts.

Breaking the cycle of exclusion from civil registration is a complex and difficult process that requires the engagement, commitment and support of both central and municipal institutions. In addition to the Recommendations and the initiative of UNHCR to undertake a Roma, Ashkali and Egyptians civil registration campaign to promote awareness, provide legal assistance, and facilitate the civil registration of undocumented persons, civil registration institutions should also receive adequate support from the central and municipal PISG. It is the responsibility of the involved stakeholders, the society as a whole and PISG to turn this situation from an invisible and often neglected problem into an issue of public concern.

## 2. Background

Article 16 of the International Covenant on Civil and Political Rights<sup>1</sup> recognises that: “(e)veryone shall have the right to recognition everywhere as a person before the law”. Civil registration is a fundamental prerequisite for access to civil, political, economic, social and cultural rights. Through civil registration a person has his/her identity established before the law and obtains recognition of his/her juridical situation and legal status in relation to the family and the society. The civil status register is the only official public document, which proves the civil status of a person before his/her family, the society and the State. Civil registration is essential because it proclaims the person’s birth before the law. It includes the recognition of a person’s name, a right that the person cannot relinquish, which identifies the person as integral part of the society in which he or she lives and undertakes juridical relations. Persons excluded from civil registration do not have their identity recognised by the legal system and are unable to execute legally valid acts. They are likely to be excluded from the exercise of rights and obligations.

The UNHCR estimates that approximately 20 to 40% of the members of the Roma, Ashkali and Egyptian communities living in Kosovo are not registered as habitual residents,<sup>2</sup> and are facing the risk of becoming stateless.<sup>3</sup> Considering that available estimations regarding the Roma, Ashkali and Egyptian population in Kosovo range from 34,000<sup>4</sup> to 35,500<sup>5</sup> persons, the number of Roma, Ashkali and Egyptian persons without documents could be as high as 6,800 to 13,600 persons. In addition, a considerable number of persons who belong to the Roma, Ashkali and Egyptian communities and who originate from Kosovo and are currently residing in various European countries are likely to be involuntarily repatriated to Kosovo<sup>6</sup> because they do not or no longer fulfil the

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<sup>1</sup> Adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 2200 A (XXI) of 16 December 1966; entered into force on 23 March 1976, in accordance with article 49.

<sup>2</sup> UNHCR Kosovo – Office of the Chief of Mission (OCM), Protection Unit, Civil Registration Campaign Targeting RAE Community in Kosovo – Action Plan, July 2006, page 1.

<sup>3</sup> Pursuant to article 1 of the United Nations Convention relating to the Status of Stateless Persons: “... the term stateless person means a person who is not considered as a national by any State under the operation of its law.” This Convention was adopted on 28 November 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954. It entered into force on 6 June 1960 in accordance with article 39.

<sup>4</sup> UNHCR Kosovo, OCM, Protection Unit, Civil Registration Campaign Targeting RAE Community in Kosovo – Action Plan, July 2006, page 1. UNHCR estimates that the current RAE population in Kosovo amounts to 34,000 persons, including 11,000 Roma and 23,000 Ashkali and Egyptians.

<sup>5</sup> Reconciliation of the population estimations contained in the Municipal Profiles compiled by the OSCE Mission in Kosovo (OMiK) and published on the web page: <http://www.osce.org/kosovo/13982.html>. These profiles were last updated in May and June 2006.

<sup>6</sup> According to the UNMIK Office of Communities, Returns and Minority Affairs (OCRM) the number of persons repatriated to Kosovo actually diminished in the period from 2004 (4,084) to 2005 (3,745) and 2006 (3,598). The total in this period amounts to 11,427 repatriated persons, of which 5,177 (43.3%) were deported out of Germany only. As confirmed during a workshop on “Readmission procedures for Kosovo – the way ahead” organised by OCRM in Prishtinë/Priština on 16 March 2007, it is estimated that approximately 100,000 Kosovans live without a legal status in countries of western Europe including Germany, Sweden, Denmark, Switzerland and France. Approximately half of these persons live in Germany, with some 36,000 belonging to minority communities, mostly RAE. Recently endorsed legislation on integration of foreigners might provide half of the Kosovans without a legal status in

conditions of residence in the territory of those countries. If unable to attain civil registration, this group may face serious re-integration obstacles and have no or limited access to municipal services, as well as to adequate education, employment and other re-integration opportunities.

On 24 May 2006, the OPM adopted the Recommendations. Among other “Protection Mechanisms for Minorities/Returnees to Ensure Non-Discrimination,”<sup>7</sup> the Recommendations recognise that “there is a backlog of requests for civil registration documents” and explicitly instruct municipalities “to ensure that pending registration requests for Roma, Ashkali and Egyptians are completed in the next six months” and that “no late fees for these administrative services shall apply to these groups.”<sup>8</sup>

As part of its mandate over stateless people, UNHCR has developed an Action Plan for a “Civil Registration Campaign, Targeting Roma, Ashkali and Egyptian Community in Kosovo.”<sup>9</sup> The implementing partner of the UNHCR, the NGO Civil Rights Programme Kosovo (CRPK), began to implement the Civil Registration Campaign in September 2006. At the same time, UNHCR has been advocating for the central PISG to ensure that municipalities throughout Kosovo follow a flexible and harmonised approach concerning the civil registration of members of the Roma, Ashkali and Egyptian communities and their exemption from the payment of administrative fees. As part of this approach, UNHCR has recommended that the government develop specific internal instructions addressed to all municipalities, Municipal Civil Registration Centres (MCRCs) and Municipal Civil Status Offices (MCSOs) as well as to the Ministries responsible for civil registration. While the adoption of such instructions remains pending, UNHCR requested the assistance of OMIK in monitoring the compliance of MCRCs and MCSOs with the Recommendations, in the part in which they refer to the civil registration of Roma, Ashkali and Egyptians and their exemption from fees.<sup>10</sup>

According to the legislation applicable in Kosovo, there are two types of civil registration:

- The civil registration as a habitual resident,<sup>11</sup> entitles a person to obtain an UNMIK identity card and travel document. It entails administrative fees, with the exclusion of the initial issuance of identity cards. The process has so far remained under the authority of UNMIK, in particular regarding law-making and law-enforcement. However, managerial and operational responsibilities for the Central

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Germany with the possibility to apply for permanent residency. Up to date, the readmission policy of UNMIK based on the UNHCR recommendations published in the document “Position on the Continued International Protection Needs of Individuals from Kosovo” (last updated in June 2006) has prevented the repatriation of Kosovo Serbs, Roma (unless with criminal sentence) and Kosovo-Albanians in a minority situation.

<sup>7</sup> OPM Recommendations Updating Returns Policies and Procedures, 24 May 2006, Section 3.

<sup>8</sup> *Id.*, Section 3c.

<sup>9</sup> UNHCR Office in Kosovo – OCM Protection Unit, July 2006.

<sup>10</sup> UNHCR Memorandum to OSCE Head of Mission (HoM), dated 22 September 2006.

<sup>11</sup> Relevant legislation: UNMIK Regulation No. 2000/13 on the Central Civil Registry; UNMIK Administrative Direction No. 2001/12.

Processing Centre (CPC) and the MCRCs have been transferred to the Ministry of Internal Affairs (MoIA). At the same time, the Assembly of Kosovo (AoK) is in the process of drafting a new Law on Identity Cards;<sup>12</sup>

- The civil status registration<sup>13</sup> enables the registration of vital civil status facts of the person, such as birth, marriage, and death by Municipal Civil Status Offices (MCSO). Administrative fees determined by Municipal Assemblies are applicable. All related activities are under the authority of the Ministry of Public Services (MPS). As of April 2007, the MPS has signed a memorandum of understanding with the MoIA which transfers the Department of Civil Status from the MPS to the MoIA. As of May 2007 such transfer of competence has been completed and the MoIA has now full responsibility also for civil status registration. For this purpose, the Department of Registration and Civil Status has been established within the MoIA.

Breaking the cycle of exclusion from civil registration is a complex and difficult process that requires the engagement and co-operation of several central and municipal institutions. It requires that the specific situation of the vulnerable members of the Roma, Ashkali and Egyptian communities in Kosovo, who do not exist before the law due to the lack of civil registration, is taken into account and addressed. It also requires the adoption and implementation of positive action measures by the institutions and the society to address the untenable situation of these persons and to ensure that the basic facts of their civil and residence status are established and registered.

This positive action should address the vicious cycle of exclusion from civil registration that is transmitted through generations and the conditions of poverty, social marginalisation, low education, neglect, lack of awareness, displacement and migration that facilitate its perpetuation. It should be part of a more comprehensive action related to other socially undesirable phenomena and forms of abuse which are often interrelated with the lack of civil registration: child labour or exploitation, street children, exclusion from education, informal and insecure economic and housing situation, poor access to infrastructure and municipal services. In doing so, the particularly disadvantaged situation of Roma, Ashkali and Egyptians girls and women should be taken into account, including their vulnerability to early, and often unregistered marriages, and to the exclusion or drop out from education.

A number of birth deliveries continue to happen at home within the Roma, Ashkali and Egyptian communities, in conditions that often put at risk the health of the mother and the child. Furthermore these births are not reported to health care and civil registration institutions. Unregistered births in conditions of migration or displacement, abroad and in successor States of the former Yugoslavia all contribute to the problem. Concrete mechanisms should be provided that take into account the specific situation of the Roma, Ashkali and Egyptian communities and address it through targeted actions of the central

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<sup>12</sup> Draft dated 29 January 2007.

<sup>13</sup> Currently the operation and functioning of civil status registers is regulated by the Assembly of Kosovo Law No. 2004/46 on Civil Status Registers, as promulgated by UNMIK Regulation No. 2005/21.

and municipal institutions based on inter-institutional co-operation between the civil registration system, the health care and social welfare institutions.

### **3. Methodology**

This report contains the findings of interviews conducted by OMiK Municipal Teams (MTs) from 11 December 2006 to 15 January 2007 in 28 Municipalities, three Pilot Municipal Units (PMUs), and Gračanica/Gračanicë.<sup>14</sup> OMiK MTs interviewed relevant municipal officials in order to assess their awareness and understanding of their obligations under the OPM Recommendations<sup>15</sup> and their willingness to adopt flexible procedures for the registration of Roma, Ashkali And Egyptian applicants. MTs also consulted other stakeholders in order to identify difficulties, problematic issues and possible remedial actions in relation to this process.

Specifically, MTs interviewed representatives of municipal institutions directly responsible for habitual residents' registration, MCRCs, and those institutions responsible for civil status registration, MCSOs. They also approached Regional Hospitals with reference to procedures and certificates issued to confirm births in hospital, as part of the civil status registration process. In addition, they interviewed other municipal officials not directly in charge of civil registration, but responsible for communities, Municipal Communities Offices (MCOs), and returns issues, Municipal Returns Officers (MROs). The MTs also approached the Field Offices of UNHCR, CRPK and the local representatives of UNMIK/DCA. Given the fact that, within the mentioned campaign, CRPK was directly responsible for reaching out to Roma, Ashkali and Egyptian communities and providing them with civil registration assistance, OMiK MTs did not approach directly Roma, Ashkali and Egyptian communities.

### **4. Level of awareness of OPM Recommendations concerning Roma, Ashkali And Egyptians civil registration**

Section 3(c) of the OPM Recommendations states: "recognising [that] there is 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."

The vast majority of the interviewed MCRC, MCSO, MCOs and MRO officials stated that they had not received them or were not aware of their content. As table 1 shows, only

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<sup>14</sup> See Annex 1 at the end of this report. Gračanica/Gračanicë is not a PMU, but has some of the administrative offices and services that were subject of this report.

<sup>15</sup> Expediently process pending and new applications from members of the RAE communities and ensure that this category of applicants is exempted from fees.

one MCRC<sup>16</sup> (3.7%), five MCSO<sup>17</sup> (16.7%), three MCO<sup>18</sup> (12.5%), and four MRO<sup>19</sup> (15.4%) officials said that the Recommendations had been distributed to them.

**Table 1:** “Did you receive a copy of the OPM recommendations updating returns policies and procedures?”

Institution	MCRC		MCSO		MCO		MRO	
	Answer	%	Answer	%	Answer	%	Answer	%
Yes	1	3.7	5	16.7	3	12.5	4	15.4
No	26	96.3	25	83.3	21	87.5	22	84.6
Sub-total <sup>(1)</sup>	27	100	30	100	24	100	26	100
n/a <sup>(2)</sup>	5	/	2	/	8	/	6	/
Total	32	/	32	/	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) n/a means that either the answer is not available or the question was not applicable.

Similarly, only a limited number of interviewed officials declared to be aware of the content of the Recommendations: two<sup>20</sup> MCRCs (7.1%); six<sup>21</sup> MCSOs (20%); three<sup>22</sup> MCOs (11.5%); and four<sup>23</sup> MROs (14.3%).

**Table 2:** “Is the interviewed official aware of the contents of the "Recommendations"?”

Institution	MCRC		MCSO		MCO		MRO	
	Answer	%	Answer	%	Answer	%	Answer	%
Yes	2	7.1	6	20	3	11.5	4	14.3
No	26	92.9	24	80	23	88.5	24	85.7
Sub-Total <sup>(1)</sup>	28	100	30	100	26	100	28	100
n/a <sup>(2)</sup>	4	/	2	/	6	/	4	/
Total	32	/	32	/	32	/	32	/

Legend: (1) Percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) n/a means that either the answer is not available or the question was not applicable.

However, in at least two municipalities,<sup>24</sup> Directors of the Department of General Administration confirmed that the Recommendations had been disseminated to all municipal offices. In addition, as UNHCR and CRPK confirmed, in five municipalities of the Pejë/Peć region, including Gjakovë/Đakovica<sup>25</sup>, CRPK had personally delivered copies of the Recommendations to MCRCs, MCOs and MROs. In the

<sup>16</sup> Obiliq/Obilić. The involved official stated that UNHCR, UNMIK/DCA and NGOs had provided the municipality with guidance and assistance in implementing the Recommendations with special reference to the RAE Plementinë/Plementina collective centre.

<sup>17</sup> MCSOs in Kaçanik/Kaçanik, Shtime/Štimlje, Obiliq/Obilić, Lipjan /Lipljan, and Podujevë /Podujevo.

<sup>18</sup> MCOs in Shtime/Štimlje, Obiliq/Obilić and Skenderaj/Srbica.

<sup>19</sup> MROs in Ferizaj /Uroševac, Shtime/Štimlje, Obiliq/Obilić and Vushtri/Vučitrn.

<sup>20</sup> Obiliq/Obilić and Mitrovicë/Mitrovica.

<sup>21</sup> Kamenicë/Kamenica, Shtime/Štimlje, Obiliq/Obilić, Lipjan/Lipljan, Podujevë/Podujevo and Mitrovicë/Mitrovica.

<sup>22</sup> Obiliq/Obilić, Shtime/Štimlje and Ferizaj/Uroševac. The MCO in Ferizaj/Uroševac stated that he was aware of the Recommendations only as far as RAE civil registration was concerned.

<sup>23</sup> Ferizaj/Uroševac, Shtime/Štimlje, Obiliq/Obilić and Vushtri/Vučitrn.

<sup>24</sup> In Kamenicë/Kamenica the Director of the Department of General Administration stated that all Municipal offices had received the Recommendations. In Štrpce/Shtërpçë, this was confirmed by CRPK based on their contacts with the Director of the Department of General Administration.

<sup>25</sup> Pejë/Peć, Gjakovë/Đakovica, Klinë/Klina, Istog/Istok, and Deçan/Deçane.

Mitrovicë/Mitrovica region, UNHCR and CRPK had forwarded a copy of the Recommendations to all municipalities<sup>26</sup>, but they had refused to receive them because the documents lacked an official stamp<sup>27</sup>. In both cases, the fact that the Recommendations had been disseminated by an external organisation rather than through PISG hierarchical channels resulted in municipal officials not taking them seriously or even refusing to receive them. The statement of the MCSO in Ferizaj/Uroševac that follows only the instructions issued by the Director of General Administration is an illustration of the importance to ensure that all policies are disseminated through adequate hierarchical lines until they reach the implementing officer.<sup>28</sup>

Moreover, the fact that the Recommendations are not legally binding, further contributes in generating reactions of disregard by the implementing officials<sup>29</sup>. In Klinë/Klina, the interviewed MCRC and MCSO officials said that they only follow the applicable legislation. This confirms the need of specific PISG instructions that define any special measure, initiative or campaign as compatible with the applicable law. These instructions should specify the steps to be followed when implementing the measures under specific circumstances, for the benefit of a specified target group and within a defined time frame.

Central PISG are responsible for ensuring that their policies are adequately distributed throughout the public administration, including to and within municipalities.

In this case, the vast majority of interviewed municipal officials claimed to be unaware of any central PISG policy aimed at facilitating the civil registration of members of the Roma, Ashkali and Egyptian communities. This happens despite the fact that the Recommendations are explicitly enclosed in the UNMIK/PISG Revised Manual on Sustainable Return.<sup>30</sup> Throughout Kosovo Municipal Assembly Presidents (MAPs) chair Municipal Working Groups on Returns (MWG), whose procedures are prescribed by the Manual. The Chief Executive Officers (CEOs) and the members of the Board of Directors (BoD) participate in these MWGs and are, therefore expected to distribute the Manual and any other relevant MWG documentation within their respective Departments.

The implementation of any recommendation, especially when it requires temporary exceptional measures not strictly provided for by the law, can be ensured only if the central PISG issue clear written instructions and disseminate them to all relevant

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<sup>26</sup> Mitrovicë/Mitrovica, Zvečan/Zveçan, Zubin Potok/Zubin Potok, Leposavić/Leposaviq, Skenderaj/Srbica, Vushtrri/Vučitrn. This OMiK report does not contain information regarding the Zubin Potok/Zubin Potok municipality.

<sup>27</sup> Information facilitated to the OMiK MT in Mitrovicë/Mitrovica.

<sup>28</sup> During discussions with the OMiK MTs in Pejë/Peć, Klinë/Klina, Gjakovë/Đakovica, UNHCR and CRPK confirmed that, in the case of the Roma, Ashkali and Egyptians civil registration, the fact that the Recommendations were not coming from a direct authority contributed to their disregard by the recipient institutions.

<sup>29</sup> This analysis is confirmed by discussions of OMiK MTs in Gjakovë/Đakovica and Klinë/Klina with UNHCR and CRPK.

<sup>30</sup> The Recommendations are enclosed at page 43 of the Manual. The Manual is available in all official languages and in English.

municipal institutions. Ideally, such instructions should contain clear procedures and assign responsibilities for providing facilitated access to civil registration by members of the Roma, Ashkali and Egyptian communities during a specified period of time. Unfortunately, the adoption of such central PISG instructions remains pending in the case of the Roma, Ashkali and Egyptians civil registration. One of the interviewed officials,<sup>31</sup> who appeared well aware of the Recommendations, highlighted that their implementation was difficult because they were not specific and failed to clearly define measures and assign competences. At the same time, the registration of Roma, Ashkali and Egyptian applicants was more difficult due to a prevailing lack of documents and also due to frequent cases of illiteracy, with some cases in which applicants were even unaware of their dates of birth.

## 5. Civil registration fees

### 5.1. Cost and affordability of municipal fees

The legislation applicable in Kosovo provides Municipal Assemblies with the authority to define the level and type of fees applied to their civil status registration services.<sup>32</sup> This has led to considerable disparity in the administrative fees charged by municipalities. Therefore, residents of different municipalities are subject to different fees for the same type of service. Based on the information collected by OMiK MTs, fees for the issuance of birth certificates<sup>33</sup> vary from 0.50 to 2.00 €. Differences are even more considerable for other types of civil status certificates as table 3 below shows.

**Table 3:** Municipal fees applied to the issuance various civil status certificates.

<b>Certificate</b>	<b>Price range * (€)</b>	<b>Maximum price difference * (€)</b>	<b>Maximum price difference %</b>
Marriage	0.50 – 10.00	9.50	1900%
Changes to certificates	0.50 – 10.00	9.50	1900%
Marital Status	1.00 – 10.00	9.00	900%
Replacements based on registry archives	0 (and 0.50) – 8.00	(7.50)	(1500%)
Decision to allow registration on birth registry books	0 (and 0.50) – 6.00	(5.50)	(1100%)
Act of Death	0.50 – 5.00	4.50	900%
Proof person is alive	1.00 – 10.00	9.00	900%
Witness declaration	0 (and 0.50) – 2.50	(2.00)	(400%)
Recognition of parenthood	0 (and 1.00) – 5.00	(4.00)	(400%)

<sup>31</sup> MCSO in Podujevë/Podujevo.

<sup>32</sup> In accordance to section 4.12 of the Assembly of Kosovo Law No. 2004/46 on Civil Status Registers, as promulgated by UNMIK Regulation No. 2005/21: “The type and the scale of administrative fees for the registration of facts shall be defined by the municipal assembly pursuant to this law”.

<sup>33</sup> Prizren and Mamuşa/Mamushë/Mamuşa have the lowest fee - 0.5 €. Twenty municipalities apply a fee of 1 €. In two municipalities (Gjilan/Gnjilane and Deçan/Deçane) and one PMU (Junik) the fee is 1.5 €. The highest charge is applied in Skenderaj/Srbica and Istog/Istok - 2 €. While these appear small monetary differences, there is 300% disparity between the highest and the lowest fee.

Though introduced in compliance with the law, in some cases price differences amongst municipal fees have reached excessive proportions<sup>34</sup>, and have put the residents of some municipalities at a particular disadvantage. Potentially any such excessive disparity in municipal practices *vis a vis* essential rights could result in a form of indirect discrimination.<sup>35</sup> The aim of such fees is obviously legitimate. However, the means of achieving that aim may be deemed inappropriate, unnecessary and disproportionate in cases in which specific municipalities charge residents with fees four to twenty times higher than the lowest fee applied by other municipalities for the same civil status service.

The health institution in which a baby is born is responsible for notifying this fact to the relevant MCSO and to issue a certificate regarding the birth in hospital to the parents. Both these documents are necessary for registering the newborn baby in the civil status register. In general, regional hospitals or municipal birth clinics do not charge fees for the issuance of a certificate confirming birth in the hospital/clinic. At the same time, co-payments are due in some municipalities whose amount ranges from 1.00<sup>36</sup> to 1.50<sup>37</sup>, 2.50<sup>38</sup> and 5.00 €<sup>39</sup>. With few exceptions<sup>40</sup>, regional hospitals or municipal birth clinics do not charge fees for hospital discharge papers. Maximum price differences range from 200% for hospital discharge fees to 400% for co-payments fees to issue a certificate confirming birth in hospital.

**Table 4:** Hospital fees for certificates necessary for civil status purposes.

<b>Certificate</b>	<b>Price range (€)</b>	<b>Maximum price difference In €</b>	<b>Maximum price difference In %</b>
Hospital discharge papers	0 (1.00) – 3.00	(2.00)	(200%)
Co-payment fees to issue Certificate confirming a person was born in hospital	0 (and 1.00) – 5.00	(4.00)	(400%)

With reference to the civil registration of habitual residents, only the issuance of identity cards is free of charge. Otherwise, fees from 15 to 20 € apply in case of replacement of a lost or damaged identity card (15 €), change of the photograph (20 €), or correction of

<sup>34</sup> A list of fees for these services per municipality can be found in annex 2 at the end of the report.

<sup>35</sup> In accordance to the AoK Law No. 2004/3 on Anti-Discrimination (ADL), as promulgated by UNMIK Regulation No. 2004/32: “Indirect discrimination shall be taken to have occurred where an apparently neutral provision, criterion or practice would put persons, on the basis of one or more grounds such as those stated in Article 2(a), at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary” (Article 3, b). Pursuant to the principle of “equal treatment” the ADL prohibits all forms of direct or indirect discrimination “against any person or persons, based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status” (art. 2, letter a).

<sup>36</sup> Viti/Vitina, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje and Prishtinë/Priština.

<sup>37</sup> Istog/Istok.

<sup>38</sup> Zvečan/Zvečan and Leposaviq/Leposavić.

<sup>39</sup> Kamenicë/Kamenica, Podujevë/Podujevo, Skenderaj/Srbica and Vushtrri/Vučitrn.

<sup>40</sup> The exceptions reported by OMiK MTs include the Regional Hospital in Gjilan/Gnjilane (3 €) and birth clinics in Shtime/Štimlje and Viti/Vitina (1 €).

data (20 €). The issuance of travel documents is subject to high fees for their request, renewal, duplication, change of photograph, correction, replacement in case of loss or damage (31 € in all cases), and extension (15 €).<sup>41</sup>

## 5.2. Exemptions from municipal fees

Municipal practices regarding the exemption from civil status registration fees differ to a high extent. Twenty three<sup>42</sup> (76.7%) MCSOs exempt various categories of persons, while the other seven<sup>43</sup> (23.3%) do not apply any exemption.

**Table 5:** Fee exemptions applied by MCSOs

Beneficiary groups	Number of MCSOs	%
Social assistance scheme beneficiaries	19	63.3
Martyrs' families	12	40
War invalids	8	26.7
Roma, Ashkali and Egyptians <sup>(4)</sup>	5	16.7
Students	3	10
pensioners/elderly	2	9
PWD <sup>(3)</sup>	2	9
Minorities	1	3.3
Children	1	3.3
Pregnant women	1	3.3
None	7	23.3
Sub-Total <sup>(1)</sup>	30	100
n/a <sup>(2)</sup>	2	/
<b>Total</b>	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) n/a means that either the answer is not available or the question is not applicable; (3) Reportedly, in Shtime/Štimlje, only those PWD who are also members of the Handikos NGO benefit of exemptions; (4) In addition to the MCSOs in Shtime/Štimlje, Lipjan/Lipljan, Podujevë/Podujevo, Mitrovicë/Mitrovica, Zvečan/Zvečan also the parallel structure MCSO located in Mitrovicë/Mitrovica North exempts Roma, Ashkali and Egyptians from such fees.

Only five MCSOs<sup>44</sup> (16.7%) declared a practice of exempting members of the Roma, Ashkali and Egyptian communities, as required by the OPM Recommendations. Officials

<sup>41</sup> Information kindly provided to the OMiK MT by the MCRC in Obiliq/Obilić.

<sup>42</sup> Gračanica/Gračanicë, the Han i Elezit/Đeneral Janković PMU and 22 municipalities: Ferizaj/Uroševac, Gjilan/Gnjilane, Kaçanik/Kaçanik, Kamenicë/Kamenica, Shtime/Štimlje, Shtërpcë/Štrpce, Viti/Vitina, Malishevë/Mališevo, Rahovec/Orahovac, Suharekë/Suva Reka, Deçan/Deçane, Istog/Istok, Klinë/Klina, Pejë/Peć, Lipjan/Lipljan, Podujevë/Podujevo, Prishtinë/Priština, Mitrovicë/Mitrovica, Skenderaj/Srbica, Zvečan/Zvečan, Vushtrri/Vučitrn.

<sup>43</sup> Novobërdë/Novo Brdo (although the MT is aware of a Chief Executive Officer's decision on exempting members of the RAE community from civil registration fees), Prizren (reportedly because of central level instructions), Gjakovë/Đakovica (a new practice; whilst previously various categories were exempted), Obiliq/Obilić (because the fees applied are low), Fushë Kosovë/Kosovo Polje, Leposavić/Leposaviq (based on legislation of the Republic of Serbia) and the Mamuša/Mamushë/Mamuša PMU.

<sup>44</sup> Shtime/Štimlje, Lipjan/Lipljan, Podujevë/Podujevo, Mitrovicë/Mitrovica, Zvečan/Zvečan. Also the parallel structure MCSO in Mitrovicë/Mitrovica North applies such exemptions to RAE.

of another MCSO<sup>45</sup> stated that they grant fee exemptions to members of minority communities. It appears that members of the Roma, Ashkali and Egyptian communities are exempt in six out of 30 municipalities (20% of all municipalities). The implementation of these exemptions in individual cases may be subject to a certain degree of discretion when municipal authorities have to decide whether an applicant is eligible based on his/her community belonging. The availability and accessibility of adequate public information on the exempted categories, the exemption criteria and procedures may contribute in reducing such ambiguity.

In three municipalities, the fact that members of the Roma, Ashkali and Egyptian communities are exempted from civil status fees was a direct result of a verbal agreement<sup>46</sup> or of a Memorandum of Understanding<sup>47</sup> (MoU) between the CRPK and the municipality. The MCSO in Lipjan/Lipljan applies such exemptions only when the applicant is assisted by CRPK, and reported that in 2006 fifteen Roma, Ashkali and Egyptian applicants had been exempted from civil status registration fees this way. In the other two municipalities<sup>48</sup> the MCSO officials stated that most Roma, Ashkali and Egyptian applicants are exempted due to their difficult economic situation, probably meaning that they are registered social assistance beneficiaries. Therefore, local practices and arrangements, rather than a central unified policy, communicated to the responsible municipal officials appear to be the turning factor.

Nineteen<sup>49</sup> (63.3%) MCSOs declared that they had a practice of exempting all social assistance scheme beneficiaries registered with municipal Centres for Social Work (CSW). Mostly on the basis of MA decisions, the following categories are also exempted in various municipalities:

- families of martyrs (which are more likely to be Kosovo Albanians) in twelve<sup>50</sup> (40%) cases;
- war invalids and their families in eight<sup>51</sup> (26.7%) cases;
- students in three<sup>52</sup> (10%) cases;
- children,<sup>53</sup> persons with disability (PWD),<sup>54</sup> retired persons,<sup>55</sup> war widows who are head of family<sup>56</sup> and war veterans<sup>57</sup> in two (6.7%) cases;

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<sup>45</sup> Viti/Vitina. This should also include members of the RAE community.

<sup>46</sup> Mitrovicë/Mitrovica and Zvečan/Zvečan.

<sup>47</sup> Lipjan/Lipljan.

<sup>48</sup> Shtime/Štimlje and Podujevë/Podujevo.

<sup>49</sup> Ferizaj/Uroševac, Gjilan/Gnjilane, Kaçanik/Kaçanik, Kamenicë/Kamenica, Shtime/Štimlje, Shtërpçë/Štrpce, Viti/Vitina, Malishevë/Mališevo, Rahovec/Orahovac, Suharekë/Suva Reka, Deçan/Deçane, Istog/Istok, Klinë/Klina, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Skenderaj/Srbica, Vushtrri/Vučitrn, and the Han i Elezit/Đeneral Janković PMU.

<sup>50</sup> Gjilan/Gnjilane, Kaçanik/Kaçanik, Shtime/Štimlje, Rahovec/Orahovac, Suharekë/Suva Reka, Deçan/Deçane, Istog/Istok, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Vushtrri/Vučitrn and the Han i Elezit/Đeneral Janković PMU.

<sup>51</sup> Gjilan/Gnjilane, Kaçanik/Kaçanik, Shtime/Štimlje, Rahovec/Orahovac, Istog/Istok, Skenderaj/Srbica, Vushtrri/Vučitrn and the Han i Elezit/Đeneral Janković PMU.

<sup>52</sup> Gjilan/Gnjilane, Suharekë/Suva Reka and Istog/Istok.

<sup>53</sup> Gjilan/Gnjilane and Suharekë/Suva Reka.

<sup>54</sup> Istog/Istok and Shtime/Štimlje (although in this case, with limitation only to those PWD who are members of the Handikos NGO).

- pregnant women,<sup>58</sup> minorities,<sup>59</sup> and other people in difficult situation<sup>60</sup> in one (3.3%) case.

## **6. Municipal initiatives to facilitate the civil registration of Roma, Ashkali and Egyptians**

### *6.1. Facilitation measures*

Article 6.1 of the AoK Law on Anti-Discrimination (ADL)<sup>61</sup> stipulates that “with a view to ensuring full equality in practice a measure to prevent or compensate for disadvantages” linked to one or more grounds of prohibited discrimination<sup>62</sup> “shall not be deemed to be discrimination, provided that it is in compliance with international human rights standards”.<sup>63</sup> The ADL defines such measures as “positive actions”. In addition, the Council of Europe (CoE) Framework Convention on National Minorities is directly applicable in Kosovo<sup>64</sup> and requires that States and institutions bound by the Convention “... adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority” and “take due account of the conditions of the persons belonging to national minorities”.<sup>65</sup> In this regard, the OPM Recommendations created a general policy framework within which municipalities could take adequate measures or positive actions to ensure the civil registration of undocumented persons belonging to the Roma, Ashkali and Egyptian communities, taking into account their specific conditions.

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<sup>55</sup> Istog/Istok and Gračanica/Graçanicë.

<sup>56</sup> Podujevë/Podujevo and Prishtinë/Priština.

<sup>57</sup> Deçan/Deçane and Klinë/Klina.

<sup>58</sup> Gračanica/Graçanicë.

<sup>59</sup> Viti/Vitina. This should also include members of the RAE community.

<sup>60</sup> Viti/Vitina.

<sup>61</sup> AoK Law No. 2004/3 on Anti-Discrimination (ADL), as promulgated by UNMIK Regulation No. 2004/32.

<sup>62</sup> The ADL prohibits all forms of direct or indirect discrimination “against any person or persons, based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status” (art. 2, letter a).

<sup>63</sup> “With a view to ensuring full equality in practice, a measure to prevent or compensate for disadvantages linked to one or more grounds such as those stated in Article 2(a), shall not be deemed to be discrimination, provided that it is also in compliance with international human rights standards” (ADL, article 6.1, positive action).

<sup>64</sup> Pursuant to chapter 3.2 of UNMIK Regulation No. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo: “The Provisional Institutions of Self-Government shall observe and ensure internationally recognized human rights and fundamental freedoms, including those rights and freedoms set forth in: (...) (h) The Council of Europe’s Framework Convention for the Protection of National Minorities”.

<sup>65</sup> FCNM, article 4.2.

**Table 6:** “Is the institution undertaking any specific initiative/measure to facilitate the civil registration and issuance of documents/certificates to members of the Roma, Ashkali and Egyptians communities?”.

	MCSO	MCRC	Municipalities/ PMUs <sup>3</sup>	% <sup>(1)</sup>
Yes	5 (17%)	5 (18%)	18	(58%)
No	25(83%)	23 (82%)	13	(42%)
Sub-Total	30(100%)	28(100%)	31	(100%)
n/a <sup>(2)</sup>	2	4	1	/
Total	32	32	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) n/a means that either the answer is not available or the question was not applicable; (3) this column reflects the answers of MCRCs, MCSOs, MCOs, MROs, UNHCR, CRPK and UNMIK/DCA.

As table 6 shows, only five MCSO (17%) and five MCRC (18%) reported that they were undertaking measures to facilitate the civil registration of Roma, Ashkali and Egyptian applicants.

This confirms that most officials are not fully aware of the OPM Recommendations. It also reaffirms the need to ensure that they are instructed about their important role in exhausting the backlog of civil registration cases prevailing within the Roma, Ashkali and Egyptian communities as a matter of priority. Simply implementing the existing procedures and legislation may not be sufficient in the case of undocumented persons who are in fact not recognised as persons before the law. At least, these officials should be made aware of their duty to inform and facilitate the registration of existing applicants and to identify persons in need of civil registration, including through outreach field visits.

When considering also the answers of the MCOs, the MROs and the representatives of UNHCR, CRPK and UNMIK DCA, it appears that 18 (58%) municipalities<sup>66</sup> have taken facilitation measures of various impact and significance.

Despite some significant exceptions, too often the initiatives appear to be non-systematic, or taken on an *ad hoc* and reactive basis, as a response to the initiative of external actors. There are also cases in which the approach or the answers of different municipal institutions are contradictory.

In Obiliq/Obilić the MCSO, the MCRC and the MCO have established a functioning inter-office co-operation based on regular proactive outreach activities specifically in tune with the needs of the targeted Roma, Ashkali and Egyptian communities. The MCSO and the MCRC have established a mobile team that conduct field visits and on-the-spot registration, especially for Roma, Ashkali And Egyptians hosted at the Plementina/Plementinë collective centre. In 2004 and 2005, the MCRC carried out public

<sup>66</sup> Shtime/Štimlje, Lipjan/Lipljan, Podujevë/Podujevo, Mitrovicë/Mitrovica, Zvečan/Zvečan, Viti/Vitina, Ferizaj/Uroševac, Kamenicë/Kamenica, Rahovec/Orahovac, Suharekë/Suva Reka, Prizren, Kaçanik/Kaçanik, Gjakovë/Đakovica, Pejë/Peć, Istog/Istok, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje, Vushtrri/Vučitrn. Other 13 municipalities are not implementing facilitation measures: Gjilan/Gnjilane, Han i Elezit/Đeneral Janković, Novo Brdo/Novobërdë, Štrpce/Shtërpçë, Viti/Vitina, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuşa, Deçan/Deçane, Junik, Klinë/Klina, Prishtinë/Priština, Skenderaj/Srbica, Leposavić/Leposaviq.

awareness campaigns promoting access to their services, through leaflets and posters. The MCO has two officers specifically dedicated to the Roma, Ashkali and Egyptians communities and their registration. The first officer visits Roma, Ashkali and Egyptian settlements twice a month and proactively encourages their inhabitants to register. The second is assigned at the MCSO and helps Roma, Ashkali and Egyptian applicants in completing relevant procedures, including through the identification of witnesses for the establishment of facts regarding their identity. This best practice is implemented thanks to the allocation of specific human (dedicated officers) and financial (salaries, vehicle, budget means for public information initiatives) resources.

#### *Exemption from fees*

The MCSOs in Shtime/Štimlje, Lipjan/Lipljan, Podujevë/Podujevo, Mitrovicë/Mitrovica, Zvečan/Zvečan and Novobërdë/Novo Brdo exempt members of the Roma, Ashkali and Egyptian communities from administrative fees, at least when CRPK assists them in submitting their applications. In Viti/Vitina, the MCSO claims that it releases all members of minority communities from such fees. On a case-by-case basis, the MCSO in Fushë Kosovë/Kosovo Polje exempts Roma, Ashkali and Egyptian applicants from the payment fees. Possibly this type of flexibility is applied to applicants whose conditions of poverty are manifest. In Novo Brdo/Novobërdë while there is apparently a decision of the Chief Executive Officer (CEO) which exempts persons belonging to the Roma, Ashkali and Egyptian Communities from civil registration fees, the MCSO is not implementing it.

#### *Mobile teams on the spot registration*

The MCRC and the MCSO in Obiliq/Obilić and the MCSO in Shtime/Štimlje<sup>67</sup> use mobile teams and conduct on-the-spot registration activities. Other municipalities have outreach mobile teams that could be used for this purpose, as described later in this report.

#### *Outreach, proactive distribution of information and application forms*

The MCOs in Obiliq/Obilić and Lipjan/Lipljan both have Roma, Ashkali and Egyptians liaison officers that regularly visit Roma, Ashkali and Egyptian settlements and proactively encourage the inhabitants to register. In Lipjan/Lipljan the MCO also assisted the CRPK and the UNHCR in their civil registration outreach activities, including through the distribution of application forms to village leaders<sup>68</sup>. This resulted in the identification of 30 unregistered persons. In Podujevë/Podujevo, the MCSO has assigned one staff member to regularly visit Roma, Ashkali and Egyptian settlements to provide undocumented persons with information and promote their access to civil status registration. In the Prizren AoR, UNHCR and CRPK held round tables with relevant actors in all municipalities. In Suharekë/Suva Reka, the CRPK and the UNHCR-lead agency, ICMC<sup>69</sup>, involved the MCSO and MCRC in a round of meetings with Roma, Ashkali and Egyptian community leaders, where they provided information regarding the civil registration process and eligibility criteria. In Ferizaj/Uroševac the MCO has

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<sup>67</sup> The mobile team pays visits particularly to three villages inhabited by the Roma and Ashkali communities: Gjurkoc/Đurkovce, Vojnoc/Vojinovce, Muzeqinë/Mužicane.

<sup>68</sup> Particularly in the Gadime e Ulët/Donje Gadimlje and Dobrajë e Vogël/Mala Dobranja.

<sup>69</sup> International Catholic Migration Commission.

facilitated the UNCHR and CRPK's activities to raise awareness on civil registration amongst the involved communities through its sub-offices located in Roma, Ashkali and Egyptian settlements. In Vushtrri/Vučitrn according to the UNHCR, the municipality uses the field visits of the Municipal Working Group on Returns (MWG) to address issues related to the civil registration of Roma, Ashkali and Egyptians. In Gjakovë/Đakovica CRPK has carried out the civil registration process, whereas Swiss Caritas and GTZ<sup>70</sup> have assisted those persons already registered to apply for social assistance.

#### *Awareness campaigns*

In 2004 and 2005 in Obiliq/Obilić, the MCRC carried out public awareness campaigns promoting access to their services, through leaflets and posters. In Podujevë/Podujevo the MRO assisted the awareness campaign conducted by the municipality in co-operation with the Roma, Ashkali and Egyptian community leaders. Reportedly, the involved Roma, Ashkali and Egyptian communities responded positively and registered in an organised way. More than 100 Roma, Ashkali and Egyptians applicants obtained birth certificates, which may enable them to register as habitual residents and obtain identity documents. In Ferizaj/Uroševac the MCO facilitated the UNCHR and CRPK's awareness campaign through its sub-offices located in Roma, Ashkali and Egyptians settlements. In Vushtrri/Vučitrn, the MCRC conducted two targeted outreach campaigns through mobile teams in 2000 and 2004.<sup>71</sup> Although no specific outreach activities have taken place since, the municipality uses the field visits of the MWG on Returns to address issues related to the civil registration of Roma, Ashkali and Egyptians. In Lipjan/Lipljan, the MCRC conducted the last outreach initiatives in 2002 and 2003. In Prizren the MCO and the MRO participated in various initiatives organised by the local NGO "Initiative 6" to raise awareness on civil registration within Roma, Ashkali and Egyptian settlements. In Shtime/Štimlje the MCO has also offered support to the outreach activities realised by the CRPK within their civil registration campaign.

#### *Co-operation with community leaders/liaison officers/Roma, Ashkali and Egyptians community officers*

In Obiliq/Obilić, the MCO has two officers specifically dedicated to the Roma, Ashkali and Egyptian communities and their registration. In Podujevë/Podujevo, the MCSO has assigned one staff member to visit Roma, Ashkali and Egyptian settlements and the municipality and the MRO co-operate with Roma, Ashkali and Egyptian community leaders. In Lipjan/Lipljan the MCO has a Roma, Ashkali and Egyptians communities' liaison officer who performs outreach activities.

#### *Assistance with procedures and identification of witnesses*

One of the MCO officers in Obiliq/Obilić is posted directly at the MCSO and helps applicants in completing their civil status registration procedures. The MCO also assists

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<sup>70</sup> Gesellschaft für Technische Zusammenarbeit, a closed limited company owned by the German Federal Government and working on international co-operation for sustainable development..

<sup>71</sup> After the conflict, MCRC mobile teams reached out to RAE communities, collected applications and subsequently delivered the identity cards issued. The municipality undertook this initiative on its own decision. At the same time, after the March 2004 riots, central PISG requested that the MCRC conduct a new round of field visits to provide identity cards to persons who had lost them during such events.

the MCSRC and the MCSO in identifying witnesses for establishing facts regarding the identity of undocumented Roma, Ashkali and Egyptians applicants.

*Transport assistance and sub-offices in Roma, Ashkali and Egyptians settlements*

The MCO in Ferizaj/Uroševac provides transportation to members of the Roma, Ashkali and Egyptian communities who cannot afford or are not able to travel to the MCSO and to the MCRC. It also has sub-offices located in Roma, Ashkali and Egyptian settlements which proved a useful system for supporting the Roma, Ashkali and Egyptians civil registration campaign.

*MoUs with CRPK and responsiveness to civil registration activities*

In Rahovec/Orahovac the UNHCR and the CRPK said that the municipality has been very supportive to their civil registration campaign. In Ferizaj/Uroševac UNHCR and CRPK praised the MCSO for its willingness to solve a number of complicated civil registration cases. In Kamenicë/Kamenica, the MCRC has reportedly started to implement a MoU signed between CRPK and the Municipality, but the MCSO was awaiting further central PISG instructions before doing so. In Istog/Istok the municipality and CRPK were in the process of negotiating such a MoU. After the monitoring exercise on which this report is based was completed, on 16 February 2007 the CRPK announced that it had signed MoUs regarding the Roma, Ashkali and Egyptians civil registration campaign with eleven Municipalities: Viti/Vitina, Gjakovë/Đakovica, Gjilan/Gnjilane, Kamenicë/Kamenica, Lipjan/Lipljan, Obiliq/Obilić, Podujevë/Podujevo, Prishtinë/Priština, Fushë Kosovë/Kosovo Polje, Pejë/Peć and Shtime/Štimlje. The CRPK maintains that after subscribing such MoUs, all the involved municipalities have adopted a more flexible approach and are exempting from civil status registration fees all cases that the CRPK submits to them. If confirmed, this development indicates that a growing number of municipalities have started to take significant measures to facilitate the civil registration of members of the Roma, Ashkali and Egyptian communities: a written agreement with the civil registration campaign implementing partner; fee exemptions and a more flexible approach as requested by the Recommendations.

*Registration assistance to repatriated persons*

In Rahovec/Orahovac, the MRO supported the civil registration of Roma, Ashkali and Egyptian families who were repatriated to the municipality. In Pejë/Peć UNMIK/DCA has confirmed that the MCO, the MRO, the MCSO and the MCRC have provided considerable support to Roma, Ashkali and Egyptian families recently returned or repatriated to the municipality. The MCRC has expediently completed their registration as habitual residents.

*Insufficient support to the Roma, Ashkali and Egyptians civil registration campaign*

In some municipalities, the civil registration campaign had still not received sufficient support. In Novo Brdo/Novobërdë the MCSO was reportedly not implementing a decision of the Chief Executive Officer that exempts Roma, Ashkali and Egyptian applicants from civil registration fees. The MCRC in Gjakovë/Đakovica stated that any special measure had to be decided at the central PISG level and the MCSO believed that no special measure were required.

Since these municipalities were not implementing fee exemptions as required by the Recommendations, the CRPK was temporarily paying such fees on behalf of Roma, Ashkali and Egyptian applicants in Deçan/Deçane, Istog/Istok, Klinë/Klina, Prizren, Rahovec/Orahovac and Suharekë/Suva Reka, and the Swiss Caritas and GTZ were doing so in Gjakovë/Đakovica. While directly beneficial for Roma, Ashkali and Egyptian applicants, this practice discourages municipalities to implement the OPM Recommendations.

The MCO and the MRO in Klinë/Klina said that they were not familiar with the situation of the Roma, Ashkali and Egyptian communities in their municipality but rather focus on the Kosovo Serb community and the return of its members. In Malishevë/Mališevo, the municipality has not supported an outreach campaign conducted by CRPK through door-to-door visits, distribution of brochures and other actions to raise the Roma, Ashkali and Egyptian communities awareness on procedures and documentation necessary for attaining civil registration. In Prizren and Malishevë/Mališevo the MCRC and the MCSO resisted the adoption of special temporary measures to facilitate the registration of Roma, Ashkali and Egyptian undocumented persons.

In Viti/Vitina, probably due to limited staff, the MCRC has interrupted the practice of conducting field visits through mobile teams reaching out to and registering disadvantaged groups. In addition the OMiK MT considers that the MCSO officials and the MRO have a poor understanding of the needs of the Roma, Ashkali and Egyptian communities. The MCO negatively assessed the activities of the MCRC and expressed concerns that the applicable legislation prevents the registration of persons who originate from Kosovo but do not have documents to prove their identity and eligibility.

### 6.1.1 Use of mobile registration teams

Only nine MCRCs<sup>72</sup> (33%) and ten MCSOs<sup>73</sup> (37%) have mobile teams that are used or could be used to reach out to vulnerable groups and to conduct civil registration out of their offices.

**Table 7:** “Are the MCRC and the MCSO using mobile teams in order to reach out to Roma, Ashkali and Egyptian communities?”

Use mobile teams?	MCRC	% <sup>(1)</sup>	MCSO	% <sup>(1)</sup>
Yes	9	33	10	37
No	18	67	17	63
Sub-Total	27	100	27	100
N/a <sup>(2)</sup>	5	/	5	/
Total	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) N/a means that either the answer is not available or the question was not applicable.

<sup>72</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Gjakovë/Đakovica, Prizren, Rahovec/Orahovac, Pejë/Peć, Obiliq/Obilić, Prishtinë/Priština and Zvečan/Zveçan.

<sup>73</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Gjakovë/Đakovica, Prizren, Rahovec/Orahovac, Deçan/Deçane, Obiliq/Obilić, Prishtinë/Priština, Zvečan/Zveçan and the Han i Elezit/Đeneral Janković PMU.

In this regard the UNHCR campaign is replacing the limited or lack of action by relevant authorities, which in most cases fail to take the responsibility to reach out to Roma, Ashkali and Egyptian undocumented persons and do not take action to prevent their civic exclusion and inability to exercise rights and obligations.

Even within municipalities that dispatch mobile teams to the field, such activity is generally limited in scope and rarely targets the Roma, Ashkali and Egyptian communities and their specific needs. In Pejë/Peć, Gjakovë/Đakovica, Prizren and Lipjan/Lipljan the MCRCs or MCSOs resort to outreach registration only on a reactive, residual and an *ad hoc* basis, when there is a specific request from persons with disability (PWD) or otherwise physically unable to approach the MCRC and the MCSO. On the contrary, the MCRCs and MCSOs in Obiliq/Obilić, Zvečan/Zvečan-Mitrovicë/Mitrovica north and Prishtinë/Priština have established a good practice whereby mobile teams are explicitly used to provide outreach civil registration services to the Roma, Ashkali and Egyptian communities.

In the Gjilan/Gnjilane region the UNHCR and the CRPK have never seen in action the mobile civil registration team allegedly operated by the municipality. On the contrary they have noticed that some MCOs are using their staff to reach out to Roma, Ashkali and Egyptian communities in a more consistent and pervasive way than institutions responsible for civil registration. Similarly, the MCO in Pejë/Peć observed that in the past it had taken the initiative to identify members of the Roma, Ashkali and Egyptian communities in need of civil registration and had referred them to the MCSO. On the contrary the MCSO did not appear to use a mobile team for this purpose.

The MCRC in Deçan/Deçane justified the discontinuation of its mobile team with the lack of a vehicle, while the MCRC in Lipjan/Lipljan stated that insufficient financial resources made the use of mobile teams limited to PWD only. Similarly in Mitrovicë/Mitrovica South the municipality concluded that the proposal of the Roma Mahalla Legal Protection Unit to use mobile civil registration teams is not viable due to logistical concerns and lack of human resources. At the same time, the cases of Prizren and Rahovec/Orahovac demonstrate that even when external support is offered, the involved municipalities do not always show interest to use it, or use it to a limited extent. This refers specifically to the UNHCR standing offer to support the registration activities of the municipal mobile teams, through transportation and other logistical assistance.

In Kaçanik/Kaçanik and Klinë/Klina<sup>74</sup> the MCRC and MCSO explicitly stated that there were no mobile teams to reach out to the Roma, Ashkali and Egyptian communities, whereby no requests for Civil Registration have been recorded in the Municipality of Kaçanik/Kaçanik so far. In Malishevë/Mališevo, Novo Brdo/Novobërdë and Štrpce/Shtërpçë the interviewed officers found that there was no need for such mobile teams. In Shtime/Štimlje this practice was implemented in the past but has been

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<sup>74</sup> This happens despite the fact that in the past the municipality had frequently used mobile teams to reach out to the Serbian community. This different approach may either indicate that the RAE communities are considered less important or that there was no identification of a need to reach them out.

discontinued. Although, the assessment that no outreach activities are necessary may be correct in some specific cases, public acknowledgment of the Roma, Ashkali and Egyptians civil registration issue and assumption of responsibility towards its solution remains a challenge in several municipalities. At the same time, it is essential that central PISG contribute to this process through adequate policies, instructions and resources.

### 6.1.2 Roma, Ashkali and Egyptians civil registration awareness initiatives of MCOs and MROs

Municipal Communities Offices (MCOs) and Municipal Return Officers (MROs) have a specific mandate to ensure that municipal services and policies integrate and respond to the needs of the members of all communities, including returnees, residing on the territory of the specific municipality. For this reason, and having in mind the vulnerability of the members of the Roma, Ashkali and Egyptian communities, OMiK MTs approached these municipal institutions in order to inquire about their engagement in initiatives to raise the awareness of those communities about the importance of civil registration.

**Table 8:** “Did the MRO and MCO conduct activities to raise awareness of Roma, Ashkali and Egyptian communities towards the importance of civil registration?”

Answer	MCO	% <sup>(1)</sup>	MRO	% <sup>(1)</sup>
Yes	5	23	4	16
No	17	77	21	84
Sub-Total	22	100	25	100
n/a <sup>(2)</sup>	10	/	7	/
Total	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) N/a means that either the answer is not available or the question was not applicable.

However, the answers provided by the MCOs<sup>75</sup> and the MROs<sup>76</sup> show that their involvement in activities to inform members of the Roma, Ashkali and Egyptian communities about their rights and obligations related to civil registration remains extremely limited. Only five MCOs (23%) and four MROs (16%) explicitly said that they had conducted activities in this regard.

Despite the fact that outreach activities are inherent to the mandate of both institutions and MCOs employ members of the Roma, Ashkali And Egyptian communities, have Roma, Ashkali and Egyptian liaison officers and, in some cases, have even established

<sup>75</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Novo Brdo/Novobërdë, Shtime/Štimlje, Štrpce/Shtërpçë, Viti/Vitina, Gjakovë/Đakovica, Prizren, Deçan/Deçane, Istog/Istok, Klinë/Klina, Pejë/Peć, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Prishtinë/Priština, Gračanica/Gračanicë, Mitrovicë/Mitrovica, Skenderaj/Srbica, Zvečan/Zveçan, Vushtrri/Vuçitrn, Leposavić/Leposaviq.

<sup>76</sup> Gjilan/Gnjilane, Hani i Elezit/Đeneral Janković, Kaçanik/Kaçanik, Kamenicë/Kamenica, Novo Brdo/Novobërdë, Shtime/Štimlje, Štrpce/Shtërpçë, Viti/Vitina, Gjakovë/Đakovica, Prizren, Suharekë/Suva Reka, Deçan/Deçane, Istog/Istok, Klinë/Klina, Pejë/Peć, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje, Podujevë/Podujevo, Prishtinë/Priština, Gračanica/Gračanicë, Mitrovicë/Mitrovica, Skenderaj/Srbica, Zvečan/Zveçan, Vushtrri/Vuçitrn, Leposavić/Leposaviq.

sub-offices located within or in close vicinity to Roma, Ashkali and Egyptian settlements<sup>77</sup>, there is room for improvement.

There are, however, best practices which could be reinforced and replicated, such as the Obiliq/Obilić example described above.

The MCOs in Gjakovë/Đakovica and Pejë/Peć stated that they had conducted village outreach visits, identified unregistered persons, including recent returnees, and had referred them to CRPK or to the MCSO respectively. In Suharekë/Suva Reka the MRO had supported ICMC in organising meetings with Roma, Ashkali And Egyptian communities to discuss various topics including civil registration, registration of new born babies and school enrolment. UNMIK DCA also acknowledged that the MRO was regularly providing advise to members of the Roma, Ashkali and Egyptian communities and addressing them to the appropriate institutions.

In Lipjan/Lipljan the MCO has a Roma, Ashkali and Egyptians liaison officer that conducts regular visits to Roma, Ashkali and Egyptian settlements and villages. In this capacity, the official provided specific information on civil registration and distributed application forms to members of these communities. Similar outreach visits were conducted by the MRO in Podujevë/Podujevo.

In some municipalities, international and local organisations are involved in awareness raising and provide civil registration assistance to the Roma, Ashkali and Egyptian communities, including through door-to-door visits. However, in some municipalities, as for example in Klinë/Klina,<sup>78</sup> the MCOs and MROs are disengaged and declare that they do not have such practice, or say that all activities are carried out by international agencies. This is also the case with the MCOs and MROs in Zvečan/Zveçan and Leposavić/Leposaviq.

An increased involvement of the municipal institutions, including the MCOs and MROs in the campaign is essential for the sustainability and the ownership of the outreach registration initiatives at the end of the current externally driven campaign. This seems to be the only way towards ensuring that in the future, municipal institutions will actively identify persons in need of civil registration, acknowledge their number and specific situation and take action to solve their cases, where possible.

### *6.1.3 Stakeholders' co-ordination meetings*

The OMiK MTs' interviews and discussions with MCRCs, MCSOs, MCOs, MROs, UNHCR, CRPK and UNMIK/DCA have revealed that, generally there are no municipal co-ordination meetings in municipalities to share information and co-ordinate action in support of the Roma, Ashkali and Egyptians civil registration campaign. The CRPK tends

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<sup>77</sup> This is the case with the MCO in Ferizaj/Uroševac, for instance.

<sup>78</sup> Although UNCHR and CRPK stated that these two institutions were very supportive of the campaign, their answers seem to indicate that the MCO and the MRO do not feel ownership of this initiative.

rather to meet the civil registration institutions (MCRC and MCSO) separately, in order to discuss individual cases or to organise outreach activities, often in co-operation with MCOs and MROs. The CRPK has also signed MoUs with various municipalities in order to consolidate their co-operation with municipal institutions in the area of civil registration.

These meetings or the creation of municipal task forces to solve and take initiatives in respect to the most complicated cases identified by the campaign were one of the initial envisaged outcomes of the Roma, Ashkali and Egyptians civil registration campaign. Despite this initial plan, also UNHCR seems now favouring *ad hoc* meetings convened on as needed basis with various stakeholders.

## 6.2. Flexibility measures

In accordance with the applicable legislation, in order to register as a Kosovo habitual resident any applicant must fulfil at least one of the following criteria:

- a) to be born in Kosovo;
- b) to have at least one parent born in Kosovo;
- c) to have been resident in Kosovo for at least five continuous years;
- d) to have been forced to leave Kosovo and for this reason unable to meet the five-year residency requirement;
- e) to be under the age of 18 ineligible dependent child of registered parents;
- f) to be ineligible dependent child, between 18 and 23 years old, of registered parents under the criteria a) to d) and proved to be in full-time attendance at a recognized educational institution<sup>79</sup>.

Complex registration procedures apply in each of these cases and the applicant's ability to demonstrate his/her identity and eligibility depends on his/her capacity to submit several documents. While taking the initiative of organising a civil registration campaign for the benefit of Roma, Ashkali and Egyptian undocumented persons, the UNHCR has been advocating with central PISG for the adoption of homogenous municipal flexibility measures with reference to such civil registration requirements. OMiK MTs inquired about the existence of any flexible municipal practices, pending the adoption of unified instructions by central PISG.

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<sup>79</sup> Section 3 of UNMIK Regulation No. 2000/13 on the Central Civil Registry stipulates: "(t)he Civil Registrar shall register the following persons as habitual residents of Kosovo: (a) Persons born in Kosovo or who have at least one parent born in Kosovo; (b) Persons who can prove that they resided in Kosovo for at least a continuous period of five years; (c) Such other persons who, in the opinion of the Civil Registrar, were forced to leave Kosovo and for the reason were unable to meet the residency requirement in paragraph (b) of this section; (d) Otherwise ineligible dependent children of persons registered pursuant to subparagraphs (a), (b) and/or (c) of this section, such children being under the age of 18 years, or under the age of 23 years but proved to be in full-time attendance at a recognised educational institution."

### *6.2.1. Evidence accepted by MCRCs as proof of forced displacement*

Persons who do not meet the five-year residency requirement as specified above, can still qualify as habitual residents if they were forced to leave and for this reason were unable to stay in Kosovo for five consecutive years. However, they have to present a photo identification document,<sup>80</sup> an official refugee identity card, proof of their current address,<sup>81</sup> and proof of living in Kosovo or intention to re-establish in Kosovo.<sup>82</sup>

In case of internal displacement or if not in possession of a refugee identity card, applicants who were forced to leave Kosovo may face serious difficulties in registering if unable to convincingly document their period of displacement. Therefore, any certification issued by UNHCR may play a key role in assisting MCRCs in forming their “opinions” regarding the applicant’s displacement. Section 4.2 of UNMIK Regulation No. 2000/13 actually enables competent civil registration authorities to consider “(o)ther documents issued by (...) an agency or organ of the United Nations, supported when necessary by independent corroborative evidence, either written or oral” in order to establish the applicant’s identity and eligibility.<sup>83</sup>

OMiK MTs inquired with MCRCs regarding their flexibility in accepting written statements of UNCHR or municipal institutions such as the MCO and MRO as sufficient evidence of displacement. They also collected the evaluation of MCOs, MROs UNHCR, CRPK and UNMIK/DCA regarding the MCRCs’ practices.

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<sup>80</sup> FRY identity card; FRY passport; University booklet index; FRY driving licence; Foreign identity card; foreign passport, foreign driving license; hunter booklet; military booklet; and if supported by other documents, an official refugee identity card, a declaration (for a person born after 1970), an official refugee travel document. These requirements are specified in Section 5.2 of UNMIK Administrative Direction No. 2001/12, and in the UNMIK Central Civil Registry Information Leaflet on Procedures for Civil Registration and Travel Documents, Annex 1, Chart of Acceptable Documents, October 2004 (UNMIK CCR Leaflet).

<sup>81</sup> Such proof should be provided through at least one of the following documents: new telephone, electricity or water bills; vehicle registration card; social welfare card; rent contract; and declaration under oath support of current address issued by hosting person (UNMIK CCR Leaflet).

<sup>82</sup> The intention to re-establish in Kosovo must be proved through one of these documents: civil status document or another relevant document proving well established family links in Kosovo (i.e. that the applicant’s grand parents, parents, husband, wife, brother(s), sister(s), child(ren) and or grand-children currently live in Kosovo); document proving immovable property-ownership in Kosovo; and current attendance certificate from an educational institution in Kosovo (UNMIK CCR Leaflet).

<sup>83</sup> “Identity and eligibility for registration may be established through one of the following methods: (a) an official document issued by any State or organ thereof, including an identification card, passport or any other travel document containing the photograph or fingerprint of the applicant; (b) Other documents issued by a State or organ thereof, or by an agency or organ of the United Nations, supported when necessary by independent corroborative evidence, either written or oral; or (c) Other documents issued prior to 10 June 1999 by other entities including, but not limited to, educational, health, political and religious institutions, public utilities and other quasi-official bodies, supported by independent corroborative evidence whether written or oral”.

**Table 9:** “Is the MCRC accepting a letter of UNHCR, MRO or MCO as sufficient evidence of displacement when the applicant is unable to meet the 5/year residency rule because he or she was forced to leave Kosovo?”

Answer	MCRC	% <sup>(1)</sup>
Yes	10	43.5
No	5	21.7
the case hasn't occurred	8	34.8
Sub-Total	23	100
n/a <sup>(2)</sup>	9	/
Total	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) n/a means that either the answer is not available or the question was not applicable.

As table 9 above shows, 43.5% of the MCRCs<sup>84</sup> answered that they accepted or would accept UNHCR or MRO/MCO letters stating that the applicant had been forced to leave Kosovo and was for this reason unable to meet the five-year residency rule. A significant number of MCRCs<sup>85</sup> (34.8%) had not dealt with similar cases yet and a smaller percentage of MCRCs<sup>86</sup> (21.7%) said that they would not accept such letters unless cleared by central PISG.

The practice of the MCRCs in Prizren and Deçan/Deçane, which would not accept such letters, and Klinë/Klina which accept such letters only if properly verified through official channels, are clearly in contradiction with Section 4.2, letter (b) of UNMIK Regulation No. 2001/13.<sup>87</sup> The MCRCs in Kamenicë/Kamenica, Skenderaj/Srbica, Štrpce/Shtërpçë would seek guidance or instruction from the Central Civil Registry, and also appear insufficiently aware of the fact that UNHCR is an agency of the United Nations whose documents need to be considered for the purposes of habitual residency registration.

The UNHCR and the CRPK underscored the problematic practice of the MCRC in Ferizaj/Uroševac, which does not recognise the fulfilment of the five-year residency requirement to persons who met it after 1999.<sup>88</sup>

The MCRC in Suharekë/Suva Reka accepts documents issued by UNHCR and IOM. The MCRCs in Lipjan/Lipljan and Istog/Istok accept letters issued by UNHCR and the MCO. In Istog/Istok the MCRC also considers letters issued by the MRO. In Lipjan/Lipljan, the

<sup>84</sup> Gjilan/Gnjilane, Novo Brdo/Novobërdë, Viti/Vitina, Suharekë/Suva Reka, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Prishtinë/Priština, Gračanica/Graçanicë, Vushtrri/Vučitrn.

<sup>85</sup> Kaçanik/Kaçanik, Štrpce/Shtërpçë, Obiliq/Obiliç, Podujevë/Podujevo, Mitrovicë/Mitrovica, Zveçan/Zveçan, Leposaviç/Leposaviq.

<sup>86</sup> Kamenicë/Kamenica, Prizren, Deçan/Deçane, Klinë/Klina, Skenderaj/Srbica.

<sup>87</sup> “Identity and eligibility for registration may be established through one of the following methods: (...) (b) other documents issued by a State or organ thereof, or by an agency or organ of the United Nations, supported when necessary by independent corroborative evidence, either written or oral (...)”.

<sup>88</sup> The expression contained in Section 3(b) of UNMIK Regulation No. 2000/13 according to which “persons who can prove that they have resided in Kosovo for at least a continuous period of five years” are entitled to be registered as habitual residents of Kosovo, does not preclude the registration of persons who met such requirement after 1999.

MCO issues letters on behalf of persons displaced in Kosovo and UNHCR issues letters on behalf of persons who used to be displaced out of Kosovo. In Prishtinë/Priština and Gračanica/Graçanicë the MCRC accepts documents and identity cards issued by UNHCR. The MCRC in Štrpce/Shtërpçë accepts identity cards issued by the Ministry of Refugees and Displaced Persons of the Republic of Serbia. The MCRC in Suharekë/Suva Reka is quite flexible and accepts supporting corroborative documents<sup>89</sup> and also witness statements in order to establish the identity and eligibility of Roma, Ashkali and Egyptian applicants assisted by CRPK. The MCRC in Obiliq/Obilić uses all the legal procedures foreseen by the applicable legislation<sup>90</sup>. If no documentation is available to prove residency, together with the MCO and MRO, the MCRC assists the applicant in identifying two witnesses who would submit a statement regarding the applicant's prior residency.

#### *6.2.2. Evidence accepted by MCRCs as proof of identity and eligibility*

Pursuant to sections 4.1 and 4.2 of UNMIK Regulation No. 2000/13, persons applying for inclusion in the register shall establish their identity and their eligibility for registration to the satisfaction of the Civil Registrar, through one of the following methods:

- “(a) an official document issued by any State or organ thereof, including an identification card, passport or any other travel document containing the photograph or fingerprint of the applicant;
- (b) Other documents issued by a State or organ thereof, or by an agency or organ of the United Nations, supported when necessary by independent corroborative evidence, either written or oral; or
- (c) Other documents issued prior to 10 June 1999 by other entities including, but not limited to, educational, health, political and religious institutions, public utilities and other quasi-official bodies, supported by independent corroborative evidence whether written or oral”.

In accordance with sections 5.1 and 5.2 of UNMIK Administrative Direction No. 2001/12<sup>91</sup>, an applicant must prove his or her identity as a condition precedent to establishing civil eligibility and may do so by presenting to the registration centre staff any of the following documents containing the applicant's photograph:

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<sup>89</sup> Pursuant to Section 4.2, letter (c), of UNMIK Regulation No. 2001/13, besides through documents with a photograph issued by a State or an organ thereof, and other documents issued by a State or organ thereof or by an agency or organ of the United Nations, supported, where necessary, by independent corroborative evidence: “Identity and eligibility for registration may be established through (...) (c) Other documents issued prior to 10 June 1999 by other entities including, but not limited to, educational, health, political and religious institutions, public utilities and other quasi-official bodies, supported by independent corroborative evidence whether written or oral”.

<sup>90</sup> In accordance to Section 6.5 of UNMIK Administrative Direction No. 2001/12: “In addition to the evaluation and review of documents presented by applicants at the registration centre, registration centre staff may consider the statements of witnesses”.

<sup>91</sup> Administrative Direction No. 2001/12 Implementing UNMIK Regulation No. 2000/13 on the Central Civil Registry.

(a) FRY Identity Card; (b) FRY Passport; (c) University Booklet; (d) Military Booklet; (e) FRY Driving License; (f) Foreign Identity Card; (g) Foreign Passport; (h) Foreign Driving License; or (i) Official Refugee Identification Document.

If the applicant is able to submit one of these documents, the MCRC is responsible for reviewing them, evaluating their validity, determining whether they belong to the applicant and decide whether they constitute sufficient proof of identity (Section 5.3). If the applicant is unable to present any of the items listed above, the “ ... registration centre staff may consider other documents, and statements of witnesses, as evidence of identity in accordance with the civil registry procedures, consistent with section 4 of UNMIK Regulation No. 2001/13”<sup>92</sup>.

In view of this legal framework, OMiK MTs approached MCRCs in order to verify their willingness to consider “other documents” such as utility bills, even if not paid, school certificates, documents issued by the Serbian authorities or by parallel structures after 1999 as evidence within the process of establishing the applicant’s identity and eligibility. Where possible, MTs also collected the assessment of MCOs, MROs, UNHCR, CRPK and UNMIK/DCA regarding MCRC practices in this regard.

As specified by the UNMIK Central Civil Registry Information Leaflet on Procedures for Civil Registration and Travel Documents<sup>93</sup> (UNMIK CCR Leaflet), utility bills can be considered as evidence of: the five-year residency requirement (old and new telephone and electricity bills if presented in conjunction with other documents); and current address in Kosovo (new electricity, telephone and water bills); school certificates can be used as evidence of birth in Kosovo or a five-year continued residence in Kosovo.

Section 4.2, letter (c) of UNMIK Regulation No. 2000/13 provides that identity and eligibility for registration may be established also through “(...) (c) other documents issued prior to 10 June 1999 by other entities including, but not limited to, educational, health, political and religious institutions, public utilities and other quasi-official bodies, supported by independent corroborative evidence whether written or oral”. Clearly this does not include documents issued by structures of the Republic of Serbia in Kosovo after 10 June 1999. Formally, MCRCs can not consider them as “other documents” for the purpose of determining the applicant’s identity and eligibility for civil registration. However, as the MCO in Viti/Vitina remarked, this restriction can pose a serious obstacle to the civil registration of all those applicants who, in relation to their displacement and for various reasons, have lost any other type of document and can present only documents issued by parallel structures of the Republic of Serbia.

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<sup>92</sup> UNMIK Administrative Direction No. 2001/12, Section 5.4.

<sup>93</sup> UNMIK Central Civil Registry Information Leaflet on Procedures for Civil Registration and Travel Documents, Annex 1, Chart of Acceptable Documents, October 2004

**Table 10:** “Is the MCRC also accepting utility bills, even if they are not paid, school certificates, documents issued by the Serbian authorities or by parallel structures in North Municipalities in Kosovo after 1999 as “other documents” that constitute evidence within the process of determining the applicant’s identity and eligibility”?

MCRC’s answer	none of these documents	% <sup>(1)</sup>	utility bills	% <sup>(1)</sup>	school certificates	% <sup>(1)</sup>	Parallel structure documents after 10 June 1999	% <sup>(1)</sup>	All these documents	% <sup>(1)</sup>
Yes	8	32%	12	48%	12	48%	9	36%	8	32%
No	16	64%	12	48%	12	48%	15	60%	16	64%
Not occurred	1	4%	1	4%	1	4%	1	4%	1	4%
Sub-Total	25	100%	25	100%	25	100%	25	100%	25	100%
N/a <sup>(2)</sup>	7	/	7	/	7	/	7	/	7	/
Total	32	/	32	/	32	/	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) N/a means that either the answer is not available or the question was not applicable.

Approximately half of the interviewed MCRCs (48%) declared that they accept utility bills<sup>94</sup> and school certificates<sup>95</sup>. However, an equal number of MCRCs (48%, or 12) stated that they do not accept such documents.<sup>96</sup> This raises concern because it restricts a possibility envisaged by the Central Civil Registry and further limits the capacity of vulnerable applicants to access civil registration, when they are unable to submit further documentation.

Nine MCRCs<sup>97</sup> (36%) declared that they have a practice of considering documents issued by parallel structures after 10 June 1999, as part of the procedure to establish the applicant’s identity and eligibility for civil registration. On the other hand, fifteen (60%) of the MCRCs<sup>98</sup> interpret more strictly the applicable legislation and do not acknowledge such documents as valid for the purpose of civil registration.

Eight (32%) MCRCs<sup>99</sup> displayed the most flexible approach by stating that they had a practice of considering all three types of documents within the civil registration process.

<sup>94</sup> Gjilan/Gnjilane, Novo Brdo/Novobërdë, Viti/Vitina, Gjakovë/Đakovica, Rahovec/Orahovac, Pejë/Peć, Obiliq/Obilić, Lipjan/Lipljan, Skenderaj/Srbica, Zvečan/Zveçan, Vushtrri/Vučitrn, Leposavić/Leposaviq.

<sup>95</sup> Gjilan/Gnjilane, Novo Brdo/Novobërdë, Viti/Vitina, Gjakovë/Đakovica, Rahovec/Orahovac, Istog/Istok, Pejë/Peć, Obiliq/Obilić, Skenderaj/Srbica, Zvečan/Zveçan, Vushtrri/Vučitrn, Leposavić/Leposaviq.

<sup>96</sup> Reportedly, Kamenicë/Kamenica, Shtime/Štimlje, Štrpce/Shtërpçë, Prizren, Deçan/Deçane, Klinë/Klina, Fushë Kosovë/Kosovo Polje, Podujevë/Podujevo, Prishtinë/Priština, Gračanica/Gračanicë, Mitrovicë/Mitrovica do not acknowledge considering both types of documents. On the other hand Istog/Istok accepts school certificates but utility bills, and Lipjan/Lipljan accepts utility bills but does not mention accepting school certificates.

<sup>97</sup> Gjilan/Gnjilane, Novo Brdo/Novobërdë, Štrpce/Shtërpçë, Rahovec/Orahovac, Obiliq/Obilić, Skenderaj/Srbica, Zvečan/Zveçan, Vushtrri/Vučitrn, Leposavić/Leposaviq.

<sup>98</sup> Kamenicë/Kamenica, Shtime/Štimlje, Viti/Vitina, Gjakovë/Đakovica, Prizren, Deçan/Deçane, Istog/Istok, Klinë/Klina, Pejë/Peć, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Podujevë/Podujevo, Prishtinë/Priština, Gračanica/Gračanicë, Mitrovicë/Mitrovica.

<sup>99</sup> Gjilan/Gnjilane, Novo Brdo/Novobërdë, Rahovec/Orahovac, Obiliq/Obilić, Skenderaj/Srbica, Zvečan/Zveçan, Vushtrri/Vučitrn, Leposavić/Leposaviq.

On the contrary eight (32%) MCRCs<sup>100</sup> displayed the least flexible approach by stating that they did not accept any of these documents or by being unable to confirm whether they were considering utility bills and school certificates.

Regarding the approach towards documents issued by the parallel structures of the Republic of Serbia after 10 June 1999, the Viti/Vitina MCRC went as far as stating that the submission of any such document was a base for rejecting the application. If confirmed, this practice raises a serious concern because it goes beyond the non-consideration of a specific type of document. This practice may discourage returnees, who have only parallel structure documents, from applying or may cause the rejection of their applications. This approach is more likely to produce the segregation of persons who received services from parallel structures rather than their reintegration under PISG institutions and services. In fact, within the same municipality, the MCO assessed that this practice is problematic because parallel structure documents are often the only type of identity evidence that members of minority communities can submit, be it IDPs, returnees or individuals that never left Kosovo.

The MCRC in Kamenicë/Kamenica stated that it was accepting only documents specified in the Ministry of Public Services (MPS) Administrative Instruction (AI) No. 2006/07 on Renewing the Civil Status Registers.<sup>101</sup> Taking into account the secondary legislation enacted in order to renew missing, damaged or destroyed civil status registers is obviously essential in affected municipalities. However, there is no reason that prevents the involved MCRC from implementing applicable habitual residency legislation, including through the consideration of “other documents” when establishing the applicant’s identity and eligibility, as specified by the applicable law.

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<sup>100</sup> MCRCs in Kamenicë/Kamenica, Shtime/Štimlje, Dečan/Dečane, Klinë/Klina, Fushë Kosovë/Kosovo Polje, Podujevë/Podujevo, Prishtinë/Priština, Gračanica/Graçanicë.

<sup>101</sup> This AI refers in fact to the renewal of municipal civil status registers which went missing, were destroyed or heavily damaged as a result of the recent conflict. It specifies that after the notification on the renewal of the civil status registers, residents of the involved municipality shall be called to renew their registration in the MCSO in which their previous registration took place, subject to the provision of required certificates and document: i) birth, marriage or death certificates issued on the basis of the destroyed or damaged civil registry books; ii) identity document, passport, military book or other documents for whose issuance a birth certificate is required; iii) discharge slip from maternity medical institution and data from the birth evidence book at the hospital and similar data from medical institutions; iv) school cards and certificates, certificates and diploma of any held course and other documents containing data on registration facts (art. 5.1). It also provides that the civil status registration of persons who were born, lived and died in the municipality but were never registered in the civil status registers is to be conducted in accordance with the rules on late registration, as foreseen by the applicable law (art. 6). On this regard, article 16.4 of the Assembly of Kosovo Law on Civil Status Registers<sup>101</sup> provides that “the fact of a child birth shall be registered in the birth register within 30 days from the birth day” and article 16.6 stipulates that “in the cases when a child birth is not reported within the prescribed term of 30 days ..., the registration is done by decision of the competent organ ...”. This is called a late registration, whereas the UNHCR campaign on RAE civil registration focuses on persons in need of late registration.

### 6.2.3. Witness procedure

Applicable Kosovo legislation on habitual residency registration and administrative procedure foresees the possibility of using witness statements as a supplementary way to collect evidence about relevant facts. In the case of civil status and habitual residency registration these statements constitute a supplementary source of evidence concerning the applicant's identity and eligibility for registration.

Section 5.4 of UNMIK Administrative Direction No. 2001/12<sup>102</sup> stipulates that in case the applicant is unable to provide specified written documentation on his/her identity the "... registration centre staff may consider other documents, and statements of witnesses, as evidence of identity in accordance with Civil Registry procedures, consistent with section 4 of UNMIK regulation No.2000/13". Equally, section 6.4 provides the possibility to use a witness procedure in the process of establishing the applicant's eligibility for habitual residency registration: "In addition to the evaluation and review of documents presented by applicants at the registration centre, registration centre staff may consider the statements of witnesses".

While there is no specific provision to this effect within the applicable Assembly of Kosovo (AoK) Law on Civil Status Registers<sup>103</sup>, civil status registration procedures constitute a specific form of administrative procedures and, as such, fall under the general provisions of applicable administrative procedure legislation. The AoK Law on Administrative Procedure<sup>104</sup> contains provisions regarding the investigation procedure<sup>105</sup>, the verification of evidence<sup>106</sup> and the methods of submitting information and evidence.<sup>107</sup>

In addition, the AoK Law on Administrative Procedure "(...) shall supersede all the provisions of the applicable Law with which it is in contradiction" (art. 142). Articles 173 through 181 of the Socialist Federal Republic of Yugoslavia (SFRY) Law on Administrative Procedures<sup>108</sup> are in fact compatible with and complement the AoK Law

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<sup>102</sup> UNMIK Administrative Direction No. 2001/12 implementing UNMIK Regulation No. 2000/13 on the Central Civil Registry.

<sup>103</sup> Assembly of Kosovo Law No. 2004/46 on Civil Status Registers, as promulgated by UNMIK Regulation No. 2005/21.

<sup>104</sup> Assembly of Kosovo Law No. 02/L-28 on Administrative Procedure, as promulgated by UNMIK Regulation No. 2006/33.

<sup>105</sup> Chapter II, Administrative Proceeding Until the Issuance of the Administrative Act, Section I, Investigation Procedure.

<sup>106</sup> Article 55.

<sup>107</sup> "58.1 In cases when it is necessary to submit information or evidence by the interested party, the competent public administration body shall notify the party either in writing or verbally within the timeframe set out by the provisions of this Law.

58.2 The interested party may present written or verbal information and evidence at any time in the course of the administrative proceeding ..." (Art. 58, paragraphs 1 and 2).

<sup>108</sup> Law on Administrative Procedures, Official Gazette SFRY, No.47, 15 August 1986. In so far as not incompatible with the AoK Law on Administrative Procedure, this SFRY Law is applicable pursuant to UNMIK Regulation 1999/24, as amended by UNMIK regulation No. 200/59, according to which "the law in force in Kosovo on 22 March 1989" is applicable in Kosovo and in case of a conflict, the regulations and

on Administrative Procedure. This is with specific reference to cases in which the party needs to use the statements of witnesses in order to provide evidence or information necessary to support his/her application for civil status or habitual residency registration. Such provisions prohibit that any “person who takes part in the proceedings as an official person” acts as a witness while they entitle “any physical person who was able to perceive the fact about which he/she should testify, and who is able to present that observation” to act as witness (article 173).

As table 11 shows, the majority of MCRCs<sup>109</sup> (19 or 76 %) and MCSOs<sup>110</sup> (18 or 66.7%) state that, when necessary, they inform Roma, Ashkali and Egyptian applicants of the possibility to resort to a witness procedure (support documentation is still requested). However, in at least five municipalities<sup>111</sup>, the MCO, the MCRC, UNHCR, the CRPK and UNMIK/DCA or the OMiK MTs challenged such statements or were not aware of cases in which the MCRC and/or the MCSO had informed Roma, Ashkali and Egyptian applicants of such possibility.

**Table 11:** “Are the MCRC and the MCSO informing involved Roma, Ashkali and Egyptian applicants of the possibility to bring two witnesses as a way of proving their identity?”

Answer	MCRC	% <sup>(1)</sup>	MCSO	% <sup>(1)</sup>
Yes	19	76	18	66.7
No	3	12	4	14.8
Not occurred	3	12	5	18.5
Sub-Total	25	100	27	100
N/a <sup>(2)</sup>	7	/	5	/
Total	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) N/a means that either the answer is not available or the question was not applicable.

Contrary to the applicable legislation, three MCRCs (12%) and four MCSOs (14.8%) openly stated that they were not accepting or using the witness procedure. In Mitrovicë/Mitrovica the MCRC stated that the use of two witnesses was not considered sufficient and cases were referred to the UNMIK Department of Registration, Civil Status and Civil Documents. Similarly the MCSO stated that it had discontinued the practice to

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subsidiary instruments issued by UNMIK shall take precedence (article 1.1). Within the United Nations Interim Administration, AoK Laws are promulgated by the SRSG through UNMIK Regulations.

<sup>109</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Shtime/Štimlje, Viti/Vitina, Gjakovë/Đakovica, Malishevë/Mališevo, Prizren, Rahovec/Orahovac, Deçan/Dečane, Istog/Istok, Klinë/Klina, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Prishtinë/Priština, Gračanica/Graçanicë, Skenderaj/Srbica, Vushtrri/Vučitrn, Leposavić/Leposaviq.

<sup>110</sup> Gjilan/Gnjilane, Han i Elezit/Đeneral Janković, Kamenicë/Kamenica, Shtime/Štimlje, Viti/Vitina, Gjakovë/Đakovica, Malishevë/Mališevo, Prizren, Rahovec/Orahovac, Klinë/Klina, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Podujevë/Podujevo, Prishtinë/Priština, Gračanica/Graçanicë, Skenderaj/Srbica, Vushtrri/Vučitrn.

<sup>111</sup> In Kamenicë/Kamenica the MCO and MRO stated that the MCSO and the MCRC were not informing RAE applicants. In Gjilan/Gnjilane and Viti/Vitina UNHCR and CRPK were not aware of such MCSO and MCRC information practice. Based on the practice prevailing at the time of interview, in Gjakovë/Đakovica UNHCR and CRPK expressed the opinion that the MCRC and the MCSO would not accept witnesses. In Skenderaj/Srbica the OMiK MT found that despite their statements, the MCRC and MCSO officers did not appear to proactively inform RAE applicants.

use witnesses statements as a means to ascertain identity. The same is valid for the MCRC and MCSO in the UNMIK Administration in Mitrovicë/Mitrovica north, which covers also Zvečan/Zveçan. In Pejë/Peć both the MCRC and the MCSO incorrectly stated that the current legislation does not allow the use of witnesses as a means to prove the applicant's identity and the MCO confirmed that the MCRC had refused to use the witness procedure in at least three cases of Roma, Ashkali and Egyptian returnees. The MCSO in the Mamuša/Mamushë/Mamuša PMU does not use witness statements and does not inform applicants of this possibility.

When the involved MCRCs<sup>112</sup> (3 or 12%) and MCSOs<sup>113</sup> (5 or 18.5%) state that resorting to a witness procedure has not been necessary yet, this may also indicate that they do not inform applicants. For instance, in Kaçanik/Kaçanik officials of the MCRC and the MCSO are sure that all Roma, Ashkali and Egyptian applicants know of the possibility to present witnesses. However, the fact that no requests for Civil Registration have yet been recorded in this municipality suggests that no proactive effort to inform is being made.

Applicable legislation clearly specifies the complaint procedure applicable to habitual residency registration. The civil registrar shall give written reasons for his or her refusal to register an applicant and may reconsider a previously refused application if there is new evidence. A Registration Appeals Commission is established at the Central Civil Registry to hear and decide on appeals submitted by applicants<sup>114</sup>. While applicable civil status registration legislation<sup>115</sup> fails to clarify the available remedies in cases where a registration request is rejected, this gap is filled by the appeal mechanism envisaged in the Law on Administrative Procedures<sup>116</sup>. A number of municipalities have established municipal civil status review boards to hear complex civil status registration cases, including those in which a witness procedure is required. The MCSO officials in nine municipalities mentioned the existence of such municipal review board<sup>117</sup> or at least said that complex cases were referred to the MPS for review<sup>118</sup>. In three other municipalities<sup>119</sup>, the MCSO officials said that no review boards have been established.

A variety of municipal practices exists regarding the use of witness procedures. In Gjilan/Gnjilane, the witness procedure is used as means to prove identity and the MCRC refers such cases to the Registration Appeals Commission. The MCO is engaged in informing Roma, Ashkali and Egyptian applicants on the practicalities of this procedure.

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<sup>112</sup> Kaçanik/Kaçanik, Novo Brdo/Novobërdë and Štrpce/Shtërpçë.

<sup>113</sup> Kaçanik/Kaçanik, Novo Brdo/Novobërdë, Štrpce/Shtërpçë, Suharekë/Suva Reka and Istog/Istok.

<sup>114</sup> UNMIK Regulation No. 2000/13 on the Central Civil Registry, Sections 6 and 7.

<sup>115</sup> Assembly of Kosovo Law No. 2004/46 on Civil Status Registers, as promulgated by UNMIK Regulation No. 2005/21.

<sup>116</sup> Assembly of Kosovo Law No. 02/L-28 on Administrative Procedure, as promulgated by UNMIK Regulation No. 2006/33.

<sup>117</sup> The Mamuša/Mamushë/Mamuša PMU where a three-member review board operates; Prizren, Istog/Istok and Klinë/Klina, where the review boards had reportedly heard no cases yet; Rahovec/Orahovac, Obiliq/Obilić, Prishtinë/Priština and Gračanica/Graçanicë, where the review boards are said to review cases in which statements of witnesses are involved.

<sup>118</sup> Deçan/Deçane.

<sup>119</sup> Gjilan/Gnjilane, Gjakovë/Đakovica and Mitrovicë/Mitrovica.

In Shtime/Štimlje the MCO and the Public Information Officer (PIO) inform Roma, Ashkali and Egyptian applicants about this procedure, and the MCO also helps Roma, Ashkali and Egyptian applicants in finding supporting documents to be used to corroborate witness statements. The MCSO has a practice of accepting witness procedures for the issuance of birth certificates and acts of death, but requires additional supporting documentation, especially for persons born before the conflict. For persons who reside or used to reside abroad, in order to establish the applicant's identity both the MCRC and the MCSO require that the witness procedure is supplemented by a statement of the United Nations, the UNHCR or the foreign country where the person is living or used to live.

In Gjakovë/Đakovica the MCRC clarified that witnesses are accepted only if they possess an identity card. The witnesses are then requested to sign their statements in front of the civil registrar. The MCSO stated that it only accepted witnesses for late registration cases and births outside of hospitals. In most cases, Roma, Ashkali and Egyptian undocumented applicants need to attain late civil registration. In their case, this requirement may prove an unsurpassable burden because lack of civil status certificates and personal documents is often transmitted through generations and most MCRC and MCSO require that witnesses are close relatives of the applicant. The requirement that witnesses need to prove their identity through personal documents is an obvious legal and administrative requirement followed by the MCRCs and MCSOs, as also confirmed in Prishtinë/Priština and Gračanica/Graçanicë.

In Malishevë/Mališevo, Rahovec/Orahovac, Istog/Istok, Podujevë/Podujevo, Prishtinë/Priština and Gračanica/Graçanicë a review board hears and generally approves cases involving witness statements. In Istog/Istok and Klinë/Klina the UNHCR and CRPK assess that the use of the existing review boards is unlikely, since in both municipalities the civil status registry books are intact. In Podujevë/Podujevo witnesses must be close relatives of the applicant and the review board pays direct visit to the applicant to collect further information and decide on the case. The review board had dealt with and approved 18 such cases at the time of the interview. Similarly, the review boards in Prishtinë/Priština and Gračanica/Graçanicë pay such visits to the applicants who resort to witness procedures.

In Deçan/Deçane the MCSO had not established a review board but stated that, if necessary, complex cases could be reviewed by the chief of the MCSO, the Legal Office and the MCRC director. In 2006 eight complaints against its decisions were sent to the MPS, which reportedly confirms the MCSO's decision in most cases.

In Prizren the MCSO and the MCRC accept witness statements in all cases. In Obiliq/Obilić both the MCRC and the MCSO widely use witness procedures to collect evidence regarding undocumented Roma, Ashkali and Egyptian applicants. The MCRC, MCO and MRO co-operate in identifying witnesses. In Lipjan/Lipljan the MCO Roma, Ashkali and Egyptians community liaison officer proactively informs Roma, Ashkali and Egyptian communities on the two types of civil registration and on the witness procedure. However, several members of these communities still remain hesitant to approach the

municipality for registration, due to lack of awareness and a difficult economic and social situation.

In Lipjan/Lipljan the MCRC uses an initial assessment slip issued by the central civil registry. If the applicant that resorts to a witness procedure was born after 1970, the MCRC processes the case as confirmed. In cases where the applicant was born before 1970, the MCRC sends the compiled assessment slip to the Central Civil Registry for verification. The same procedure is applied by the MCRC in Deçan/Deçane.

In Vushtrri/Vučitrn the MCRC and MCSO only use witness procedures to prove the identity of children born after 1997. Although there have been no such cases to date, the MCRC in Leposavić/Leposaviq would also only use the witness procedure for children.

#### *6.2.4. Personal presence of the applicant*

In accordance to section 4.2 of UNMIK Administrative Direction No. 2001/12<sup>120</sup>, “(p)ersons seeking inclusion on the register of habitual residents of Kosovo shall apply in person at the Municipal Civil Registration Centre in the municipality in which they currently reside ...”. Further, section 4.3 provides that “applicants shall bring with them to the registration centres all available documents that will assist in proving their identity and civil eligibility, and shall present these documents to registration centre staff for their inspection and review”.

Pursuant to article 16.5 of the AoK Law on Civil Status Registers<sup>121</sup>, the registration of a child born out of a health institution requires a declaration by the child’s father or mother, the person in whose house birth was given, and the doctor, nursing staff or other person who assisted the delivery. Births not reported within 30 days are subject to a late registration decision of the competent MCSO upon notification by the applicant (article 16.6).

Therefore, all undocumented applicants requesting late civil status registration need to apply in person and may be requested to ensure the presence of witnesses, including their parents, the person in whose house they were born, and the person who assisted the birth, in order to establish the fact of the birth. The case becomes even more complicated when the unregistered person is an adult, was born abroad or in any case outside of a health institution, has no documents to prove his/her birth and is unable to convene the persons that should corroborate the fact of his/her birth. These cases become even more difficult when the lack of documents is transmitted through generations and also when the parents have no documents to prove their identity.

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<sup>120</sup> UNMIK Administrative Direction No. 2001/12 Implementing UNMIK Regulation No. 2000/13 on the Central Civil Registry.

<sup>121</sup> Assembly of Kosovo Law No. 2004/46 on Civil Status Registers, as promulgated by UNMIK Regulation No. 2005/21.

In the course of the ongoing Roma, Ashkali and Egyptians civil registration campaign, UNHCR is advocating for flexibility of the MCSOs regarding submission of additional documentation in order to avoid logistical strains on CRPK staff.

OMiK MTs asked if the MCSOs were releasing applicants assisted by CRPK and/or their families from the requirement to be present at all times during the application procedure. When possible they asked MCOs, MROs, UNHCR, CRPK and UNMIK/DCA the same question.

As table 12 below shows, more than half of the MCSOs (16 or 53.3%) stated that they were accepting the UNHCR and CRPK statements and assessments on behalf of Roma, Ashkali and Egyptian applicants without requiring their presence. This proportion is lower (39.2%) according to UNHCR and CRPK. On the other hand, answers of both MCSOs and CRPK and UNHCR indicate that around 30% of the MCSOs<sup>122</sup> do not release Roma, Ashkali and Egyptian applicants from the requirement to be present even when CRPK is representing them and is submitting documentation or statements on their behalf.

**Table 12:** “Regarding civil status registration, is the MCSO trusting/accepting the UNHCR or UNHCR legal implementing partner’s (CRPK) assessments and statements and restraining from requesting the presence of the applicant and/or his family in order to issue civil status certificates?”

Is the MCSO accepting UNHCR or CRPK statements without applicant presence?	MCSO	% <sup>(1)</sup>	UNHCR and CRPK	% <sup>(1)</sup>
Yes	16	53.3	9	39.2
No	9	30	7	30.4
Not occurred	5	16.7	7	30.4
Sub-Total	30	100	23	100
n/a <sup>(2)</sup>	2	/	9	/
Total	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) N/a means that either the answer is not available or the question was not applicable.

<sup>122</sup> In the following municipalities MCSOs stated that they were not releasing RAE applicants for the requirement to be present, even if represented by CRPK: the Mamuša/Mamushë/Mamuša PMU; Suharekë/Suva Reka; Deçan/Deçane; Istog/Istok; Klinë/Klina; Pejë/Peć; Mitrovicë/Mitrovica; Zvečan/Zveçan; and Leposavić/Leposaviq. In Kamenicë/Kamenica the MCSO answered that, unless an identity document of the applicant was presented, it could not releasing him/her from the requirement to be present. Actually this answer reveals availability to suspend the requirement under specified conditions. At the same time, UNHCR and CRPK confirmed that the MCSO was flexible and, in various occasions, had accepted their statements even if the RAE applicant was absent. UNHCR and CRPK confirmed, that as of the date of interview, the following MCSOs were not willing to accept CRPK statements and assessments on behalf of the applicant without his/her presence: Gjilan/Gnjilane (at least temporarily, due to a recent case of fraud involving a couple that tried to register a child that was not theirs); Novo Brdo/Novobërdë (probably not); the Mamuša/Mamushë/Mamuša PMU; Pejë/Peć; Mitrovicë/Mitrovica; Zvečan/Zveçan; and Leposavić/Leposaviq.

The UNHCR and CRPK answers indicate that, based on the needs assessment in the course of the civil registration campaign, there has been no need to solicit MCSO flexibility approach in seven (30.4%) municipalities.<sup>123</sup>

According to the UNHCR assessment most of the undocumented Roma, Ashkali and Egyptian applicants are in need of consecutive civil registration. They first need to attain registration in the birth registry of the municipality in which they live or have returned and only afterwards they can start proceedings for habitual residency registration<sup>124</sup>. Therefore, they also do not have personal identity documents. Usually an applicant who is unable to request a specific certificate in person, empowers a third party to represent him/her and to obtain such certificate by providing one of his/her personal documents or a photocopy. But in the case where the applicant does not have identity documents, this is not applicable. These vulnerable persons do not exist for the civil status register, nor do they exist for the habitual residency register. They need to obtain access to late registration.

In this context, it is not surprising that MCSOs find it difficult to process late registration applications without the applicant's presence. They simply have no evidence of his/her existence, and the applicant's absence makes the establishment of facts related to his/her birth, identity and eligibility even more difficult.

Some MCSOs<sup>125</sup> that are available to process late registration applications, limit such flexibility only to cases where undocumented persons are practically unable to meet. The attorney (CRPK) submitting a request on behalf of a third person must present a power of attorney signed by the applicant and a copy of one of the applicant's identity documents and/or a certificate proving his/her registration in the civil status register.

The UNHCR and CRPK requests for flexibility are justifiable based on the complicated logistical arrangements connected with ensuring the physical presence of indigent, unaware, and often unmotivated applicants. The cases become even more complicated when the presence of the family members is required. All this requires municipal authorities to conduct proactively civil registration out of their offices through mobile teams in order to ensure the reduction and elimination of undocumented people on their territory. This is even more important because, due to the lack of civil registration, such persons are mostly unable to exercise their basic rights and obligations. Their presence further contributes to reproducing conditions of poverty, marginalisation and social injustice that have an impact on the society as a whole.

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<sup>123</sup> Štrpce/Shtërpçë, Malishevë/Mališevo, Rahovec/Orahovac, Deçan/Deçane, Istog/Istok, Klinë/Klina, Skenderaj/Srbica.

<sup>124</sup> Podujevë/Podujevo, where more than 100 RAE applicants obtained birth certificates, which may enable them to register as habitual residents and obtain identity documents, is a clear example in this regard.

<sup>125</sup> The Han i Elezit/Đeneral Janković PMU, Kamenicë/Kamenica, Gjakovë/Đakovica, Prizren and Lipjan/Lipljan.

## 7. The campaign's impact

OMIK MTs approached MCRC and MCSO officials to ask if they had noticed any increase in the number of members of the Roma, Ashkali and Egyptian communities seeking and obtaining civil registration services in the second half of 2006. In most cases, respondents could not provide statistics, but rather expressed their perceptions. This is also due to the fact that the civil registration process explicitly excludes the classification of applicants according to their community or ethnic belonging. Where possible, MTs also discussed the same issue with MCOs and MROs as well as with UNHCR, CRPK and UNMIK DCA.

**Table 13:** “According to the officer that you interviewed, in the second half of 2006, was there an increase in the number of documents and certificates issued to members of the Roma, Ashkali and Egyptian communities?”

Increase?	MCRC	% <sup>(1)</sup>	MCSO	% <sup>(1)</sup>
<b>Increase</b>	8	30.8	9	33.3
<b>No change</b> <sup>(2)</sup>	12	46.1	13	48.2
<b>Decrease</b>	0	0	2	7.4
<b>No information</b>	6	23.1	3	11.1
<b>Sub-Total</b>	26 <sup>126</sup>	100	27 <sup>127</sup>	100
<b>n/a</b> <sup>(3)</sup>	6	/	10	/
<b>Total</b>	32	/	32	/

Legend: (1) percentages in this table are calculated with sole reference to the institutions for which an answer is available; (2) the “no change” category also includes MCRCs and MCSOs who provided numbers but failed to state if there had been an increase or not; (3) n/a means that either the answer is not available or the question was not applicable.

As table 13 above illustrates, 48.2% of the interviewed MCSOs and 46.1% of the interviewed MCRCs declared that there had been no increase in the number of documents issued to members of the Roma, Ashkali and Egyptian communities<sup>128</sup>. In addition, 7.4% of the MCSO officials said that they had noticed a decrease. Therefore, more than half (55.6%) or almost half (46.1%) of the interviewed MCSO<sup>129</sup> and MCRC<sup>130</sup> officials

<sup>126</sup> Ferizaj/Uroševac; Gjilan/Gnjilane; Kačanik/Kaçanik; Kamenicë/Kamenica; Novo Brdo/Novobërdë; Štrpce/Shtërpçë; Viti/Vitina; Gjakovë/Đakovica; Malishevë/Mališevo; Prizren; Rahovec/Orahovac; Suharekë/Suva Reka; Deçan/Deçane; Istog/Istok; Klinë/Klina; Pejë/Peć; Obiliq/Obilić; Fushë Kosovë/Kosovo Polje; Lipjan/Lipljan; Podujevë/Podujevo; Prishtinë/Priština; Mitrovicë/Mitrovica; Skenderaj/Srbica; Zvečan/Zvečan; Vushtrri/Vučitrn; Leposavić/Leposaviq.

<sup>127</sup> Ferizaj/Uroševac; Gjilan/Gnjilane; Shtime/Štimlje; Rahovec/Orahovac; Fushë Kosovë/Kosovo Polje; Podujevë/Podujevo; Prishtinë/Priština; Novo Brdo/Novobërdë; Gjakovë/Đakovica; Kamenicë/Kamenica; Lipjan/Lipljan; Kačanik/Kaçanik; Deçan/Deçane; Han i Elezit/Đeneral Janković; Štrpce/Shtërpçë; Malishevë/Mališevo; Prizren; Mamuşa/Mamushë/Mamuşa; Istog/Istok; Pejë/Peć; Mitrovicë/Mitrovica; Skenderaj/Srbica; Viti/Vitina; Suharekë/Suva Reka; Klinë/Klina; Vushtrri/Vučitrn; Leposavić/Leposaviq.

<sup>128</sup> Kamenicë/Kamenica, where the MCSO said that he was aware of one birth certificate request, and Lipjan/Lipljan, where the MCSO registered 15 cases in 2006.

<sup>129</sup> Eleven (40.7%) MCSOs indicated that there had been no change in the number of documents issued: Hani i Elezit/Đeneral Janković, Štrpce/Shtërpçë, Malishevë/Mališevo, Prizren, Mamuşa/Mamushë/Mamuşa, Istog/Istok, Pejë/Peć, Mitrovicë/Mitrovica, Skenderaj/Srbica, Kačanik/Kaçanik and Deçan/Deçane. Two (7.4%) MCSOs stated that either less RAE had applied for civil status certificates (Viti/Vitina) or that no member of the RAE communities had requested civil status certificates (Leposavić/Leposaviq).

expressed the opinion that the same or even a lower number of documents had been issued to members of the Roma, Ashkali and Egyptian communities.

At the same time, approximately one third of the interviewed MCRC<sup>131</sup> (eight or 30.8%) and MCSO<sup>132</sup> (nine or 33.3%) officials observed an increase in the number of habitual residency or civil status documents issued to members of the Roma, Ashkali and Egyptian communities. Within this category, five (19.2%) MCRCs<sup>133</sup> were able to provide data regarding a slight<sup>134</sup> or more substantial<sup>135</sup> increase, and three others (11.5%)<sup>136</sup> could not support their assessment with specific data because MCRCs do not record the applicant's ethnicity. In Zvečan/Zveçan the assessment that more members of the Roma, Ashkali and Egyptian communities had access to civil registration is related to the ongoing implementation of the Roma Mahalla return project. This project supports the return of members of the Roma, Ashkali and Egyptian communities to Mitrovicë/Mitrovica south and includes a strong component regarding the civil registration of potential returnees<sup>137</sup>. It is, however, important to notice that the civil

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<sup>130</sup> In nine (34.6%) municipalities MCRCs observed no increase: Shtërpçë/Štrpce; Malishevë/Mališevo; Prizren/Prizren; Deçan/Deçane; Obiliq/Obilić; Fushë Kosovë/Kosovo Polje; Podujevë/Podujevo; Skenderaj/Srbica; Leposavić/Leposaviq. In two (7.7%) municipalities MCRCs provided data which do not indicate if there was an increase: Kamenicë/Kamenica (25 recorded requests for identity cards) and Viti/Vitina (four members of the RAE community registered since June 2006). In Kaçanik/Kaçanik (3.8%) the MCRC had received no requests for habitual residency documents from members of the RAE communities.

<sup>131</sup> Ferizaj/Uroševac, Istog/Istok, Zvečan/Zveçan, Gjilan/Gnjilane, Rahovec/Orahovac, Prishtinë/Priština, Mitrovicë/Mitrovica, Vushtrri/Vučitrn.

<sup>132</sup> Novobërdë/Novo Brdo, Gjakovë/Đakovica, Ferizaj/Uroševac, Gjilan/Gnjilane, Shtime/Štimlje, Rahovec/Orahovac, Fushë Kosovë/Kosovo Polje, Podujevë/Podujevo and Prishtinë/Priština.

<sup>133</sup> Gjilan/Gnjilane, Rahovec/Orahovac, Prishtinë/Priština, Mitrovicë/Mitrovica and Vushtrri/Vučitrn.

<sup>134</sup> Reportedly, in Gjilan/Gnjilane the number of travel documents and identity cards issued to members of the RAE communities increased from 98 (January-May 2006) to 105 (June-December 2006). The MCRC in Rahovec/Orahovac estimates that 100 persons more have requested and/or received identity cards and travel documents in the second half of 2006. Although it could not specify how many RAE community members received such documents, the MCRC qualified this as a slight increase.

<sup>135</sup> Officials of the MCRC in Prishtinë/Priština did not provide absolute figures, but stated that there had been an approximate increase of 50% in the number of identity cards and travel documents issued to members of the RAE communities. They expressed the opinion that the involved RAE applicants needed civil status/habitual residency documents in order to exercise their pension rights. The MCRC in Mitrovicë/Mitrovica estimated that from 2005 to 2006 there had been an overall increase of 70% in the number of identity cards, travel documents and civil registration certificates issued to members of all communities. It could not provide specific figures the RAE communities though. In Vushtrri/Vučitrn the MCRC confirmed that there was a considerable increase in the number of identity cards issued to members of the RAE communities: 71 since June 2006.

<sup>136</sup> Ferizaj/Uroševac, Istog/Istok and Zvečan/Zveçan.

<sup>137</sup> The OMiK MT in Zvečan/Zveçan expressed the opinion that, in 2006, the number of documents and certificates issued to members of the RAE communities has increased due to the Roma Mahalla return project. UNMIK, UNHCR, OMiK, the Norwegian Church Aid (NCA), the Danish Refugee Council (DRC) and many other partners are actively involved in it. One of the project's priorities is the civil registration of members of the RAE communities. The MCRC in Zvečan/Zveçan could not provide accurate figures due to problems in their database, but expressed the assessment that 85% of the RAE who are hosted in the Osterode collective centre in Mitrovicë/Mitrovica north and had some kind of document to prove their identity, had in fact been able to register. The MCRC believes that the remaining RAE are registered in Mitrovicë/Mitrovica south or elsewhere in Kosovo.

registration of RAE IDPs in the northern part of Kosovo was initiated already in 2005 through the coordination mechanism of the Roma Mahala Return Project. Although the larger number of cases was registered during 2006, the awareness raising had been ongoing for much longer.

On the other hand, nine (33.3%) MCSOs provided estimations (four or 14.8%)<sup>138</sup> or expressed the opinion (five or 18.5%)<sup>139</sup> that they had issued more civil status certificates to members of the Roma, Ashkali and Egyptian communities.

Finally, six<sup>140</sup> (23.1%) MCRC and three<sup>141</sup> (11.1%) MCSO officials stated that they had no specific information regarding documents issued to members of the Roma, Ashkali and Egyptian communities and quoted various reasons, including the fact that:

- MCRC officials do not question applicants about their ethnicity and that none of the civil registration documents contains information on the person's ethnicity<sup>142</sup>;
- there is no database that differentiates applicants and document holders according to their ethnicity<sup>143</sup>; and
- there is a lower number of Roma, Ashkali and Egyptian community applicants and/or no statistics are available<sup>144</sup>.

When MTs posed the same question to other actors including MCOs and MROs, UNHCR and CRPK Field Offices, as well as UNMIK/DCA more concrete, though not

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<sup>138</sup> In Podujevë/Podujevo more than 100 RAE applicants obtained birth certificates in the course of an organised civil registration campaign in which the MCSO, the MRO, RAE community leaders and the CRPK were involved. The MCSO in Novo Brdo/Novobërdë clearly acknowledged that, following to the CRPK initiative, more members of the RAE communities had requested and obtained civil status certificates: approximately twenty birth certificates, four marital status certificates and one act of death. Also in Gjakovë/Đakovica more RAE had applied for birth and other civil status certificates since June 2006. This happened in the context of a RAE civil registration project conducted by Swiss Caritas, GTZ (Gesellschaft für Technische Zusammenarbeit) and the MCO. Within this project, the MCO identified unregistered persons within the RAE communities and Swiss Caritas and GTZ paid all their civil registration fees. The MCO assesses an increase of 30% in RAE civil registration cases. The MCSO in Ferizaj/Uroševac, estimated that, during the second half of 2006, the number of certificates issued to members of the RAE communities had increased of at least 50%, but had no specific figures.

<sup>139</sup> Gjilan/Gnjilane, Shtime/Štimlje, Rahovec/Orahovac, Fushë Kosovë/Kosovo Polje and Prishtinë/Priština.

<sup>140</sup> Klinë/Klina, Gjakovë/Đakovica, Pejë/Peć, Suharekë/Suva Reka, Lipjan/Lipljan and Novo Brdo/Novobërdë.

<sup>141</sup> MCSOs in Suharekë/Suva Reka, Klinë/Klina and Vushtrri/Vučitrn.

<sup>142</sup> MCRCs in Gjakovë/Đakovica, Pejë/Peć, Klinë/Klina and MCSOs in Suharekë/Suva Reka, Klinë/Klina and Vushtrri/Vučitrn.

<sup>143</sup> Suharekë/Suva Reka.

<sup>144</sup> Lipjan/Lipljan and Novo Brdo/Novobërdë. In this case of Lipjan/Lipljan, the 2000 municipality's estimations regarding the local population include references to Albanians, Serbs, Croats and to 1,890 others. While it is likely that at least part of those classified as others belong to the RAE communities, this classification may generate the impression that municipal authorities pay less attention to the RAE communities. In the case of Novo Brdo/Novobërdë, while there is no information regarding habitual residency registration, the MCSO indicated that the implementation of the RAE civil registration campaign by CRPK has resulted into an increased number of civil status certificates issued to the benefit of RAE communities members. Once in possession of civil status certificates, the involved persons have easier access to habitual residency registration.

comprehensive, information came into light concerning the results of the ongoing campaign in a number of municipalities.

In Podujevë/Podujevo both the MCSO and the MRO confirmed that more than 100 Roma, Ashkali and Egyptian applicants obtained birth certificates in the course of an organised civil registration campaign in which the MCSO, the MRO, Roma, Ashkali and Egyptian community leaders and CRPK were involved.

The UNHCR and CRPK Field Offices in Pejë/Peć clarified that CRPK screened 415 potential cases in five municipalities of the Pejë/Peć region including 220 in Gjakovë/Đakovica, 86 in Pejë/Peć, 70 in Klinë/Klina, 25 in Deçan/Dečane and 14 in Istog/Istok. The screening has led to the identification of 375 unregistered Roma, Ashkali and Egyptian community members. While the campaign was still ongoing, CRPK had been able to ensure the civil registration of 70 (18.7%) of these cases.

In Gjakovë/Đakovica, the UNHCR noted that because the applicant's ethnicity is not displayed in civil status certificates, it is difficult to assess if there is an increased number of Roma, Ashkali and Egyptians who successfully obtained civil registration. However, CRPK had already interviewed 220 persons and had assisted 38 Roma, Ashkali and Egyptian community members in obtaining civil registration.

In Ferizaj/Uroševac CRPK indicated that they had interviewed and assisted the processing of some 128 Roma, Ashkali and Egyptian applications, with 56 cases solved, 39 pending, 5 rejected and 30 referred to other municipalities. This means that, although the campaign was still at an early stage and was planned to continue in 2007, more than half of the cases referred to the municipality had been solved. In addition CRPK was assisting residents of other municipalities in addressing the competent MCSOs and MCRCs. The MCO and MRO were also supporting the campaign. The MCO was aware that more than 100 cases had been assisted and stated that the Recommendations raised the awareness regarding the importance of civil registration. The case of Ferizaj/Uroševac demonstrates that the support of a well organised MCO is of key importance for the success of community outreach activities and awareness raising.

In Mitrovicë/Mitrovica UNHCR and CRPK noticed a huge increase in the number of Roma, Ashkali and Egyptian civil registration cases, which according to them raised from 10/15 cases in 2005 to 105 cases in 2006. Also the MCRC confirmed that there had been a general increase of 70% in the number of identity cards and travel documents issued to residents. However the MCSO would not acknowledge any increase.

The MRO in Rahovec/Orahovac indicated that the demand for civil registration had been increasing within the Roma, Ashkali and Egyptian communities due to the increasing number of repatriations. After their repatriation, eighteen Roma, Ashkali and Egyptian families had applied for and received civil registration, according to the MRO. It is somehow astonishing that in the same municipality the MCO declared that his/her office had decided not to keep records concerning civil registration because Roma, Ashkali and

Egyptian community members move freely. Therefore, the level of awareness of municipal officials working on community and return issues appears quite variable.

The MCO in Pejë/Peć was aware that the ongoing returns to the 7 Shtatori/7 Septembar Roma, Ashkali and Egyptians settlement had generated an increased demand for civil status certificates (30 to 40 requests) necessary to obtain identity cards and travel documents. Also UNMIK/DCA had noticed an increased number of requests for civil registration documents by spontaneous and forced Roma, Ashkali and Egyptian returnees. The majority of these requests were for birth certificates, which are necessary for entering into the civil registration cycle.

In Lipjan/Lipljan, CRPK responded that they had been involved in assisting the civil registration of seventeen members of the Roma, Ashkali and Egyptian communities and all of the applicants had been exempted from municipal fees as a result of their intervention. This was also confirmed by the MCSO, which reportedly registered and exempted from fees fifteen Roma, Ashkali and Egyptian applicants assisted by CRPK.

In Viti/Vitina, CRPK replied that it had been able to interview and assist some 25 members of Roma, Ashkali and Egyptian communities. Sixteen appeared to be in need of civil registration, and CRPK had been able to ensure civil registration for nine of them so far.

The MRO in Prishtinë/Priština was aware that, within the ongoing civil registration campaign, the competent MCSO and MCRC had issued a considerable number of civil registration documents to members of the Roma, Ashkali and Egyptian communities. This was also confirmed by the MCRC who spoke of a 50% increase and the MCSO who noticed an increase in the issuance of birth, marriage and marital status certificates, as well as acts of death.

## **8. Recommendations**

### **I. To central PISG:**

1. To establish an inter-ministerial working group, including at least the Ministry of Internal Affairs, the Ministry of Public Services, the Ministry of Local Government Administration, the Ministry of Communities and Returns and municipal representatives to develop instructions on measures to be adopted by municipalities in order to:

- a) identify unregistered members of the Roma, Ashkali and Egyptian communities;
- b) speed up and facilitate the processing of their applications;
- c) extend and facilitate the use of witness procedures to determine the applicant's identity and eligibility;
- d) exempt these applicants from administrative fees until the end of 2007;
- e) adopt a flexible approach and facilitate the reintegration of applicants under PISG Institutions and services, and to accept documents issued by parallel structures

- issued after 10 June 1999, in those cases in which the applicant has no other documents to establish his/her identity and eligibility;
- f) appoint focal points to liaise with UNHCR and CRPK during the civil registration campaign;
  - g) collect, in co-operation with UNHCR and CRPK, monthly statistics on the number of applications submitted through CRPK, and the number of solved cases, disaggregated by age and gender;
  - h) transmit such information to designated offices within central PISG;
  - i) Promote public awareness on the importance of civil registration and inform the public on the ongoing campaign;
  - j) Reach out to Roma, Ashkali and Egyptian communities, and provide civil registration services through mobile teams.
2. Provide municipalities with adequate resources for the implementation of the necessary Roma, Ashkali and Egyptians registration activities;
  3. Through an administrative instruction, establish (MoIA) minimum and maximum rates for each civil status certificate and service to avoid applying disproportionate fees in different municipalities;
  4. Through an administrative instruction, ensure the establishment of municipal civil status review boards in all municipalities and clarify the mandate and procedures through which such review board would determine late civil status registration applications;
  5. (MPS, MoIA and AoK) Ensure that current legislation on civil status registers is amended to include a clear appeal procedure and ensure that MCSOs issue written decisions in response to all received applications.

## II. To Municipalities:

1. Allocate adequate resources from the municipal budget to ensure the operation of mobile teams and the implementation of civil registration outreach activities targeting the Roma, Ashkali and Egyptian communities;
2. Ensure improved distribution of documents and instructions related to the Roma, Ashkali and Egyptians civil registration process to all relevant municipal institutions;
3. Appoint a Roma, Ashkali and Egyptians civil registration focal point who would co-ordinate municipal efforts and ensure and collect relevant information;
4. Engage in awareness and information, including through local media;
5. Facilitate the creation of co-ordination mechanisms in which relevant stakeholders can exchange information and plan common initiatives;

6. Adopt a gender-sensitive approach that assists mothers and babies in case of home birth and promotes civil registration of all new born babies;
- 7 Engage municipal mobile teams in information and education activities related to mother and child health care; civil registration at birth; obligatory vaccinations; access to municipal health care services; and the involvement of primary health care and social welfare systems staff in such activities;
8. Strengthen co-operation with Roma, Ashkali and Egyptian communities (Roma, Ashkali and Egyptian community leaders; groups of Roma, Ashkali and Egyptian women and girls; midwives and other non-medical staff that assists home births within specific Roma, Ashkali and Egyptian settlements) and other relevant institutions (MCOs, MROs, the municipal Departments of Health and Social Welfare and Family Health Centres; Centres for Social Work) in such outreach activities;
9. Where possible, recruit qualified members of the Roma, Ashkali and Egyptian communities, including women, not only within MCRCs, MCSOs and MCOs, but also in municipal Family Health Centres and promote such recruitment by Centres for Social Work;
10. Encourage the deployment of staff from the Roma, Ashkali and Egyptian communities in information and outreach activities that target the Roma, Ashkali and Egyptian communities and include civil registration and mother and child health.

Annex 1

Municipalities and Pilot Municipal Units in which OMiK MTs collected the information contained in this report.

OMiK Region	Municipalities	Pilot Municipal Units
Gjilan/Gnjilane	Gjilan/Gnjilane	Hani i Elezit/Đeneral Janković
	Kamenicë/Kamenica	
	Novo Brdo/Novobërdë	
	Shtërpçë/Štrpce	
	Kaçanik/Kaçanik	
	Viti/Vitina	
	Ferizaj/Uroševac	
	Shtime/Štimlje	
<b>Sub-total</b>	<b>8</b>	<b>1</b>
Prizren	Prizren	Mamuša/Mamushë/Mamuša
	Suharekë /Suva Reka	
	Malishevë /Mališevo	
	Rahovec /Orahovac	
	Gjakovë /Đakovica	
<b>Sub-total</b>	<b>5</b>	<b>1</b>
Prishtinë/Priština	Prishtinë/Priština	Gračanica/Gračanicë*
	Podujevë/Podujevo	
	Obiliq/Obilić	
	Fushë Kosovë/Kosovo Polje	
	Lipjan/Lipljan	
<b>Sub-total</b>	<b>5</b>	<b>1</b>
Pejë/Peć	Pejë/Peć	Junik
	Deçan/Dečane	
	Istog/Istok	
	Klinë/Klina	
<b>Sub-total</b>	<b>4</b>	<b>1</b>
Mitrovicë/Mitrovica	Mitrovicë/Mitrovica	
	Skenderaj/Srbica	
	Vushtrri/Vučitrn	
	Zveçan/Zvečan	
	Mitrovicë/Mitrovica North**	
	Leposaviq/Leposavić	
<b>Sub-total</b>	<b>5</b>	<b>0</b>
<b>Total</b>	<b>28</b>	<b>3+1*</b>

**Legend:** \* Gračanica/Gračanicë is not a PMU but possesses some of the administrative offices and services which form the subject of this report; \*\* UNMIK Administration Mitrovicë/Mitrovica North (UAM).

## Annex 2: Municipal Fees (in Euros) applied to the issuance of civil status certificates

Type of Certificate	Municipality <sup>(1)</sup>																														
	FE/UR	GN	HE/DJ	KA	KK	NB	SM	ST	VI	GJ/DA	ML	MM	PZ	RH	SR	DC	JU	IS	KL	PE	OB	FK/KP	LI	PJ	PR	MI	SE	ZV	MIN	VU	LE
Birth <sup>(2)</sup>	1.00	1.50	1.00	1.00	1.00	2.00	1.00	1.00	1.00	1.00	1.00	0.50	0.50	1.00	1.00	1.50	1.50	2.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	1.00	1.00	1.00	1.00
Marriage <sup>(3)</sup>	1.00	1.50	1.00	1.00	1.00	2.00	1.00	1.00	1.00	1.00	1.00	0.50	0.50	10.00	1.00	1.50	1.50	2.00	2.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	1.00	1.00	1.00	1.00
Marital Status <sup>(4)</sup>	1.00	6.50	2.50	2.50	2.00	2.00	5.00	1.00	2.50	3.00	10.00	1.00	1.00	3.00	5.00	1.50	1.50	2.00	3.00	1.00	1.00	3.00	1.00	5.00	1.00	1.00	5.00	1.00	1.00	1.00	1.00
Recognition father/motherhood <sup>(5)</sup>	1.00	2.50	0.00	1.00	5.00	0.00	5.00	na	2.50	0.00	1.00	na	na	1.00	na	1.50	1.50	2.00	1.50	1.00	1.00	1.00	0.00	1.00	1.00	1.00	2.00	1.00	1.00	0.00	1.00
Divorce (reflected in marital status certificate) <sup>(6)</sup>	1.00	1.50	1.00	1.00	1.00	2.00	5.00	na	2.50	0.00	1.00	0.50	1.00	3.00	5.00	1.50	1.50	2.00	3.00	1.00	1.00	3.00	1.00	5.00	1.00	1.00	5.00	1.00	1.00	0.00	1.00
Act of Death <sup>(7)</sup>	1.00	1.50	1.00	1.00	2.00	2.00	1.00	1.00	1.00	1.00	1.00	0.50	0.50	1.00	5.00	1.50	1.50	2.00	1.00	2.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Proof a person is alive <sup>(8)</sup>	1.00	2.50	1.00	1.00	2.00	2.00	1.00	1.00	2.50	3.00	10.00	1.00	1.00	10.00	5.00	1.50	1.50	2.00	3.00	2.00	1.00	1.00	5.00	3.00	1.00	1.00	1.00	1.00	1.00	2.00	1.00
Replacements based on registry archives <sup>(9)</sup>	6.00	2.50	1.00	1.00	5.00	8.00	1.00	1.00	na	6.00	na	2.50	0.50	1.00	0.00	2.50	2.50	2.00	na	1.00	1.00	na	1.00	1.00	1.00	0.00	na	0.00	0.00	na	0.00
Witness declaration <sup>(10)</sup>	0.00	2.50	2.50	1.00	1.00	na	1.00	0.00	2.00	1.00	1.00	na	0.50	1.00	0.00	2.50	2.50	2.00	na	1.00	1.00	1.00	0.00	1.00	1.00	1.00	2.00	1.00	1.00	0.50	1.00
Decision to allow registration on birth registry books <sup>(11)</sup>	6.00	3.50	5.00	1.00	5.00	na	1.00	0.00	5.00	6.00	1.00	1.00	0.50	3.00	0.00	1.50	1.50	2.00	5.00	5.00	1.00	na	1.00	2.00	2.00	3.00	0.00	3.00	3.00	0.00	3.00
Changes to certificates <sup>(12)</sup>	6.00	3.50	5.00	1.00	5.00	8.00	5.00	na	5.00	6.00	1.00	na	0.50	3.00	5.00	3.50	3.50	2.00	5.00	na	1.00	8.00	1.00	5.00	2.00	3.00	10.00	3.00	3.00	10.00	3.00

Legend: (1) In this table municipalities are described based on the following acronyms: Ferizaj/Uroševac (FE/UR); Gjilan/Gnjilane (GN); Hani i Elezit/Đeneral Janković (HE/DJ); Kačanik/Kaçanik (KA); Kamenicë/Kamenica (KK); Novo Shtime/Štimlje (SM); (ST); Viti/Vitina (VI); Gjakovë/Đakovica (GJ/DA); Malishevë/Mališevo (ML); Mamuşa/Mamushë/Mamuša; (MM); Prizren (PZ); Rahovec/Orahovac (RH); Suharekë/Suva Reka (SR); Dečan/Dečane (DC); Junik/Klinë/Klina (KL); Pejë/Peć (PE); Obiliq/Obilić (OB); Fushë Kosovë/Kosovo Polje (FK/KP); Lipjan/Lipljan (LI); Podujevë/Podujevo (PJ); Prishtinë/Priština (PR); Mitrovicë/Mitrovica (MI); Skenderaj/Srbica (SE); Zvečan/Zveçan (ZV); Tuzi (TU); North (MIN); Vushtrri/Vučitrn (VU); Leposaviq/Leposaviq (LE).

(2) Birth certificate: Prizren and Mamuşa/Mamushë/Mamuša have the lowest fee with 0.5 €. Twenty municipalities apply a fee of 1 €. The highest charge is applied in Skenderaj/Srbica and Istog/Istok, with 2 €.

(3) Marriage certificate The fee is exceptionally high in Rahovec/Orahovac (10.00 €).

(4) & (6) Marital status certificate fees vary from 1 € in thirteen municipalities to 6.5 € and reach a top of 10 € in Malishevë/Mališevo.

(5) Recognition father/motherhood: This service is free of charge in four municipalities (Vushtrri/Vučitrn, Lipjan/Lipljan, Gjakovë/Đakovica, Novo Brdo/Novobërdë) and one PMU (Hani i Elezit/Đeneral Janković). The top price of 5 € is charged in Kamenicë/Kamenica and Shtime/Štimlje. (7) Act of Death Suharekë/Suva Reka charges 5 €.

(8) Proof a person is alive: the fee is as high as 10 € in Rahovec/Orahovac and Malishevë/Mališevo.

(9) Replacements based on registry archives: This service is free of charge in four municipalities: Leposaviq/Leposaviq, Zvečan/Zveçan, Mitrovicë/Mitrovica and Suharekë/Suva Reka. It gets as high as 8.00 € in Novo Brdo/Novobërdë.

(10) Witness declaration: free of charge in municipalities Ferizaj/Uroševac, Štrpcë/Shtërpçë, Suharekë/Suva Reka and Podujevë/Podujevo.

(11) Decision to allow registration in the civil status registry is free of charge only in four municipalities. It gets as high as 6.00 € in Ferizaj/Uroševac and Gjakovë/Đakovica.

(12) Changes to certificates The fee is exceptionally high, 10.00 € in Skenderaj/Srbica and Vushtrri/Vučitrn.