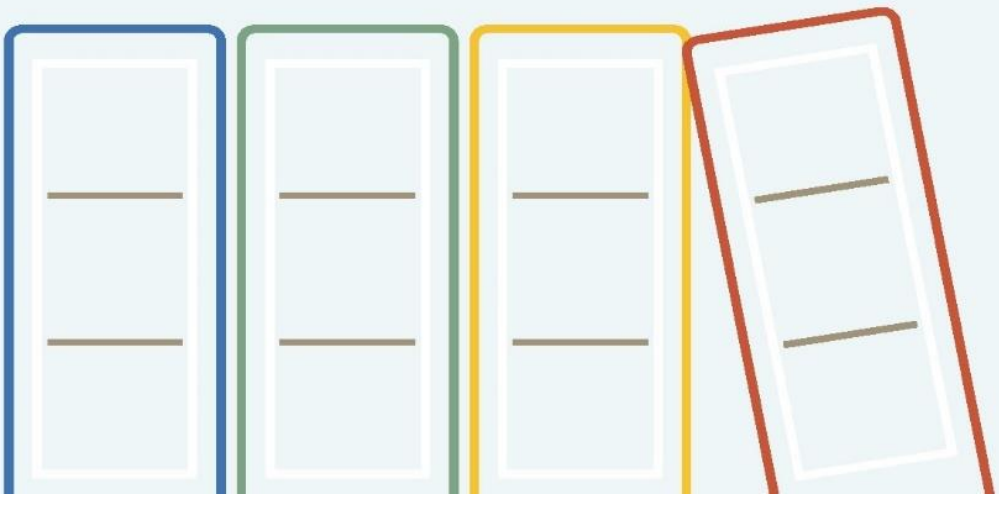
EUROPEAN CENTER FOR MINORITY ISSUES KOSOVO

Norwegian Embassy

Support to Implementation of Agreements Reached in the Brussels Dialogue -

Freedom of movement in documentation and citizenship acquisition



- ***Needs assessment of the civil registration offices in Kosovo Serb majority Municipalities***

To this day, Serbian public institutions continue to operate in Serb-populated areas in Kosovo, providing services that are essential to the Kosovo Serb community in the field of local self-government Kosovo authorities have vehemently opposed these structures as they operate outside of the central level of Kosovo governance and thus are illegal by standards of Kosovo authorities. Kosovo has conditioned the implementation of agreements within the Brussels Dialogue on the disbandment of these structures. One of the central services provided by Serbian public institutions in Kosovo is civil registry. The Kosovo Serb community continued to make use of Serbian documentation even after the installment of UNMIK Administration (1999) and have continued to do so after the declaration of Independence of Kosovo (2008). These identity and travel documents were not considered as passports as no nationality was stated in them nor they were issued by a sovereign state, they simply served the purpose of travel and identifying the residents of Kosovo. These documents were available for anyone who could prove their residence in territory of Kosovo during former Yugoslavia.

Since then Kosovo has worked on enhancing the civil registry system and the civil status offices as well as access to Kosovo citizenship and other identity documentation, however, the situation remains problematic in municipalities inhabited with a Kosovo Serb majority, especially in northern municipalities.

Due to the current situation of the freedom of movement for citizens of Kosovo whom have these identity and travel documents that are not considered nor recognized as Kosovo documentation, the Minister of the Ministry of internal affairs issued a decision regarding this issue. The decision taken by the Minister of the Ministry of internal affairs states that “All the citizens of Republic of Kosovo, who have registered their civil facts (birth, marital and death), in Serbian illegal parallel structures, from 10th of June 1999 until 14th of September 2016, have the right to apply for registration in Central Civil Registry of the Republic of Kosovo.”

The implementation process of the signed Brussels Agreement in 2013 on the normalization of relations between Kosovo and Serbia has seen significant stagnation over the last five years. Even though many points of the dialogue have been successfully completed, full implementation is far from being achieved since some of the key-deals still represent unsettled challenges for the Kosovo government. The non-accomplishment of the priorities set out by the Brussels Agreement generates tensions and uncertainties for the future development of the country and hampers Kosovo's EU accession. Considering these circumstances, ECMI has chosen to address the pending issue which is Freedom of movement in documentation and citizenship acquisition.

ECMI Kosovo, in corporation with the Civil Registration Agency (ARC), has conducted interviews in order to collect data and produce a needs assessment that would help the municipalities that are inhabited with a Kosovo Serb majority population. Even though there are ten municipalities that have a majority of Kosovo Serb population, ECMI Kosovo conducted interviews in eleven municipalities that are inhabited with a Kosovo Serb community due to the fact that Mitrovica North was established as municipality in 2013, therefore the issued documents before 2013 were registered in Mitrovica South. The municipalities we conducted interview are: Mitrovica North/ Severna Mitrovica, Mitrovica South/ Južna Mitrovica, Zvecan/ Zvečan, Leposavic/ Leposavić, Zubin Potok/ Zubin Potok, Shterpc/ Štrpce, Kllokot/ Klokot, Partesh/ Parteš, Novoberd/ Novo Brdo, Ranilug/ Ranilug and Gracanica/ Gračanica.

ECMI Kosovo, after collecting data from the civil registration's office in the targeted municipalities mentioned above, concluded that there are certain issues that prevent the civil registration offices in these municipalities from implementing the Minister of the Ministry of internal affair's decisions regarding documentation. The municipalities that are implementing the Minister's decision have been registering Kosovo citizens that have documents issues by Serbian illegal parallel structures. Some of the civil registration offices had concrete statistics on how many registrations have been done, while most of them do not have statistics. The lack of statistics results because the citizens that are registered successfully, automatically are transferred in the system of Kosovo registered citizens, therefore, the transferred citizens from the Serbian illegal parallel structures and the citizens that were already in the Republic of Kosovo registration system of the Civil Registration Agency are part of the same statistics. Apart from this, some of the targeted municipalities held a list of how many citizens were registered using the Minister's decision. An example of this is the municipality of South Mitrovica/ Južna Mitrovica, having registered 434 births, 52 marriages and 75 deaths up until now. In the municipality of Shterpca/ Štrpce, there have been 8 births, 111 marriages and 58 deaths registered currently. Even though the

targeted municipalities have been implementing the Minister's decision, there are certain difficulties that prevent the civil registration offices in these municipalities to fully implement the decision.

General issues that prevent the Civil Registration Offices in municipalities that have a Kosovo Serb majority population in implementing the Ministers of the Ministry of internal affairs decision are as following:

- Considering the number of citizens whom are interested in obtaining Kosovo documentation through the decision of the Minister of the Ministry of Internal Affairs, in relation to the number of workers in the Civil Registration Office, there seems to be a lack of staff in the Civil Registration Offices in these municipalities. Some of the officers that provided data and information to ECMI Kosovo stated that the work done by the staff in these offices would considerably increase if there were more human recourses.
- It is inescapable that there is a lack of information regarding the Minister of the Ministry of Internal Affairs' decision from the citizens of Kosovo whom have documentations issued by Serbian illegal parallel structures. Having no information about the decision affects the rate of the citizen's initiation towards obtaining Kosovo documentation and not having access to the benefits that Kosovo documentation provides to the citizens of Kosovo. There is a huge need to have the people be informed of the decision regarding the registration of birth, death and marriage certificates.
- Some of the officers working in the Civil Registration Offices face difficulties in registering people in the system of the Civil Registration Agency due to not having complete information on how to fully use the central database system.
- The lack of willingness from the people whom have documentation issued by Serbian illegal parallel structures to obtain Kosovo documentation is apparent in some of the Municipalities inhabited with a Kosovo Serb majority population. Reasons that may affect the will of these people may be political or rather personal.
- Some of the people whom are interested in obtaining Kosovo documentation through the decision of the Minister of the Ministry of Internal Affairs are not willing to withdraw the marriage registered in the Serbian illegal parallel structures, prevent the workers in the civil registration Office to register marriages.

Apart of the general issues that prevent the Civil Registration Offices in the Municipalities that are inhabited with a majority of Kosovo Serbs to implement the decision issued by the Minister of the Ministry of Internal Affairs, ECMI Kosovo, from the data collected in the conducted interviews in the targeted Municipalities, found that there are specific issues that prevent the implementation of the decision.

Specific issues that prevent the Civil Registration Offices in municipalities that have a Kosovo Serb majority population in implementing the Ministers of the Ministry of internal affairs decision are as following:

- The municipality of Leposavic/ Leposavić faces difficulties in accessing the Civil Registration System were the officers of the Civil Registration use in order to register citizens due to bad connection of internet access. This prevents the Civil Registration Office from being able to fully practice their duty. There is a lack of interest from the people living in the municipality of Leposavic/ Leposavić due to the Civil Registration Office's location is hard to reach.
- The municipality of Kllokot/ Klokot faces difficulties in having a signature from an executive director due to the fact that the previous director passed away two years ago and up to this date there is no replacement for this position. This prevents the officers working in the Civil Registration Office from fulfilling their duties.
- The municipality of Kllokot/ Klokot faces difficulties in implementing the decision of the Minister of the Ministry of Internal Affairs due to not receiving the instruction on implementing the decision of the Minister of the Ministry of Internal Affairs in the system that the Civil Registration Offices use.
- The municipality of Mitrovica South/ Južna Mitrovica are missing registers in the years of 1974 up to 1975, which prevents the officers of the Civil Registration Offices from having information on the people registered in the span of these years, therefore preventing the implementation of the decision issued by the Minister of the Ministry of Internal Affairs.
- The officers working in the Civil Registration Offices in these municipalities face difficulties registering people whom have changed their names when registered in the Serbian illegal parallel structures.

ECMI Kosovo, from the data collected by interviewing the targeted municipalities, concluded some recommendations that would help the implementation of the decision issued by the Minster of the Ministry of Internal Affairs in the Civil Registration Offices in these municipalities.

ECMI Kosovo, along with the Civil Registration Offices, in order to help the implementation of the decision issued by the Minster of the Ministry of Internal Affairs in the targeted municipalities, recommends:

- Capacity building of the Civil Registration Offices in the targeted municipalities by hiring human recourses.
- Provide the people living in the targeted municipalities with information regarding the decision of the Minister of the Ministry of Internal Affairs through brochures that contain information regarding their rights to obtain Kosovo documentation.
- Provide better access on the system of the Civil Registration Agency to the Office of the Civil Registration in the Leposavic/ Leposavić Municipality by finding a solution to enhance the internet accessibility capacity.
- Hire an executive director in the Civil Registration Office in the Kllokot/ Klokot Municipality in order to provide signatures to the officers working in the Civil Registration Officers so that they can fulfill their duties and implement the decision of the Minister of the Ministry of Internal Affairs.

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