



Every Child Counts:

**Birth registration
in Kosovo**

unite for children



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unicef 

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UNICEF would also like to express gratitude to UNHCR office in Kosovo for providing support to better describing and understanding the legal framework regulating or concerning birth registration in Kosovo.

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DEAR READER,

I am pleased to present you the first birth registration report in Kosovo.

Birth registration is the permanent and official record of a child's existence and is fundamental to the realization of children's rights and practical needs. It is the official recording of the birth of a child by a state administrative process.

Securing children's right to be registered will allow them to get a passport, open a bank account, obtain credit, vote and find employment. It helps ensure access to basic services, including immunisation, health care and school enrolment at the right age. The Convention on the Rights of the Child calls for the registration of a child immediately after birth (Article 7).

Birth registration is also important to help achieve the Millennium Development Goals: Effective planning is virtually impossible without accurate and comprehensive data, and birth registration provides the foundation – basic information that is vital to local communities, nationwide strategies and, ultimately, global cooperation.

As you will be able to read in this study, commissioned by UNICEF and developed in cooperation with the Ministry of Interior and Prism research company, the registration of children in Kosovo is a persistent challenge. Kosovo has the lowest birth registration rate in Central and South Eastern Europe. Members of the Roma, Ashkali and Egyptian communities are most likely to not register their children, followed by Albanians and Turkish. Regional disparities are also noted.

In order to reach universal birth registration in Kosovo, we need to identify the gaps and ask ourselves what are the best ways to bridge those gaps. We need a systematic approach, both at the system level and at household level. And for the first time, this report offers some achievable solutions.

I would like to compliment the Ministry of Interior including the Department of Registration and Civil Status for their commitment and for making birth registration one of the main priorities within the civil registry in Kosovo.

I sincerely hope you will find the study a useful resource, which could serve as a catalyst for better birth registration services, so that no child in Kosovo remains invisible.

Mr. Robert Fuderich
Head of Office, UNICEF Kosovo

CONTENTS

LIST OF ABBREVIATIONS.....	6
1. EXECUTIVE SUMMARY.....	7
1.1. AIMS OF THE RESEARCH	7
1.2. METHODOLOGY.....	8
1.3. OBSTACLES TO BIRTH REGISTRATION IN KOSOVO.....	8
1.4. BIRTH REGISTRATION: A STATISTICAL OVERVIEW	9
1.5. REASONS FOR THE TIMELY, LATE AND NON-REGISTRATION OF CHILDREN	10
1.6. WHY IS BIRTH REGISTRATION IMPORTANT?.....	10
1.7. RECOMMENDATIONS.....	10
2. INTRODUCTION	12
2.1. BACKGROUND	12
2.2. OBJECTIVE AND REASONS OF STUDY.....	14
3. BIRTH REGISTRATION	16
3.1. BIRTH REGISTRATION IN GENERAL	16
3.2. BIRTH REGISTRATION IN KOSOVO	18
3.3. BIRTH REGISTRATION AND CHILD RIGHTS IN KOSOVO.....	31
3.4. CALCULATING BIRTH REGISTRATION RATES AND DATA RELIABILITY.....	35
4. THE REALITY OF BIRTH REGISTRATION IN KOSOVO: MAIN FINDINGS.....	36
4.1. REGIONS AND BIRTH REGISTRATION IN KOSOVO	37
4.2. ETHNICITY AND BIRTH REGISTRATION IN KOSOVO	41
4.3. GENDER AND BIRTH REGISTRATION IN KOSOVO	43
4.4. EDUCATION AND BIRTH REGISTRATION IN KOSOVO	44
4.5. ECONOMIC BACKGROUND AND BIRTH REGISTRATION IN KOSOVO	45
4.6. PLACE OF BIRTH AND BIRTH REGISTRATION IN KOSOVO.....	46
4.7. PARENTS' BIRTH REGISTRATION AND BIRTH REGISTRATION IN KOSOVO	47
4.8. REASONS FOR NON-REGISTRATION OF BIRTH	47
5. FACTORS INFLUENCING BIRTH REGISTRATION	51
5.1. POLITICAL OBSTACLES	51
5.2. ADMINISTRATIVE OBSTACLES	51
5.3. ECONOMIC OBSTACLES	52
5.4. GEOGRAPHIC OBSTACLES.....	53
5.5. LEGISLATIVE OBSTACLES	53
5.6. AWARENESS RAISING ACTIVITIES	54
6. RECOMMENDATIONS AND SUGGESTIONS FOR FUTURE PROJECTS AND POLICIES	57
ANNEX 1.....	60
RESEARCH METHODOLOGY	60
ANNEX 2	70
WORKSHOP ON BIRTH REGISTRATION: FURTHER RECOMMENDATIONS	70

LIST OF ABBREVIATIONS

CRC	Convention on the Rights of the Child
CRP/K	Civil Rights Program Kosovo
DK/DWA	Do not know/Do not want to answer
ID/TD	Identification document/travel document
IDI	In-depth interviews
KFOR	Kosovo Force
MICS	Multiple Indicator Cluster Survey
OSCE	Organization for Security and Co-operation in Europe
PISG	Provisional Institutions of Self-Government
R,A,E	Roma, Ashkali, Egyptian communities in Kosovo
SRSG	Special Representative of Secretary General
UNICEF	United Nations Children’s Fund
UNHCR	United National High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo

1. Executive summary

1.1. AIMS OF THE RESEARCH

Birth registration is the official recording of the birth of a child by a state administrative process. It is a permanent and official record of a child's existence and is fundamental to the realization of children's rights and practical needs (UNICEF 2002). This right is guaranteed to every child according to the key international document related to children protection – the Convention on the Rights of the Child (CRC).

It has been recognized that there is a problem regarding birth registration in Kosovo that needs to be addressed before it is further exacerbated. UNICEF has therefore initiated and conducted this research project with the purpose to obtain information about the existing situation of birth registration in Kosovo and identify ways to respond to the reckoned barriers.

The aims of the study are to:

- Collect baseline data in order to analyze the rate and characteristics of birth registration in Kosovo;
- Learn more about the systematic gaps, the extent of the problem and the perceptions on birth registration in order to understand the challenges that Kosovo Government faces;
- Identify any discrepancies between policy and practice by focusing on any conflicting laws and regulations, as well as the attitudes of service providers;
- Illustrate who is most vulnerable by examining how individuals perceive, understand and deal with the birth registration process and by assessing their access to basic services such as health and education; and
- Outline the necessary steps needed to address the issues of birth registration which will contribute to a sustainable system and a long-term commitment within Kosovo institutions.

This research project focuses on the birth registration process where individuals are partially or entirely un-documented. It looks at the issue of late registration and also explores the issues of birth registration for abandoned children and children under guardianship. Furthermore, the research proj-

ect envisages assessing the birth registration process by evaluating the accessibility of registration services in five Kosovo municipalities and understanding people’s perceptions in order to establish where the systematic gaps lie and what the best solutions would be.

1.2. METHODOLOGY¹

Three methods were used to analyze the issue of birth registration in Kosovo between December 2007 and July 2008:

- **Desk Research** which includes gathering and analyzing information relevant to the legal framework of the birth registration and its application in practice.
- **Quantitative Survey Research** which includes a sample of 1,145 households with children under 7-years-of-age and who provided information for every child in their household. Thus the result is analyzed in two ways: “by households” (N=1,145) and “by children”, i.e., the total number of the children in the surveyed households, (N=2,883). The survey also provides basic information about registration of under-5 (N=1,457) and under-18 children
- **Qualitative Survey Research** which involved in-depth interviews (IDIs) that helped give insight into the overall background of the issue.

These three methods of analysis shed light on the main factors influencing birth registration, namely: political, administrative and geographical barriers, as well as legal requirements.

1.3. OBSTACLES TO BIRTH REGISTRATION IN KOSOVO

Kosovo has had a new system of civil registration since 1999. Birth registration in Kosovo is currently regulated by the Law on Civil Status Registers and the Law on Family. In some cases there have been an inadequate and inconsistent enforcement and implementation of those Laws. There are also several administrative regulations related to this topic.

Implementation of some provisions of the laws proved difficult in some municipal registry offices – especially late registration and re-registration. However, the legal framework regulating birth registration has recently evolved which will help tackle the problems with new solutions.

The Kosovo Constitution provides the rights to all members of communities living in Kosovo to register their personal names in their original form, as well as provides the possibility to change the personal name of all those who have had their personal data deviated in the past. Meanwhile, the Law on Citizenship foresees the right of all children who are born within Kosovo to register in the civil registry books no matter the permanent settlement of their parents.

With the approval of the Kosovo Constitution and the promulgation of the Law on Citizenship, the Law on Civil Status should come into force. The Law on Civil Status will facilitate the use of witnesses in birth registration of all inhabitants who lack the required documents.

¹ For more details about Methodology, see Appendix I

A complex and disorganized administrative system as well as the absence of formal written instructions have often lead to an inconsistent application of procedures and/or fines for: late registration, absence of registration, persons rejected from registration, use of witnesses for recording data in the civil status registry office. This contributed to create more confusion among both the public and the public administration officials.

Kosovo also encounters problems in achieving universal birth registration because of the existence of parallel civil registration systems for Serb- and Albanian-majority areas.

Furthermore, there is currently scarce familiarity among the Kosovans about the importance, the consequences and the procedures of the birth registration process.

1.4. BIRTH REGISTRATION: A STATISTICAL OVERVIEW

- 8.3% of Kosovo households have failed to register the birth of (some of) their children under 18-years-of-age.
- Comparison between the birth registration rate (among children under 5-years-of-age) in Kosovo and in the neighbouring countries shows that the birth registration rate in Kosovo (93.1%) is very similar to the one in the FYR Macedonia (93.8%) and that these two countries have the lowest birth registration rates in the region;
- Non-registration of child birth for the children up to 18 years is mostly common in the Albanian-majority regions of Prishtina/Pristina, Ferizaj/Urosevac and Mitrovica;
- The municipalities least likely to register children under 18 years old are in the Albanian-majority areas of Shtime/Stimlje (26%), Podujeve/Podujevo (22%) and Obiliq/Obilic (19%);
- Meanwhile, Deçan/Decani, Dragash/Dragaš, Gjakova/Djakovica, Skenderaj/Srbica, Viti/Vitina and Kamenicë/Kamenica have achieved 100% birth registration rate of the same group;
- Among all of Kosovo's residents, the Roma, Ashkali and Egyptian communities are most likely not to register the birth of their children (14% of children under 18 years old in the Albanian-majority area and 5% in Serb-majority area have not been registered) followed by Albanians (5.7%) and Turkish (5.2%);
- Rural households are more likely than urban not to register the birth of a child (for children up to 5 years non-registration rate in rural areas is 9.3% and for those in urban areas is 5.3%), especially when considering the Albanians and Bosnians ethnic groups;
- Female children are more likely not to be registered at birth – 9.1% of non-registered female children up to 5 years (4.8% of male children), and 6.7% up to 18 years (4.6% of male children);

Generally, those most likely to be excluded from birth registration in Kosovo are: female children, children born in rural households, children born to less educated parents (more precisely by less educated mothers), children born into poor families and home-born children.

1.5. REASONS FOR THE TIMELY, LATE AND NON-REGISTRATION OF CHILDREN

Respondents who registered their children immediately upon birth (less than a month after birth) did so in order for the child(ren) “to achieve their rights” (64.5%), “to go to school” (51.7%), “to get medical treatment” (43.5%) and because “it is usually done in my society” (40%).

A smaller number of the respondents said that the late birth registration was prompted by the need to access social benefits (e.g. support for child care) (30.4%) or need for a passport (20.0%). The summary information about reasons behind belated birth registration indicates that a certain number of Kosovans have had their birth registered only after reaching adulthood! A small number of households have registered their children only when children needed a birth certificate in order to get married (6.4%) or to obtain a driver’s license (4.0%).

The most common reasons for birth non-registration in Kosovo reported by parents/guardians are:

- A lack of knowledge on the importance of birth registration (23% of parents do not know that it is in the child’s interests)
- Missing documentation required from parents to register (identification card, birth certificate etc.) (19%)
- A lack of knowledge about birth registration procedure (15%)
- Belief that the procedure is inconvenient, that is, too lengthy (13%).

This indicates that the most common reason for non-registration of births in Kosovo is the lack of knowledge about advantages/disadvantages of registration.

1.6. WHY IS BIRTH REGISTRATION IMPORTANT?

Although non-registered children in Kosovo are not at risk to be excluded from receiving elementary education and health care, many families with non-registered children have a problem acquiring social assistance. Applicant’s children whose birth has not been registered or who are without identification documents cannot be accounted for as members of his/her household when calculating social assistance. In similar situations children without birth certificates are treated like they do not exist. Birth registration is also essential in protection efforts, including: preventing child labour by enforcing minimum-employment-age laws; ensuring that children in conflict with the law are not treated (legally and practically) as adults; countering child marriage; and reducing trafficking, as well as assisting children who are repatriated and reunited with family members.

1.7. RECOMMENDATIONS

To contribute to a more effective birth registration procedure and to enable Kosovo citizens to exercise universal guaranteed rights the following recommendations should be implemented:

Adopt new Legislation and implement existing regulations

Enforcement and implementation of current Laws regulating birth registration and acceleration of drafting of other laws and sub-legal acts which are going to simplify and shorten the birth registration procedures

Establish an efficient civil status registration system, at both local and central level

The civil status registry should be recognized as the key part of administration and a priority, both at municipal and central levels of Government.

Integrated, functional and legally regulated registration system must be developed in order to serve all the citizens of Kosovo by:

- providing the necessary civil status registry services in all municipalities,
- ensure standardization and consistency of softwares used to collect data across all municipalities²,
- establish the unification of systems into a single centralized data base application to be used at the central level.

Public administration training

Develop the capacity of civil status registry and other relevant officers about current legislation and good practice on birth registration. Provision of technical assistance to support them in managing databases at local and central level.

Improve citizens' access to information about birth registration procedures

Conduct a multidimensional informative campaign with the aim of raising awareness about birth registration. Use of media, schools and hospitals to spread the message about the consequences and procedures of birth registration.

Simplify registration procedures

Tackle those procedures which have prevented Kosovans in the past from easily accessing and using birth registration services. New laws to be clear and to be consistently implemented when dealing with the use of witnesses, place of issuance of birth certificates, late registrations.

² UNICEF has recently found out that the Ministry of Internal Affairs initiated in September 2007 a project called 'Softwares Development for Municipality integration at the Central level'. The project has recently started to be implemented with the provision of standardized softwares across all municipalities in Kosovo and will conduct to the unification of the different systems in a single data base application.

2. INTRODUCTION

2.1. BACKGROUND

Article 7 of the 1989 UN Convention on the Rights of the Child states that every child “shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.” It also states that “States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.” Without a recognized name and a nationality or citizenship (nationality and citizenship are, typically, used synonymously), granted by the State, a child cannot legally prove his/her age or existence. Failure to be recognized by the State means that a child is denied access to basic services such as health care or education and is excluded from any legal protection that guarantees basic and fundamental human rights.

States that are bound by the CRC are obliged to ensure the implementation of birth registration and nationality policies that guarantee citizenship to children born within its territory. Due to the recognition of the CRC in the Constitutional Framework of Kosovo, Kosovo is therefore obliged to ensure that every child born on its territory is registered at birth and that an effective birth registration system is maintained.

Obstacles preventing the complete registration of all children immediately after birth may include a lack of resources or political will from governments, the impracticality of local registration system, and a lack of awareness of the importance, or even the fear, of birth registration. Obstacles to comprehensive birth registration include all of these factors to a greater and lesser extent depending on the community and region affected. However, registration methodology is changing quickly as a result of political and legal developments and it is expected that this will positively and markedly affect the availability of birth registration throughout Kosovo.

Different registration fees and the existence of parallel systems³ also contribute to the complex administrative systems that impede universal birth registration.

For now, some children in Kosovo still have access to basic services such as schools and hospitals despite not being registered. This may have the effect of diminishing the urgency or need perceived by communities for registering children.

It has been recognized that the birth registration problem in Kosovo needs to be addressed before it is further exacerbated. Kosovo must therefore start addressing the issue of birth registration to ensure that all children born within its territory are recognized in order to successfully guarantee them their human rights in the future. For this to be achieved it is thus necessary to collect quantitative and qualitative data on the number of registered/unregistered children as well as to identify the sources of registration in order to expose any systematic gaps.

Some research has been conducted on birth registration in Kosovo. Following a recommendation by UNHCR, the OSCE recently published a monitoring report on the civil registration of the Roma, Ashkali and Egyptian communities in Kosovo. It aimed to monitor how the PISG and municipalities have ensured and attempted to ensure the completion of pending registration requests from the Roma, Ashkali and Egyptian communities. It has also served to highlight municipal activities and practices regarding birth registration. This has generated basic understanding on the issue of birth registration, highlighting that the problem is especially high but not exclusive to the Roma, Ashkali and Egyptian communities, of which UNHCR estimates between 20-40% are lacking civil status registration.

The focus of the OSCE report was on the functioning of municipalities and their different birth registration practices. In order to build upon and deepen that knowledge, further research is needed. Other sectors, institutions and the central level may also need to be assessed in order to gain a wider understanding of the functioning of the entire birth registration system in Kosovo and to be better informed on how to take positive action that ensures access for all children to birth registration.

It is therefore necessary to conduct a study that will assess the system already in place to identify where the weaknesses and opportunities lie both from within and between institutions, and to investigate individual perceptions from the populations. As such, UNICEF conducted this qualitative and quantitative research to learn more about the systematic gaps, the extent of the problem and community perceptions on birth registration in order to understand the challenges that the Kosovo Government faces.

3 A parallel Serb system in Kosovo operates respecting the rules and procedures of the Serb state administration, and it operates in the north of Kosovo and enclaves inhabited by majority of Serb population. Both these systems, Kosovo's and Serb's, operate independently and have no official communication between them. The Serb parallel registration system in the Kosovo territory presents serious obstacles for the civil status registry system as the data from the Serb institutions are not recorded into the existing Kosovo system. Whereas the Serb community did not encounter any serious problem with the existence of a parallel system, there were frequent cases where the Roma, Ashkali, Egyptians communities who had registered in the Serb parallel system had problems afterwards to be included in the Kosovo institutions. There were several cases recorded where the Roma, Ashkali, Egyptians communities were receiving services from the health and education of the parallel Serb institutions, but when some territories changed administration (from Serb to UNMIK and PISG) they faced problems integrating into Kosovo institutions, as the Kosovo institutions did not recognize parallel Serb institutions operating in Kosovo.

2.2. OBJECTIVE AND REASONS OF STUDY

This research project focuses on the birth registration process where individuals are partially or entirely un-documented. It also looks at the issue of late registration and explores the issues of birth registration for abandoned children and children under guardianship care.

The research project assesses the birth registration process by evaluating the accessibility of registration services in five municipalities and understanding people's perceptions in order to establish where the systematic gaps lie and what the best solutions would be.

2.2.1. Main Objective

The service structures and birth registration mechanisms already exist within Kosovo. The overall objective of the research is to enhance the present understanding of the birth registration system in order to identify the gaps. This study aims to then contribute to develop:

- A comprehensive child protection system of birth registration measures and concrete steps that will be implemented and sustained by the Kosovo Government;
- The constructive engagement of the Kosovo institutions and authorities which will ensure the legal protection and thus maintain principles of human rights of the people of Kosovo whilst becoming a model of good practice in the region and in Europe.

The research will eventually lead to a future UNICEF project that would help build and support the Government and Kosovo institutions to have a sustainable, modern and inclusive system of birth registration.

2.2.2. Specific Objectives:

In order to achieve the overall aim of the research, the following strategic objectives are proposed:

- A. *Increase the understanding of the birth registration system in Kosovo so that it can be changed from within*
 - a. Identify the institutions dealing with and responsible for birth registration, and clarify their roles and responsibilities;
 - b. Produce quantitative estimates for late registration and for unregistered children;
 - c. Assess the coordination/communication levels within the system, and also between the system and the disadvantaged groups;
 - d. Assess the registration system for births both within and outside hospitals;
 - e. Understand where the gaps within the system lie and what access to basic services is like for all communities;
 - f. Identify any oversight or misunderstanding of laws regarding children and their rights to birth registration.

- B. *Understand the perspectives of individuals and the discrepancies between communities regarding access to equal opportunities*
 - a. Understand the traditions, customs and reasons that prevent registering a child;
 - b. Assess gender issues and sensitivities that contribute to the failure to register births;

- c. Identify gaps and issues for those not registered.

This study hopes to achieve the following:

- Gain an understanding of the context, especially the links and gaps between institutions involved in registering individuals;
- Acquire knowledge on how best to generate change: the ways of strengthening the existing system and how to use other sectors such as the education and health sectors;
- Attempt to contribute, as far as possible, to a concrete solution for the inclusion of minority communities and vulnerable children into society;
- Create recommendations with which to advise the Government on new birth registration policies and strategies;
- Identify methods to simplify the system;
- Produce a report on the issue of birth registration in Kosovo that can be compared to other countries or used as a model for future projects.



3. BIRTH REGISTRATION

3.1. BIRTH REGISTRATION IN GENERAL

An effective registration system provides accurate, timely and accessible birth and population data that enable governments to plan for the provision of basic services such as health, education and welfare, and to implement related policies. Furthermore, when these data are disaggregated, governments are able to identify disparities and improve the targeting of program and policy efforts.⁴

Birth registration enables individuals to regulate their legal status thus allowing them to get a passport, open a bank account, obtain credit, vote and find employment. It helps to ensure access to basic services, including immunization, health care and school enrolment at the right age.

Birth registration is also essential in protection efforts, including: preventing child labour by enforcing minimum-employment-age laws; ensuring that children in conflict with the law are not treated (legally and practically) as adults; shielding them from underage military service or conscription; countering child marriage; and reducing trafficking, as well as assisting children who are repatriated and reunited with family members.

3.1.1. The Principles of Jus Soli and Jus Sanguinis

In the jus soli system, right to citizenship is obtained by entry of birth in the civil registry, while under jus sanguinis, citizenship may depend on documentary evidence – generally a birth certificate – that at least one parent is a national of the country in question. A country’s political constitution or founding charter generally determines who is a national, who is an alien, and how nationality can be acquired or lost [UNICEF (2002:4) a]⁵.

Some governments follow the principle of jus soli (law of the soil), whereby those born within the country’s territory are considered its nationals, even if one or both of their parents originally come from another country. In this case, birth registration gives the child automatic right to citizenship of

4 RIGHT AT BIRTH: 2007, Birth Registration in the Countries of Central and Eastern Europe and the Commonwealth of Independent States, UNICEF 2007.

5 BIRTH REGISTRATION; RIGHT FROM THE START; UNICEF 2002 (Original reference: United Nations Department of Economic and Social Affairs, Statistics Division (1998), Handbook on Civil Registration and Vital Statistics Systems, Developing Information, Education and Communication, United Nations, New York)

the country in which he or she was born. This is the system found in many countries of the Americas.

A number of countries grant nationality according to the principle of *jus sanguinis* (law of blood). In this case, a child does not have an automatic right to citizenship of the country of birth if neither parent is a national of that State. This system applies in most of Asia and the majority of countries following Islamic law. In some countries applying *jus sanguinis*, nationality may only be passed on by a father who is a national.

Until recently, Kosovo had no law regulating the issue of citizenship. This issue had not been legally regulated due to Kosovo's current political status. The applicable laws referred to the people of Kosovo as "inhabitants." The right to be registered as "habitual residents" of Kosovo was granted to persons born in Kosovo or who have at least one parent born in Kosovo, persons who resided in Kosovo for at least five continuous years and to otherwise ineligible dependent children of habitual residents (UNMIK/REG/2000/13 on the Central Civil Registry).

According to this, both principles (*jus soli* and *jus sanguinis*) were applied. Any child born in Kosovo was eligible to become a Kosovo citizen regardless of his/her parents' nationality. On the other hand, children born in foreign countries, who had a parent with a personal identification document issued by Kosovo authorities, also had the right to obtain Kosovo personal identification documents.

With the approval of Kosovo Constitution, the Law on Citizenship was also promulgated by the Kosovo Assembly. The Law on Citizenship gives, to all Kosovo citizens, the right to citizenship, as can be commonly found in other countries. This law again applies both principles of *jus soli* and *jus sanguinis* and recognizes any child born in Kosovo, or any child with at least one parent with Kosovo citizenship, can become a Kosovo citizen.

3.1.2. Definition of main terms related to birth registration

Birth Registration: the official recording of the birth of a child by an administrative process of the state coordinated by a particular branch of government. It is a permanent and official record of a child's existence. [UNICEF, 2006] 6

Civil Registration: the creation of an identity through the collection and recording of the personal data in a central registry system as a permanent inhabitant of a certain administrative territory.

Habitual Residence: the status one obtains by virtue of civil registration. This status entitles those registered to ID/TD under UNMIK Regulation, etc.

Civil Status Registration: the registration of facts about an individual such as information on birth, marriage, death etc.

6 CHILD PROTECTION INFORMATION SHEETS; UNICEF 2006, page 13 [http://www.unicef.org/protection/files/Child_Protection_Information_Sheets_\(Booklet\).pdf](http://www.unicef.org/protection/files/Child_Protection_Information_Sheets_(Booklet).pdf)

De jure statelessness: refers to the condition of an individual who is not considered as a national by any State under its domestic law. [UNHCR]⁷

De facto statelessness: the manner in which people may be rendered as stateless by being excluded from the birth registration system.

Civil status registers: the official registers which contain data regarding personal status of citizen related to birth, marriage and death.

Civil registers: the official registers which contain data of citizens which are utilized to issue ID, TD, driving licenses.

3.2. BIRTH REGISTRATION IN KOSOVO

3.2.1. Legal framework

Administration of birth registers in Kosovo was influenced by different political and administrative establishments that governed the territory over the past decades. In terms of Kosovo's legal status – until 1999 it was part of the administrative structure of the Republic of Serbia; during the 1999-2008 period it was under the United Nations administration and since February 2008 it has been declared an independent State. Until 1999, birth registration was regulated by the Law on Civil Registers (1981) and the Law on Family Relations (1981).⁸

Following the 1999 Kosovo conflict, the vast majority of civil status registries were destroyed or dislocated, which caused problems in the process of validation of identity of Kosovo inhabitants. Dislocated registries remain in Serbia, in respective dislocated municipalities, and the Serbian authorities do not agree to return them to Kosovo. Only the municipalities of Prizren and Gjakova/Djakovica did not need to restore civil status registry books as the original pre-war records remained in their possession (in-depth interview (IDI) 1)⁹. The United Nations Mission in Kosovo (UNMIK) and other international institutions assumed the obligation to re-establish relevant administrative procedures, starting from the civil status regulation and civil registration.

Civil status establishment was a matter of immediate concern, and activities in that field were initiated as soon as the UN took over the administration of Kosovo. Civil status regulation is a prerequisite for all further identification registry procedures pertaining to a group of people. Civil status regulation is facilitated by registry books which contain all basic personal identification data for each person within a group of people. Since civil status registries for Kosovo became unavailable, the process was initiated to reconstruct them. Reconstruction of civil status registries officially started

⁷ STATE OF THE WORLD'S REFUGEES; Statelessness and Citizenship; UNHCR <http://www.unhcr.org/publ/PUBL/3eb7ba7d4.pdf>

⁸ The Law on Marriage and Family Relations, Official Gazette of Kosovo; March 28, 1984. The Kosovo's new Law on Family (Assembly of Kosovo Law No. 2004/32, UNMIK/REG/2006/07) does not contain provisions regulating issues related to giving, correcting and changing personal name. According to the officials of the Civil Registration Unit, section IX of the old law remains in force until passing of a new law.

⁹ Full list of in-depth interviewees is given in the Appendix I (Methodology)

in 2006, under administrative instruction 2005/04 issued by the Legal Office of the Ministry of Public Services. It is important to mention that some municipalities initiated the reconstruction of their civil status registries before the above instruction came into effect. For example, the municipality of Prishtinë/Priština started restoring its civil registries in 2000 relying on the 1981 Law on Civil Registers which included only a few provisions about the ways to reconstruct civil status registry books lost due to destruction or other accidents. However, a few other municipalities delayed the process of civil status registries' restoration. The municipality of Mitrovicë/ Mitrovica can be used as an example having started the reconstruction process only in the last year due to the lack of funding for such an activity.

Reconstruction of civil status registry books relied on personal identification documents which Kosovo inhabitants owned or which could have been obtained from a number of institutions keeping records. Hospitals, municipal administration and schools were just some of the institutions which could have provided Kosovo residents with copies of personal documents verifying their identity. Civil status registration was possible by presenting documents issued by former Yugoslavia, such as birth certificate, driving license, hospital release form etc. Special registration procedures were prescribed by Law for persons who were unable to obtain such documents. Information provided by persons who could not have provided personal documents of former Yugoslavia had to be backed by corroborating witnesses. At about the same time, shortly before the first municipal elections were held in Kosovo (in 2001), the process of civil registry was initiated upon which personal identity documents were issued to all interested Kosovo inhabitants.

Civil registration occurring at this time experienced an enormous turn-out and it is believed that a vast majority of people living in Kosovo took part in this registration process. Most of the people who registered during this process received a personal identification card (there were cases of double registration, where a person would approach the registration system more than once, and the electronic system was developed to identify such cases), although many people were unregistered with the civil registry.

Approaching the civil registry created confusion among the population causing them to believe that they were properly registered, when they actually continued to lack civil status registration. This might have caused delays for people to accurately complete and adjourn their civil status. Furthermore, after the civil registration, people were issued travel documents, which enabled them to travel abroad while, at the same time, not being registered with the civil status registry. During this period, foreign authorities noticed discrepancies between personal documents and requested that these documents be screened and validated.

The birth registration process was also marked by many mistakes and numerous problems. The institutional establishment with jurisdiction over the civil registry process has changed several times between 2002 and 2007 [Ministry of Public Services (2002) – Civil Status Department (2005-2007); Ministry of Internal Affairs (2007-onward)]. Until 2005 there was a lack of contact between central and local civil status registry offices.

It is assumed that new birth certificates from reconstructed civil status registry books were issued to about 80% of inhabitants of the Prishtinë/Priština municipality born prior to 1999 (IDI 1). Fushë Kosovë/Kosovo Polje represents one example among other municipalities which lack maternity premises. Its inhabitants whose children are born after 1999 must travel to Prishtinë/Priština to register with the civil status registry office, whereas all those born before 1999 can approach the civil status registry office in Fushë Kosovë/Kosovo Polje and register them following the procedure or re-registration, as part of the book re-construction process (IDI 3).

The Prishtina/Pristina Hospital records, containing hospital release forms of all persons born there since 1955, can also be useful. Persons without any personal identification document and who had been born in this hospital can address the hospital administration with a request to receive a copy of their hospital release form (IDI 7).

The post-conflict birth registration was initiated in September 1999. All births occurring after this time were recorded in birth registers and birth certificates were issued for newborn children. Birth certificates for births occurring prior to June 1999 were also issued at this time. However, these birth certificates were not registered in the registers' books (nor any copy of the information recorded in other register books), hence people do not possess the sequential number from the registers books and these birth certificates were serving only as replacement of and temporary birth certificate during that initial period. At later stages, issuance of birth certificate or during the phase of the book reconstruction, this birth certificate could not be used to prove ones identity or renewal of the birth certificate.

Birth registration in Kosovo is currently regulated by the Law on Civil Status Registers and the Law on Family, promulgated by the Special Representative of Secretary-General (SRSG) with respect to UNMIK regulations 2005/21 and 2006/07. However, the implementation of some provisions of these laws proved to be difficult in some municipal registry offices; for example, the implementation of provisions on late registration and re-registration (registration in the process to restore civil registers and registration of children who were born abroad).

Law 2004/46 on Civil Status Registers	Assembly of Kosovo, UNMIK/REG/2005/21	Deadlines for birth reporting and registration & responsibilities related to birth registration; Information to be recorded in the civil status registry books; Provisions for registration of abandoned children.
Law 2004/3 on Anti-Discrimination	Assembly of Kosovo, UNMIK/REG/2004/32	Anti-discrimination Law
Regulation on the Central Civil Registry	UNMIK/REG/2000/13	Regulates civil registration as habitual registration
Administrative instruction 2006/05	Legal Office, Ministry of Public Services, Provisional Institutions of Self-Governance (PISG)	Regulates the issue of residence certificate (tracking population movements)
Administrative instruction 2006/07	Legal Office, Ministry of Public Services, PISG	Regulates the procedure of reconstruction of civil registry books in all municipal civil status registration offices in Kosovo
Administrative instruction 2005/04	Legal Office, Ministry of Public Services, PISG	Regulates the applicant's right to use original name on public and personal documents (enabling members of Kosovo's different communities to have their name written in their alphabet-Latin and/or Cyrillic)
Law on Family, 2004/32	Assembly of Kosovo, Law number 2004/32, that is the Family Law, promulgated by the Kosovo Assembly. 2004/32, UNMIK/REG/2006/07	Does NOT regulate a child's right to a name and identity. Section IX of the previous law does regulate these issues and was reported on by the representatives of the Civil Registration Unit to be still in use

Table 1. National legislation in Kosovo regulating Birth Registration

Right and duty of birth registration are regulated by the international CRC. States parties are required to respect the right of the child to an identity, including the right to a name and nationality, and to be registered immediately after birth (Articles 7, 8). The principles of international human rights law, including the CRC, have been explicitly incorporated into the legal framework of Kosovo through the Constitutional Framework for Provisional Self-Government. Although Kosovo is not a party to the CRC –because it still does not have the legal status to sign it - it has demonstrated the willingness to meet and be guided by international standards in its social policy development.

The right of the child to a name and identity is regulated by section IX of the previous Family Law. The choice of personal name is the sole right of a citizen, and he/she uses the name that was recorded with the Birth Registration Office. Parents decide about the name of their child by mutual agreement. The child gets the family name of one or both of his/her parents, unless parents decide that the child shall bear a different family name. There are also provisions about naming the children whose parents are deceased, are unknown etc. In case of adoption of a child, adoptive parents determine the name of an adopted child and may give the child their own family name, unless specifically precluded in the adoption documents. A person who wishes to change his/her name may do so upon a request by the parents, the adoptive parents or the guardian, or with the consent of the competent custody organ. If the child is over 10- years-of-age, his/her consent is also required. In addition, the Criminal

Code of Kosovo makes it an offence for a person to conceal, replace or in any other way change the family status of a child (Article 209).

3.2.2. Who can register in the Civil Registry?

Anyone who can provide proof of identity in the way prescribed by UNMIK Guideline for Kosovo Registers (2000)¹⁰ has the right to be registered and issued personal documents. This document served as a guideline for all local registry office clerks, explaining procedures and regulations to be followed during issuance of civil status certificates. This guideline was used until 2005 and was then substituted by the Law on Civil Status Registers.

The approval of Kosovo's Constitution has recently opened the floor for promulgation of Law on Citizenship. The Law on Citizenship provides a good ground to deal with Kosovo inhabitants seeking for registration with the civil registry. However, although the Law on Citizenship entitles all people born in Kosovo, or who at least have one parent born in Kosovo to bear the Kosovo citizenship, the first step toward obtaining this right will still have to be registration with the civil status registry to obtain the birth certificate.

3.2.3. General birth registration procedure

3.2.3.1. Where does birth registration take place

Birth registration is completed in the Birth Registry of the Civil Status Registry Office (registration office) of the municipality in which the child has been born.

3.2.3.2. Who submits the birth registration application?

Medical institutions have a legal duty to notify the registration office about the birth of a child within the period of 15 days of it taking place and the birth must be entered into the birth register within 30 days from its date. In accordance with UNMIK's regulation 2001/14, medical institutions were provided in 2001¹¹ with standardized forms (commonly known as "DEM1") which include all relevant information for each birth (including the identity of parents and other demographic data). This form is produced in four copies – one stays on the file of medical institution, one is submitted to the Statistical Office of Kosovo, one goes to the Municipal Civil Status Registration Office and one is given to the parent.

Different rules have been applied in different municipalities to birth notification procedures. The local dispensary in Mitrovicë/ Mitrovica (which provides care during labour and birth since the hospital is located in the northern part of Mitrovicë/ Mitrovica and is not accessible) submits birth notification forms to birth registry office once a week (IDI 2). The hospital in Prizren sends birth notifications once every 15 days (IDI 4), while the hospital in Gjakova/Djakovica sends notifications once every two days (IDI 5).

¹⁰ This document is in a way not official as it does not have any signature or reference information. It was prepared by an UNMIK employee (Mrs. Verena Ditmar and was widely known as 'Verena Instruction') and was disseminated to all civil registration offices.

¹¹ Prior to the introduction of this standardized procedure, medical institutions did not use a common Kosovo-wide form.

In 2007, a registration office was set up in the Prishtinë/Priština Hospital. This proved to be a very useful initiative as parents were assisted in registering the birth of their child without needing to visit municipal birth registration office. The hospital registration office submits reports to municipal authorities at the end of each month. (IDI 7). Possibility to register child birth in the Prishtinë/Priština Hospital has been used by 8.7% of survey respondents.

Parents must attend the civil status registry office in person and provide the necessary registration documents within 30 days from the date of birth in order to complete the registration process. Where this is not the case, a child is registered with the information received from the dispensary/mother prior to childbirth/release from the medical institution. Information about the name of the child is not entered in the register as long as parents do not attend and submit birth registration application including the required information about the child's identity (IDI 2, 4, 7 and 9). According to an interviewee, only the civil status registry office in Gjakovo/Djakovica allows parents to register the name of their child if it was not given at registration, but no later than two months after registration (IDI 5).

In spite of strict legally prescribed rules related to medical institution's duty to notify registry office there is discrepancy in practice. In this case, if health institutions do not notify relevant authorities about the birth of a child within the time period prescribed by the Law on Civil Status Registers, the birth registration application has to be submitted by child's parents or legal guardians, legal representatives and custody organ, or by persons who were present at the moment of the child's birth.

If the birth takes place outside a medical institution (so called home births), the law places an obligation upon parents, the person in whose house a child is born and a medical person or nurse if s/he was present at birth to register that birth within 30 days. According to IDI 4 if this situation occurs witnesses must be close relatives of the mother. When applying for birth registration parents are also required to present the child's immunization card.

In all cases, parents, guardians and witnesses must provide sufficient evidence of their identity, before the birth is registered. Identity of parents and witnesses may be confirmed by providing personal identification documents (original and photocopy). In addition to their personal identity documents, parents must also provide evidence of their marriage in the form of a marriage certificate. When parents are unmarried, mother and father must provide acknowledgment of parenthood, in the way prescribed by the law into force.

3.2.3.3. Late registration

If a birth is not reported within the period of 30 days, then the late birth registration must be completed by the authorized body's (a civil status registry officer, who deals with late registrations decision), as prescribed by article 7 of the Law on Civil Status Registers. Municipal registration offices are authorized to make such decisions. No legally prescribed sanctions are imposed for late birth registration, but the cost of a legal permission to register birth is more expensive – usual 1 Euro for application form plus 11 euros as a late registration fee (IDI 7 and 5).

The registration offices were initially inconsistent in the implementation of provisions on late registration and re-registration. However, the situation has improved lately. Late registration is understood to include all birth registrations after the expiry of 30 days from the date of birth, for all births after June 1999. Re-registration is understood to mean registration of all births prior to June 1999, evidence of which was lost due to the loss of original civil registers in most Kosovo municipalities.

3.2.3.4. Dual registration records

According to the Law on Civil Status Registers, all (hospital and home) births in the territory of a municipality must be registered in that municipality's civil status registration office. However, there are numerous cases of disrespect for this legal provision since new parents find it easier to register the birth of their children in the municipality in which they reside. For example, births taking place in the Prishtinë/Priština Hospital should, under the Law on Civil Status Registers, be registered by the registry office of the municipality of Prishtinë/Priština. However, parents often register these births in their home municipalities after presenting the child's immunization card and statements by corroborating witnesses that the birth has taken place at home. In such cases, dual birth registration records might be created – one in the municipality of child's birth and other in the municipality of its residence.

In order to avoid this problem, many municipalities carefully consider information about a child's place of birth. According to some interviewees, municipal registration offices refuse to register children who were born in hospitals in another municipality (informing parents that children must be registered in the registry of the municipality in which they were born) (IDI 2, 5, 7 and 9). This is a problem for some parents, particularly those who live outside Prishtinë/Priština, but whose children were born in the Prishtinë/Priština Hospital (IDI 7). In order to avoid dual registration, the birth registration office in the Prishtinë/Priština Hospital is issuing confirmations that a child has not been born there. For example, persons born in Fushë Kosovë/Kosovo Polje can obtain confirmation that they were not born in the Prishtinë/Priština Hospital so as not to require travel to Prishtinë/Priština every time they need a birth certificate.

Only provisional measures can be taken to reduce the frequency of this problem. A possible solution might be to require all relevant medical institutions to provide notification of a child's birth both to the municipality in which they are located and to the parents' municipality of residence. Such information should include the list of parents' names and their personal identifications numbers.

However, this might only have limited success due to the following two reasons:

1. Medical institutions are bound by Law to provide services only to the persons who can provide evidence of their identity (in the form of a personal identification documents), but this is often not the case in practice; and
2. Personal identification documents do not contain information about the holders' place of residence which is why it would be impossible to accurately identify the municipality in which new parents reside (other than to rely on their own statements, which can in no way be considered a solid proof).

3.2.3.5. Corroborating witness statements

Due to lack of accurate determination of use of witnesses in the procedures of the civil registration, which is clearly foreseen in the Law on Civil Status and which is expected to be promulgated in the near future, some municipal registration offices show reluctance to complete the birth registration procedure relying on corroborating witness statements.

Some municipalities do not enable registration by supplying two corroborating witness statements so that the registration requests by persons without proper identification documents must be submitted for consideration by legal experts of the Legal Aid and Assistance Department of the Ministry of Internal Affairs.

When birth registration officers have doubts or reservations about completing a registration on the basis of corroborating witness statements, they refer relevant cases to the Ministry of Internal Affairs requiring a legal interpretation about whether or not to proceed with the registration process.

If the decision is not made at the above two levels of government, the applicant has a right to submit his/her case for consideration to an authorized court. According to the Administrative Procedure Law, unless municipal civil status registration office or Ministry of Internal Affairs can decide about the case within a period of 30 days, the applicant should file a complaint with the District Court.

Home-born children can be registered through the procedure of providing corroborative statements of two witnesses who must be close relatives of the mother. Representatives of the Roma, Ashkali and Egyptian communities claim that they are not allowed to register the birth of their children through the witness-supported procedure (IDI 12). This is most probably due to the fact that a witness must be registered with the civil status registry in order to be eligible to confirm the data and therefore play the role of witness. However, given that many Roma, Ashkali and Egyptians adults lack civil status registration themselves, they are not entitled to perform the function of witnesses of birth.

Birth registration application
Hospital (private or public) release papers
Parents' marriage certificate or signed motherhood/fatherhood acknowledgments (for unmarried parents)
Parents' identification documents.

Table 2. Documents required for registration of hospital-born children in the Civil Status Registry's Births Records

3.2.3.6. Marriage certificate

Marriage certificate appears to be the most problematic of all documents required for birth registration. Absence of a marriage certificate is a common problem in many municipalities. According to the representative of the birth registration office in the Prishtina/Pristina Hospital, around 60% of parents do not have a marriage certificate. In this case, both parents are required to go together to the municipal civil status registration office to enter their child in the birth register. Parents must present valid identification documents (IDI 1, 4, and 5). If parents are not legally married, the father

is required to provide an acknowledgment of parenthood. If the mother cannot present a marriage certificate and the father is absent, the child is registered under the mother’s surname.

3.2.3.7. Cost of registration

The birth registration form costs 1 Euro. Informants from the Prishtina/Pristina Hospital reported that some population groups – such as war invalids, disabled workers or families of fallen soldiers – were exempt from payment of the birth registration forms. In the municipalities of Prishtina/Pristina, Mitrovicë/ Mitrovica, Fushe Kosove/Kosovo Polje and Gjakova/Djakovica this right is extended to members of the Roma, Ashkali and Egyptian communities (IDI 1, 2, 3 and 5). According to the survey, costs of registration are higher than what is indicated because different costs are included in the total sums (Table 3).

Document	Albanian-majority area	Serb-majority area
Transportation costs	4.80	5.54
Parents birth certificate	2.20	7.50
Marriage certificate	2.91	3.64
Parents’ ID	1.00	8.50
Hospital release form	1.11	0.93
Administrative costs	4.01	3.41
Required applications	1.78	1.67
TOTAL	17.81	31.19

Table 3. Average cost of birth registration (in euros)

3.2.3.8. Roma, Ashkali and Egyptian population

Different opinions were expressed about members of Roma, Ashkali and Egyptian communities. Representatives of the birth registration office in the Prishtina/Pristina Hospital said that all members of the Roma, Ashkali and Egyptian communities whose children are delivered in the hospital have all documents required for birth registration (IDI 7). However, theirs was an isolated example considering that interviewees from other municipalities said that the members of the Roma, Ashkali and Egyptian communities do not have documents required for birth registration and that parents must often be registered alongside their children. (IDI 2 and 5); the main reason for this was attributed to the low education level of members of the Roma, Ashkali and Egyptian communities (IDI 3).

The inability of civil status registration of Roma, Ashkali and Egyptian children often comes as a consequence of lack of registration of the civil status of their ancestors, of one or more precursory generations. In order to have the civil status registration of the precursory family, the presence of family members or relevant members is needed. However, absence of family members or relevant members poses impediments in registering predecessors as well as current generations.

According to survey results, a quarter of Roma, Ashkali and Egyptian parents from the Albanian-majority area who registered their children’s birth (24.4%) experienced discrimination due to their ethnicity when accessing public institutions. In the Serb-majority area this kind of experiences was

reported as very rare, with the notable exception in Mitrovicë/ Mitrovica municipality (17%). The research was not able to explore these perceptions in depth, however these indications suggest that there may be need for further study in this area.

A common problem among members of the Roma, Ashkali and Egyptian communities is that they often lack valid identification documents.

In the municipality of Fushë Kosovë/Kosovo Polje, Roma, Ashkali and Egyptian communities identification documents were often issued by the authorities of dislocated Serb municipalities which maintained their own civil and government structures until 2004 (medical services, municipal authorities etc). According to an informant (IDI 3), these documents are however sometimes accepted as a valid proof of relevant person's date of birth, place of birth name and surname and other identity information, when the applicant lacks any other document by which he/she can prove her/his identity.

On one hand this shows public officials' good levels of flexibility contributing to protect the interest of the child and the family; on the other this situation highlights the level of confusion and consequent inconsistency of adopted procedures among public officials, mainly due to a very complex administrative system. Administrative instruction should be much clearer about the conditions under which these documents are applied and officials should be adequately trained when dealing with these particularly vulnerable citizens.

3.2.3.9. Foreign citizens

Children born to Turkish and Chinese citizens, as well as to representatives of the international community in Kosovo, were also registered by the birth registration office of Prishtina/Pristina Hospital. In order to register the birth of their children, parents were also required to go together and to present their residence permits, identification documents etc. (IDI 7).

Birth registration application
Vaccination card issued by a doctor
Parents' marriage certificate or signed motherhood/fatherhood acknowledgments (for unmarried parents)
Parents' identification documents

Table 4. Documents required for registration of home-born children in the Civil Status Registry's Birth Records

3.2.3.10. Children born in private clinics

Children born in private clinics are subject to the same regulations as home-born children and the same documents are required to register their births. Parents of such children are required to submit release forms issued by the private clinic. Pursuant to Article 16.4 of the Law on Civil Status Registries, all medical personnel, not only public service employees, present/assisting at a birth are required to notify the authorities within 30 days of that birth.. As such, children born in public and private medical facilities should be registered and reported according to the same procedures if medical staff comply with their legal obligations. However, this research did not encounter any standardized communication channels established between private clinics and the civil status registry offices.

3.2.3.11. Immunization card

Children without the immunization card cannot be registered with the civil status registry office. Their parents are advised to take them to dispensary to receive necessary vaccines (IDI 2), but according to survey results the percentage of these cases is small – 90% of respondents reported that their children have immunization cards. In the past, children were issued with certificates of health insurance known as health books containing information about vaccines and other medical care they received. However, children now only have immunization cards containing information about vaccines they received. Immunization cards are issued for all children who visit public healthcare facilities and they remain in parents' possession. Immunization cards are issued at all immunization locations. Information about vaccines received and the dates they were administered are entered into this document. The immunization card can be easily obtained. Issuance of duplicate immunization cards is possible.

A sui generis case is evident among the Roma, Ashkali and Egyptian communities in Fushë Kosovë/ Kosovo Polje. One of the major problems in the process of registering the birth of children in this municipality who were born in the period from the end of the war to 2004 is that those children do not have immunization cards issued by Kosovo health institutions. Civil status registration offices require parents to present their children's immunization cards in order to establish if children received any vaccines, but members of the Roma, Ashkali and Egyptian communities – in about 900 cases – only have immunization cards issued by dislocated Serb healthcare institutions which are most of the time not accepted by Kosovo institutions. In such cases, it was reported (IDI 3) that the civil registry officers seek other documents as proof of identity of the applicant. If the applicant can not provide any alternative identification document they sometimes accept documents issued by the parallel Serb institutions.

In the 1990s when Kosovo's Albanian population was forced to rely on the Serb regime to provide them with social and public services, the Mother Theresa Association was providing care during labour and birth and was issuing their own birth release forms. These documents were accepted as a valid proof of identity, in the process of birth re-registration and issuance of new birth certificates (IDI 3).

3.2.3.12. Children born outside Kosovo

For registration of children born outside Kosovo, international birth certificates issued by the country of birth are also required. The civil status registration office in the municipality of Prishtina/Pristina maintains a birth register of Kosovo citizens born abroad. They are issued the same birth certificate as Kosovo-born citizens and are mostly requiring Kosovo identification documents in order to secure access to education and healthcare (in most cases these are the children of Kosovo returnees who spent some time living in Western Europe) (IDI 1).

During the war, there were some cases of child births to Kosovo citizens in Montenegro. Such children were usually not issued any identification documents by the State of their birth and it is thus

impossible to enter them in a respective births register in Kosovo unless they can provide a documentary proof of their place of birth (IDI 5).

3.2.3.13. Children without parental care

The Ministry of Labour and Social Welfare prescribes a detailed procedure for registration of orphans (IDI 10 and 11). If an orphan is put under guardianship, s/he is to be registered by the 'manager of the case', or guardian, appointed by the Social Care and Protection Unit of the Ministry of Labour and Social Welfare. The guardian is obliged to submit a birth registration application to the civil status registration office. Guardians are initiating and completing registration procedures for children abandoned after birth (including for newborns left at the hospital), as well as for children who are abandoned later in life.

Orphans or children of unknown parentage are registered as children of unknown identity until necessary identity information is found:

- If information about a child's identity is available (from hospital, biological mother or some other source), it is to be entered into its birth certificate.
- If relevant information (date of birth, name and surname, etc.) about a foundling is found at a latter stage, the initially issued birth certificate is to be updated with a new one containing discovered information is issued.
- In the case of abandoned newborns, the dates when they were found are registered as their dates of birth. However, if the abandoned child is older, medical experts are called to assist with determining their age.
- In the case of newborns left at hospitals, they remain in the labour ward for a couple of days after which time they are transferred to the paediatric ward and their guardians initiate procedure to register their birth.

Before children are accommodated in orphanages are issued a birth certificate. If a child is adopted, the relevant Centre for Social Work issues a decision updating its birth registration and adoptive parents are registered as its biological parents. However, related information is entered into the births register and the child has the right to information about his/her adoption.

3.2.3.14. Civil Registry Information

Civil Status Registrars include information about a child's personal name and family name, its gender, hour, date, month, year and place of his/her birth, permanent residence and the registration number, as well as information about his/her parents' identity. Provisions were also made for registration of abandoned children and children of parents of unknown identity, as well as for determinations of parentage to be made by the courts (Article 18 of the Law on Civil Status Registers Book).

3.2.3.15. Discrepancy with articles 7 and 8 of the CRC

The provisions of the existing laws do not require an immediate birth registration as stipulated by Article 7 of the CRC. The 30-day period foreseen by the Law on Civil Registration Books is twice as long as the period foreseen by the CRC. Considering the tradition of birth registration in Kosovo, as well

as the current prevalence of late registrations, further reduction of the birth registration deadline may have negative effect on the number of registered births. Furthermore, the procedure itself is carried out in two places: initial registration is completed in relevant medical institutions and final registration in the Civil Registration Unit. This complicates the procedure and makes it difficult to follow.

3.2.3.16. Birth certificate

If the birth registration represents government's official recognition of the existence and identity of a child, birth certificate is the tangible evidence held by families of this recognition. The birth certificate is a legal document issued to an individual and it contains vital information captured during birth registration. At a minimum, it includes information about the person's name, gender, date and place of birth, and about names and home addresses of that person's parents. Since birth certificates contain information about a person's place of birth and personal data of that person's parents, it can also be used to develop other civil records, such as civil registry and registry of citizens.¹²

In Kosovo, civil certificates are issued by an official appointed by the Department of General Administration of the respective municipal government which has the jurisdiction over all municipal civil status registration matters.

3.2.3.17. Birth registration and public development strategies

Civil status registration is important for many purposes including cadastral planning, statistics, education, immunization etc.

Cadastral planning is important for municipalities to develop appropriate cadastral plans that regulate use of land for schools, streets, industry, private buildings etc. Absence of birth registration leaves statistics agency without accurate data and prevents the calculation of relevant statistical indicators such as birth and death rates etc. In the absence of reliable registry data about the number and age of children and families, it is impossible to develop plans for school facilities, number of teachers, necessary education materials etc.

Birth registration is bounded to immunization planning as well. In 2000/2001, UNICEF and local authorities in Kosovo launched an initiative to register all children eligible for immunization. Information about the number of children collected through visits to all households served as a baseline for the development of an immunization program including plans for the number and distribution of vaccines throughout Kosovo. The collected data about the number of vaccines unused in the previous year are reviewed on annual basis and compared to data provided by the Statistical Office of Kosovo and all maternity hospitals about the annual number of births.

¹² Right at Birth, UNICEF 2007.

3.3. BIRTH REGISTRATION AND CHILD RIGHTS IN KOSOVO

Birth registration is a prerequisite for the achievement of many legal rights including education, economic, cultural and political rights. Following is an overview of international conventions and declarations on the rights of children and access to birth registration:

The Universal Declaration of Human Rights, 1948 - Article 15	Everyone has the right to a nationality.
The Convention on the Reduction of Statelessness, 1961 - Article 1	A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless.
International Covenant on Civil and Political Rights, 1966 - Article 24	Every child shall be registered immediately after birth and shall have a name...Every child has the right to acquire a nationality.
Convention on the Elimination of All forms of Discrimination Against Women, 1979 - Article 9	...women shall be granted equal rights with men with respect to the nationality of their children.
35th Session of the UN Commissioner for Human Rights, 1989	Notes the importance of birth registration for child protection, particularly for illegitimate children and for reducing sale or trafficking of children.
Convention on the Rights of the Child (CRC), 1989 – Article 7	The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.... States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.
International Convention on the Protection of Rights of all Migrant Workers and Members of their Families, 1990 - Article 29	Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.
European Convention on Nationality, 1997 - Article 6	Each State Party shall provide in its internal law for its nationality to be acquired ex lege by...foundlings found on its territory that would otherwise be stateless...(and) for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality.

Table 5. International human rights instruments related to birth registration¹³

The CRC introduces four key rights of children related to birth registration:

1. Right to registration;
2. Right to registration immediately after birth;
3. Right to a name and to know one’s parents; and
4. Right to a nationality.

Birth registration in Kosovo is closely related to the following child rights: education, health care and social care.

3.3.1. Education

The Ministry of Education (IDI 13) states that children’s birth certificates are requested from parents when they are registering them in school. However, children can be enrolled without a birth certificate in which case parents are requested to provide birth certificate by the end of the first year of school. First grade completion certificates cannot be issued to children whose parents failed to submit their birth certificates.

¹³ Source: UNICEF (2002:3) a

Still, this study has found out that some schools enrol children and keep them enrolled even if their birth certificates are not submitted by the end of the first year of school.

On one hand this approach meets every child's fundamental right to access the educational system; on the other this approach could undermine the efforts to educate parents about the importance of getting birth certificates for their children.

In the future this gap could be addressed by activating collaboration between schools and Parents and Teachers associations and civil status registration officers.



In-depth interviews with parents of non-registered children (IDI 15) revealed that the majority of non-registered children can also enrol in school if they submit their children's immunization cards or paediatrician approval. In some cases children are enrolled based on parents' ID. None of interviewed parents said they needed to provide birth certificate by the end of the first year of school, suggesting that this policy needs to be better monitored.

The fact that birth registration is not necessary for school enrolment in Kosovo was also confirmed by the Association of Parents and Teachers Fushe Kosove/Kosovo Polje (IDI 12) and its representatives at the central level (IDI 14). With regards to this, school directors were described as being very helpful and it was reported that no interested child has ever been left out of school for not owning a birth certificate.

For planning purposes, municipal education authorities should compare the number of children registered in relevant births registers and children enrolled in schools, to assess if all eligible children were enrolled in schools at the right time. In this way, school enrolment would be tracked. However often municipal registers offices do not have accurate data on the number of children due to the dual registration problem: children must be registered in the municipality where they are born rather than in their dwelling place's municipality (see paragraph 3.2.3.4 of this study). Many parents however register children in both places (place of birth and dwelling place) but as this practice is very inconsistent and not harmonized it is unlikely that municipalities can rely on children's birth registration as accurate data to monitor if pupils are enrolled at the right time.

Inspection services called "regional inspection units" should intervene in cases of incomplete or suspected forged children's school files. However, there were just a few such interventions over the past couple of years, maybe also because of the inaccurate data stored in municipalities' offices.

3.3.2. Health care

According to the Kosovo Health Law (nr. 2004/04), access to healthcare is provided only to persons with valid identity papers. In practice, many children and women are provided with healthcare regardless of whether or not they have necessary documents (birth certificate or ID) (IDI 8). This information was reinforced during the survey as well – 66% of the parents who did not register childbirth stated that they did not need any document in order to access to healthcare. In-depth interviews with parents of non-registered children confirmed that it is sufficient to come to a healthcare centre and obtain service; only in rare cases were they asked for an immunization card or social assistance document. Healthcare centres keep a log in which they record information about the identity of their patients provided by parents (IDI 8).

While the majority population appears able to access primary health care without proof of identity, there are perceived discrepancies based on ethnicity of the person seeking health care. While the Ministry of Health representatives maintain that equal treatment is provided to members of all communities living in Kosovo (IDI 8), local representatives of the Roma, Ashkali and Egyptian communities complained that they were prevented from accessing healthcare without proper identification documents (IDI 14).

Additionally, at the secondary level of healthcare – when, for example, a person of any ethnicity requires surgery or treatment by a specialized doctor – patients may be required to provide proof of their identity (IDI 12).

3.3.3. Social care and police

Social workers and police emphasize that lack of identification documents for some of the populations they work with is a problem they are faced with. Non-registration of the child birth is a key problem for the provision of social assistance and it causes problems to the police in juvenile delinquency, family violence and child beggars' cases.

3.3.4. Social assistance

Everyone applying for social assistance must submit UNMIK identification cards of all members of his/her household over the age of 16 and birth certificates of household members younger than 16. Applicants must prove that they are residents of Kosovo and no person without personal identification documents issued by Kosovo authorities is eligible for social assistance.

Applicant's children whose birth has not been registered or who are without identification documents cannot be accounted for as members of his/her household in calculations of the amount of social assistance to be granted. However, in such cases social workers encourage applicants to register their children and assist them by providing information about documents required for registration.

If, during their field work, social workers encounter families who qualify for social assistance, but are without identity documents, they are to initiate registration procedures for members of such families. In the past, such cases mainly involved members of the Roma, Ashkali and Egyptian communities who were assisted by social workers in completing the registration. Those activities were reported by social workers to the ministry officials (IDI 11).

The Ministry of Labour and Social Welfare (IDI 15) established that the families whose members were born outside Kosovo were most likely to face problems with the lack of identity documents (for example, families from southern Serbia, in the cities of Preshevë/Preševo and Bujanovac and in the western part of the country). Other families were rarely found without identification documents. Social assistance programs are designed in a way to encourage population to register and apply for personal documents.

Poor families identified by social workers are assisted with securing all documents they need to apply for social assistance. Social workers submit requests to relevant authorities to exempt these families from paying fees for such documents or help such families to gather all documents required for applying for social assistance. Nearly all Albanians (99%) who apply for social assistance already have identification documents (IDI12). Absence of identification documents is more common among members of minority groups, particularly the Roma, Ashkali and Egyptian (this was confirmed by IDI 12). The social assistance scheme has greatly contributed to increasing awareness among the population, and particularly parents, about the importance of registering birth and obtaining personal identification documents.

3.3.5. Juvenile delinquency

Juvenile offenders' police records include general information (name, family name, date of birth, place of birth, parents' names etc. - most of this information is gathered through an interview, but documentary evidence might be required later on). If juvenile offenders are found not to have valid identity documents (birth certificate etc.), other identification documents are accepted, including school achievement booklets, immunization cards etc. Information gathered through an interview with a juvenile offender (or his parents/caregivers), must be recorded (IDI 6).

3.3.6. Family violence

When police intervene in cases of family violence they rely on parents to provide information about juvenile children – if police has doubts about the accuracy of given information, informants are required to provide documentary evidence (IDI 6).

3.3.7. Child beggars

The most difficult task for police is identifying child beggars, that is, securing their valid identification documents. This is particularly true for beggars coming from Albania who are without any identification paper. In the 2004/05 period, police identified 74 child beggars from Albania or from the Roma, Ashkali and Egyptian community. Albanian beggars were repatriated with the help of the judiciary. Nowadays child beggars are dominantly members of the Roma, Ashkali and Egyptian communities or former Kosovo residents (mainly Roma, Ashkali and Egyptian population or people from Albania).

3.4. CALCULATING BIRTH REGISTRATION RATES AND DATA RELIABILITY¹⁴

The official birth registration rate is calculated as the proportion of total live births that are registered. In practice, the calculation of birth registration rates varies, though effective civil registration systems are best placed to collect precise data for both live births and registered births.

Census and survey data do not provide complete, permanent and continuous information about the population. Census data are typically captured only every 10 years, while surveys rely on information provided by sample populations or empirical observations. It can be assumed that overall registration levels are lower than estimates suggest given the difficulties in capturing the true birth rate. In addition, births among highly marginalized populations are likely to be particularly underrepresented given that methodologies of civil registration outreach and survey sampling tend to reach disproportionately small portions of these groups, resulting in artificially high birth registration rates. Inaccurate data reduce government capacity to target policy and programming efforts, especially to those who most need these services.

Keeping in mind the lack of population census and other demographical information of the Kosovo inhabitants, as well as flaws in the system of the new birth registrations, it is impossible to acquire reliable data related to birth registration from the Statistical Office in Kosovo. Because of the lack of such data, this survey could estimate the birth registration rate in Kosovo.

14 Right at Birth, UNICEF 2007

4. THE REALITY OF BIRTH REGISTRATION IN KOSOVO: MAIN FINDINGS

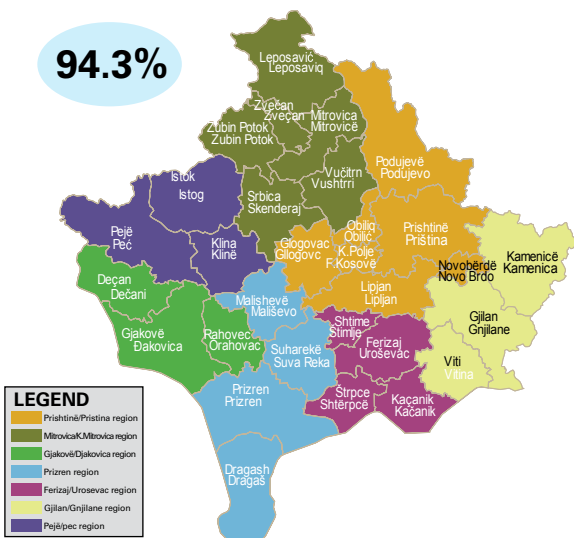
The survey results show that 8.3% of Kosovo households have failed to register the birth of (some of) their children (under 18-years-of-age). This percentage includes 3.1% of households which did not register any of their children and 5.2% of households which registered some, but who failed to register at least one of their children. Households from both the above groups were more numerous in the Albanian-majority area (where 3.8% of surveyed families did not register the birth of any of

their children while 6.6% did not register birth of some of their children), while they were very rare in the Serb-majority area (0.8% of households).

In both cases, the birth non-registration rate, as identified by Prism Research, is significantly lower than the official 15% quoted by Kosovo Ministries of Public Services and Interior Affairs. However, the official birth non-registration rate is more an estimate than a well-established fact. Besides, it does not account for the children of Kosovo Serbs whose birth had been registered with parallel institutions (run by Belgrade authorities) which are not officially recognized in Kosovo. This survey has proven that the birth registration rate in the Serb-majority parts of Kosovo is high and that the cases of non-registration are uncommon in this area.

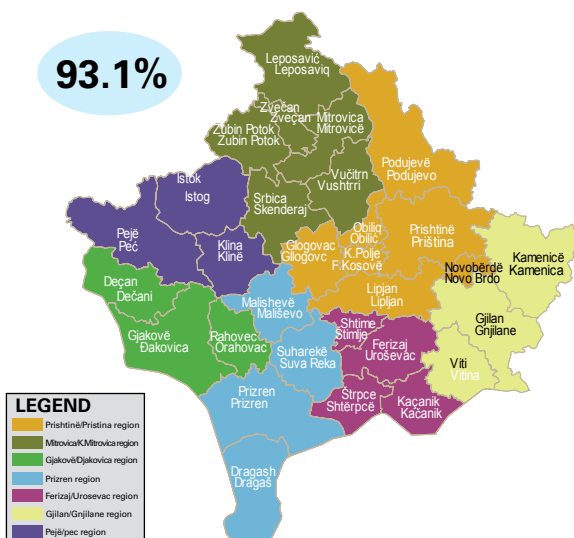
It is also important to note that the above estimate by the Ministry of Public Services and the Interior Ministry is not dated so there is no clear knowledge of when statistical data was collected. Because of the intense public awareness campaigns and active measures to encourage birth registration in Kosovo (by opening birth registration offices in each municipality, improving their work and efficiency, establishing mobile teams for birth registration...) implemented in Kosovo over the past year, it is highly likely that the sur-

94.3%



Birth registration rate for children under 18-years-of-age

93.1%



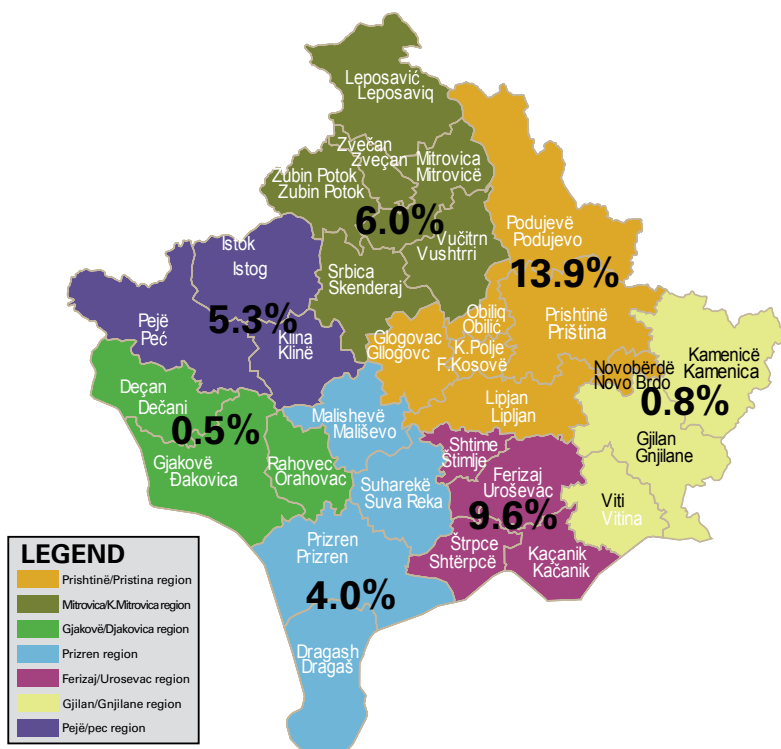
Birth registration rate for children under 5-years-of-age

vey results provide an “updated” picture and can serve as an indicator of the success of the recent awareness activities and encouragement for continued work on achieving registration of every birth in Kosovo.

Comparison between the birth registration rate (among children under 5-years-of-age) in Kosovo and in the neighbouring countries shows that the birth registration rate in Kosovo (93.1%) is very similar to the one in the FYR Macedonia (93.8%) and that these two countries have the lowest birth registration rates in the region. Other neighbouring countries either have a high birth registration rate (Albania 97.6%) or have achieved 100% birth registration (Serbia 100%, Montenegro 100%).¹⁵

4.1. REGIONS AND BIRTH REGISTRATION IN KOSOVO

Although the members of the Roma, Ashkali and Egyptian communities in Kosovo are the most likely not to register birth of their children, the birth non-registration is also present among Albanian, Turkish and Bosnian households, so this it is more a problem in the Albanian-majority than in the Serb-majority area.



Birth non-registration rate for children under 18-years-of-age in regions in the Albanian-majority area

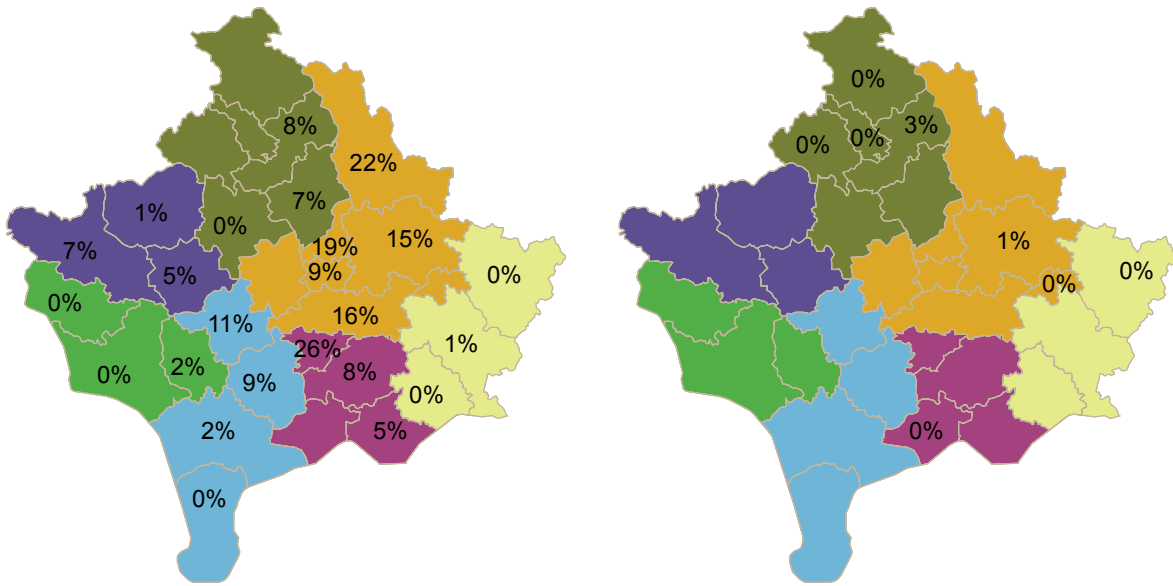
Non-registration of birth is mostly common in the regions of Prishtinë/Priština and Ferizaj/Uroševac.

Other than that, the birth non-registration rates among children under 18- years-of-age in the Mitrovicë/ Mitrovica region and among children under 5-years-of-age in the Prizren region are higher than the Kosovo average.

Birth registration rates differ across different municipalities in the Albanian-majority regions. This situation is mainly alarming in the municipalities of Shtime/Stimlje, Podujevë/Podujevo and Obiliq/Obilic, where

between a fifth and a quarter of children up to 18-years-of-age have not had their birth registered. The above indicated are only 3 out of 12 municipalities in the Albanian-majority area where birth non-registration rate among children up to 18-years-of-age is higher than the Kosovo average.

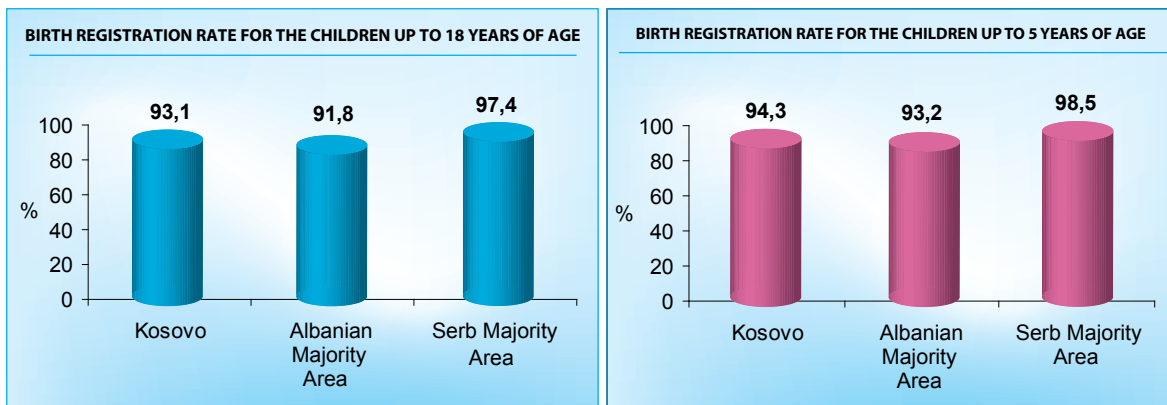
¹⁵ Right at Birth: UNICEF 2007.



Birth non-registration rate in the municipalities in the Albanian-majority area

Birth non-registration rate in the municipalities in the Serb-majority area

Non-registration of child births is higher in the Albanian-majority area (6.8%) than in Serb-majority area (1.5%).¹⁶ Therefore, the birth registration rate among children under 18-years-of-age in the Albanian majority area is 93.2% and in the Serb majority area 98.5%. Information about children less than 5-years-of-age shows that the birth registration rate in this population group is even lower – in the Albanian-majority area it stands at 91.8% and in the Serb-majority area at 97.4% (see Graph 1).

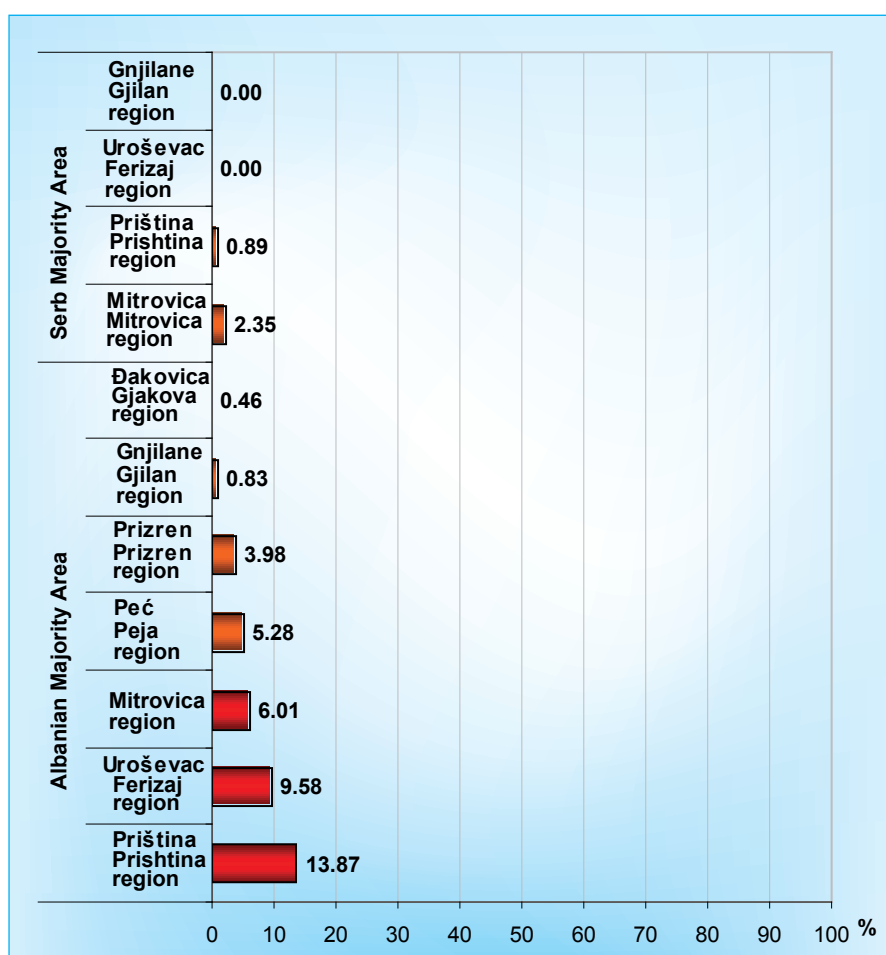


Graph 1. Registration of child births in Kosovo

¹⁶ Respondents of all ethnicities in the Albanian-majority area have registered their children with The Provisional Institutions of Self-Governance (Kosovo institutions) or the pre-1999 institutions operating in Kosovo (depending on the year of their child's birth). Serb respondents have evenly registered their children born after 1999 with the pre-1999 institutions operating in Kosovo and post-1999 Serbian authorities operating in Kosovo and Kosovo dislocated municipalities in Serbia. Members of other ethnic groups living in the Serb-majority area were most likely to register their children with post-1999 Serbian authorities operating in Kosovo and Kosovo dislocated municipalities in Serbia. Similar to the respondents in the Albanian-majority area, respondents living in the Serb-majority area who had registered their children before 1999 did so with the institutions that operated in Kosovo at that time.

The rate of non-registered child births was also relatively high in the Albanian-majority parts of Pejë/Peć and Prizren regions. In the Albanian-majority parts of Kosovo, only the regions of Gjakovo/Djakovica and Gjilan/Gnjilane have had a “functional” birth registration (See Graph 2).

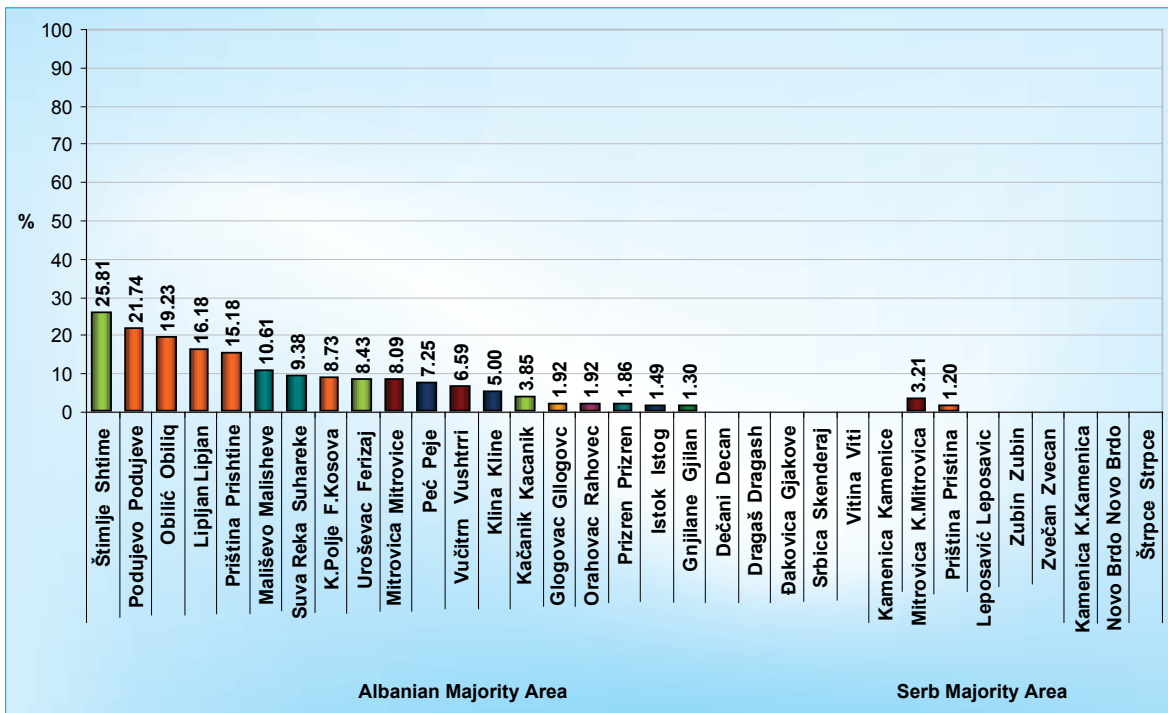
There was no such difference between different Serb-majority regions – non-registration of children up to 18-years-of-age was equally uncommon throughout the Serb-majority area¹⁷ (See Graph 2)



Graph 2. The rate of non-registration of child births is the highest in (the Albanian majority parts of) Prishtina/Pristina and Ferizaj/Uroševac regions (graph provides information about birth non-registration rates among children under 18-years-of-age)

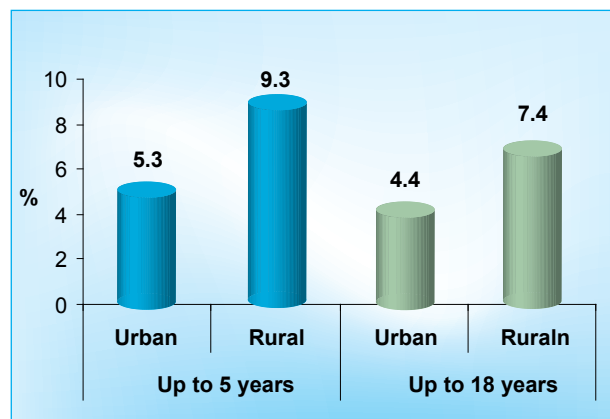
In contrast, some municipalities have achieved 100% birth registration (Deçan/Decani, Dragash/Dragaš, Gjakovë/Đakovica, Skenderaj/Srbica, Viti/Vitina, Kamenicë/Kamenica) so they could be used as “good practice” examples. In the Serb-majority areas, there were no variations across municipalities in birth registration of children fewer than 18-years-of-age. The majority of non-registered children under age of 5 from the Serb majority area were living in the municipality of Mitrovicë/Mitrovica (5.5%).

¹⁷ Concerning the children under 5 years of age, a similar trend had been registered – there were no significant differences in birth registration rates across different regions of the Serb majority area, while the birth non-registration rate in the Albanian majority area was the highest in the regions of Pristina and Ferizaj/Uroševac, followed by regions of Prizren and Mitrovicë/Mitrovica, while it was the lowest in the regions of Gjakovë/Đakovica and Gjilan/Gnjilane.



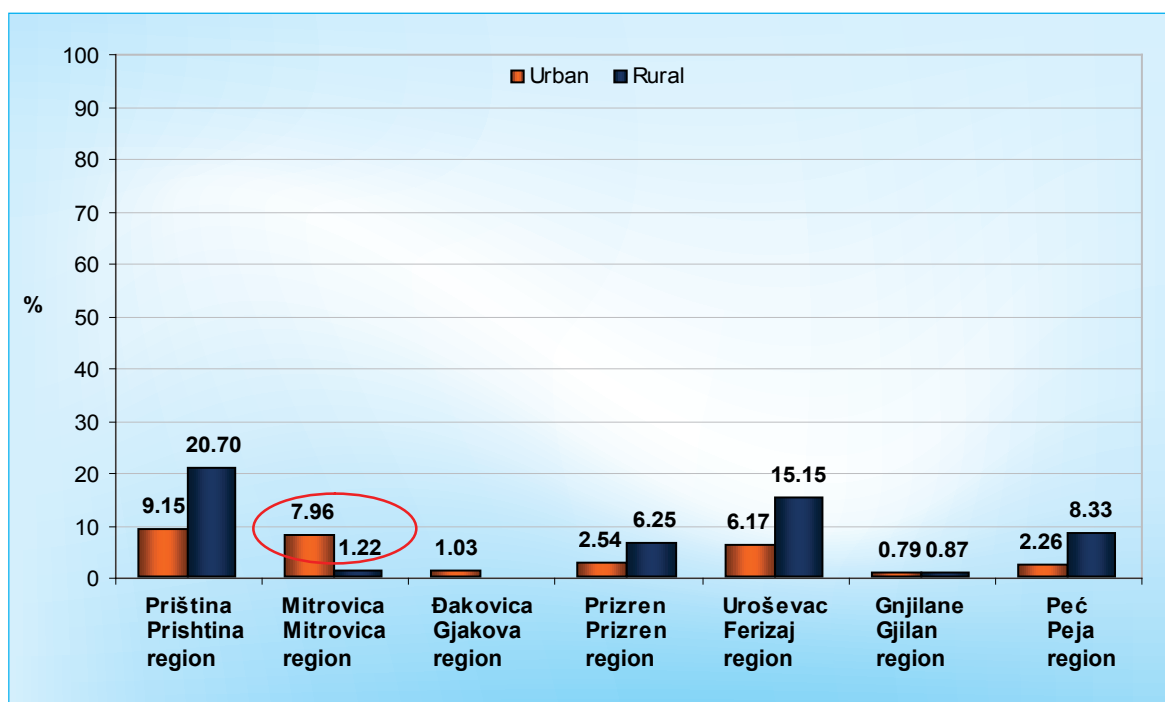
Graph 3 Birth non-registration among children up to 18-years-of-age is mostly frequent in the municipalities of Shtime/Stimlje, Podujeve/Podujevo and Obiliq/Obilic

Albanians and Bosniaks living in rural areas are more likely than members of their ethnic groups in urban areas not to register birth of their children. This is equally true for children up to 5 and for children up to 18-years-of-age. Earlier research suggests that, in Albanian-majority area only, non-registration of child births is more common in rural than in urban areas, in Kosovo (and equally among the children under-5 as among the children under 18-years-of-age).



Graph 4 Birth non-registration rate for urban and rural areas in Kosovo

As far as the Serb-majority area is concerned, there were no variations in birth registration across rural-urban categories. Also, there were some differences to this rule in the Albanian-majority area – the trend in Mitrovicë/ Mitrovica was exactly the opposite, that is, children living in cities were more likely than the children living in rural areas not to have been registered at birth (see Graph 5).



Graph 5 Non-registration of child births was more common in the rural parts of Albanian-majority area (graph shows the birth non-registration rate among children under 18-years-of-age)

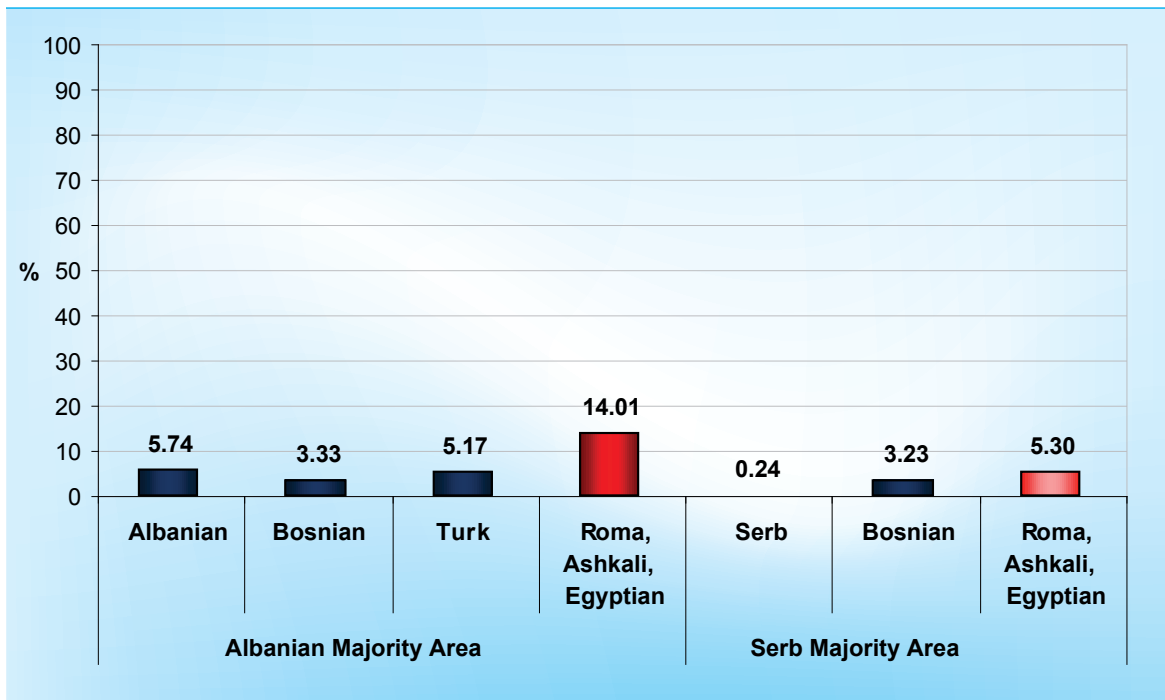
The situation was similar in both municipalities in the Mitrovicë/ Mitrovica region in which non-registered children had been found (Mitrovica and Vushtri/Vucitrn) – children living in urban centers were more likely not to have had their birth registered. This is due to Roma, Ashkali and Egyptian households (who were almost the only population group in this region not to have registered birth of children under 18-years-of-age) living in urban parts of Mitrovicë/ Mitrovica and Vushtri/Vucitrn municipalities.

Further analysis has also indicated a steady birth non-registration rate among members of Roma, Ashkali and Egyptian and Turkish communities regardless of whether they live in urban or rural areas, while more rural than urban Albanian and Bosnian households were not registering birth of their children.

4.2. ETHNICITY AND BIRTH REGISTRATION IN KOSOVO

Members of the Roma, Ashkali and Egyptian communities are the most likely among all Kosovo residents not to register the birth of their children. The non-registration rate of children up to 18-years-of-age of Roma, Ashkali and Egyptian ethnicities in the Albanian-majority area was 14% and in the Serb-majority area it was 5%.

Non-registration of child births (for children up to 18 years of age) in the Albanian-majority area was also present among members of Albanian (5.7%) and Turkish (5.2%) communities as well as among Bosnians (3.3%). In the Serb-majority area this correlation was established only in the case of members of Roma, Ashkali and Egyptian and Bosnians (See Graph 6).

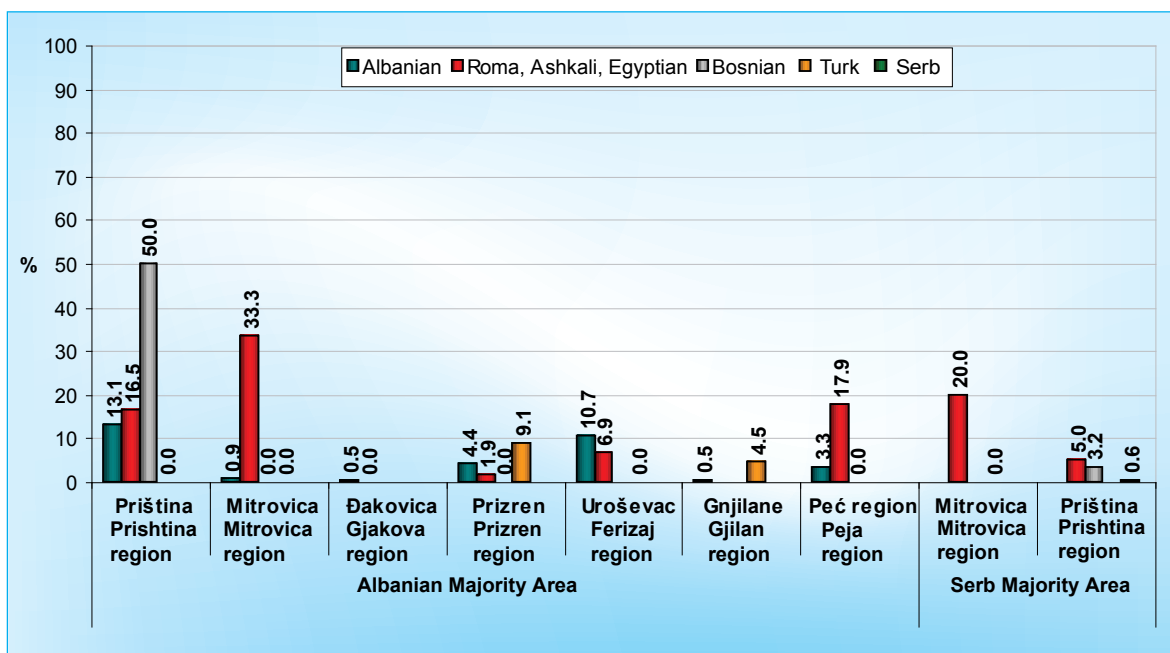


Graph 6. Birth non-registration is mostly frequent among members of the Roma, Ashkali and Egyptian communities (the Graph shows birth non-registration rates among children under 18-years-of-age)

Separate “by area” analysis shows that the birth non-registration rate among members of the Roma, Ashkali and Egyptian communities is the highest in the region of Mitrovicë/ Mitrovica; a third of Roma, Ashkali and Egyptian children (under 18-years-of-age) in the Albanian majority part and a fifth of Roma, Ashkali and Egyptian children in the Serb majority part of this region have not had their birth registered. Besides Mitrovicë/ Mitrovica, high birth non-registration rate of Roma, Ashkali and Egyptian children (under 18-years-of-age) was recorded in the region of Pejë/Peć (18%), as well as in the Albanian-majority part of the Prishtina/Pristina region (17%). In the Albanian-majority part of Ferizaj/Urosevac region it stood at 7% and in the part of Prishtina/Pristina region with the Serb-majority it was 5%. However, birth non-registration of Roma, Ashkali and Egyptian children was very rare or absent in some regions (Prizren and Gjilan/Gnjilane)¹⁸ (See Graph 6).

Non-registration of birth of Albanian children up to 18-years-of-age was mostly common in Prishtina/Pristina and Ferizaj/Urosevac regions (13% and 11% respectively), although it was also present in the regions of Prizren (4%) and Pejë/Peć (3%). Significant rates of non-registration of birth of Turkish children were present in the regions of Prizren and Gjilan/Gnjilane and of Bosnian children in the region of Prishtina/Pristina (the high percentage of non-registered Bosnian children is caused by their small number both in this region and in the survey sample, which means that 2 out of 4 (50%) interviewed Bosnians reported not to register their children). (See Graph 7).

¹⁸ The non-registration rate among Roma, Ashkali, Egyptian children under 5 years of age was the highest in the region of Mitrovica (48% of Roma, Ashkali, Egyptian children in the Albanian-majority and 8% of Roma, Ashkali, Egyptian children in the Serb-majority part of this region have not had their birth registered), as well as in the region of Pristina (8.3% of Roma, Ashkali, Egyptian children in the Albanian-majority and 25% of Roma, Ashkali, Egyptian children in the Serb majority part of this region). Besides, birth non-registration of Roma, Ashkali, Egyptians children under 5-years-of-age was also more frequent in the Albanian-majority parts of Prizren (8.3%), Ferizaj/Urosevac (7%) and Pejë/Pe (5%) regions.

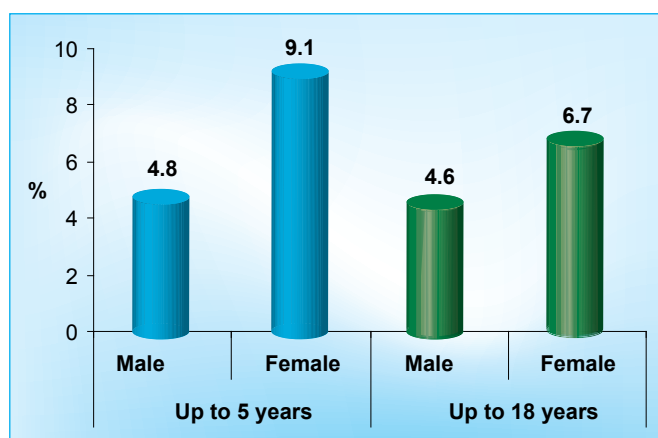


Graph 7 Birth non-registration of the Roma, Ashkali and Egyptian children is mostly frequent in the region of Mitrovicë/ Mitrovica (Graph shows birth non-registration rates among children under 18-years-of-age)

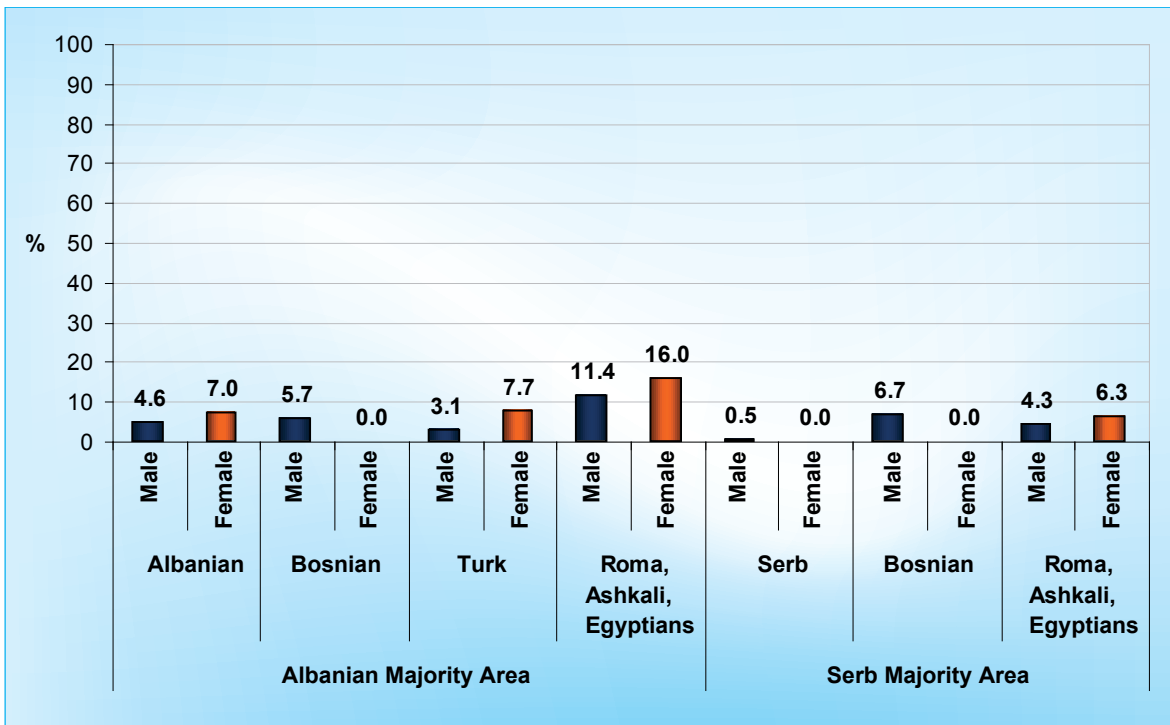
4.3. GENDER AND BIRTH REGISTRATION IN KOSOVO

In Kosovo, female children are more likely than male children not to have their birth registered. However, this correlation was established only in the Albanian-majority area while gender was not a significant factor in deciding about whether or not to register a child in the Serb-majority area.

While Turkish families also show a greater tendency to not register the birth of female rather than of male children, this difference was statistically significant (among children under 18-years-of-age)



Graph 8 Birth non-registration rate for male and female children in Kosovo



only among respondents of Albanian ethnicity and (among children under 5-years-of-age) among members of the Roma, Ashkali and Egyptian communities (See Graph 9)¹⁹

Graph 9. Females are more likely to be unregistered (Graph shows birth non-registration rates among male and female children under 18 years of age)

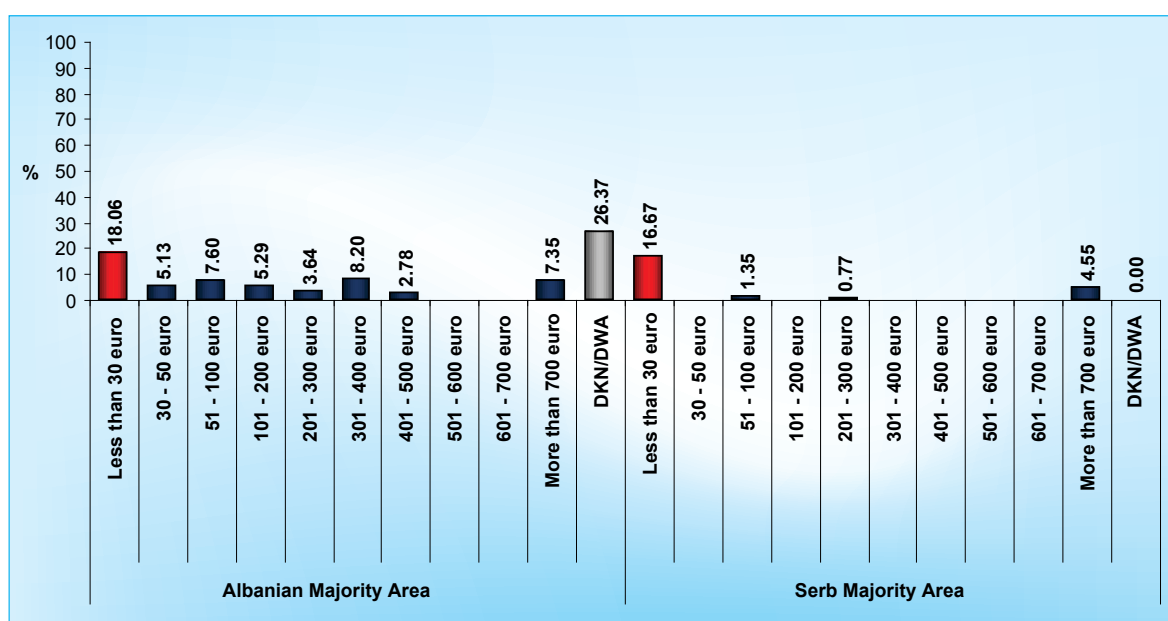
Similarly, while there was a higher frequency of unregistered female than male children both in urban and rural parts, the only certain conclusion was that female children in the urban parts of the Albanian-majority area were more likely not to be registered than male children. This suggests that non-registration of child births is more common in rural areas and among members of Roma, Ashkali and Egyptian community, while in urban areas and among Albanian families it appears to be only extended to female children.

In addition to the above-mentioned categories, the trend of more frequent non-registration of female than male children in the Albanian-majority area was also noted among unemployed respondents, married respondents, families with fathers who completed four year of secondary education, families with mothers who completed primary or vocational education, families which describe their economic status as living on the verge of poverty or being somewhat worse than average, families with total monthly income of under 400 euros or which do not receive welfare.

4.4. EDUCATION AND BIRTH REGISTRATION IN KOSOVO

¹⁹ Since statistical significance is directly related to the size of (sub)sample, numeric difference in the percentage of non-registered female and male children of Albanian ethnicity (N=2.267) was smaller than the numeric difference among members of the Roma, Ashkali, Egyptian communities (N=439) and children of Turkish ethnicity (N=58)

These results point to a positive correlation between parents’ education and birth registration in Kosovo. Parents who have attained at least a minimum level of education are more likely to register their children. In the Albanian majority area higher educational attainment of father and mother influenced decisions on birth registration for children under 18-years-of-age. However, for children under 5-years-of-age, only the mother’s level of education was a significant factor influencing decisions to register a child’s birth, whereas the father’s level of education did not influence the results. In the Roma, Ashkali and Egyptian families, it was sufficient for the mother and/or the father to have completed secondary school to increase the likelihood of birth registration.



4.5. ECONOMIC BACKGROUND AND BIRTH REGISTRATION IN KOSOVO

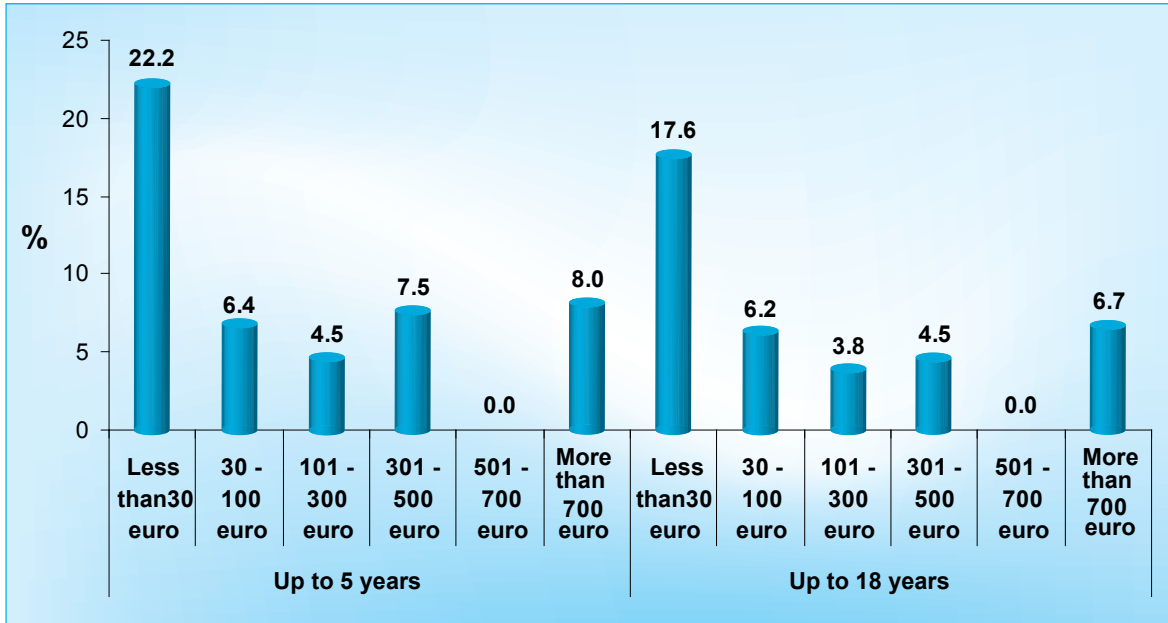
The economic status of families also correlates with non-registration of children – with poorer families in both ethnic-majority areas being more likely not to register the birth of their children²⁰ (equally among the children under 18 and among the children under 5 years-of-age) (see Graph 10).

Graph 10. Poorer families are more likely not to register birth of their children (Graph shows birth non-registration rates among children under 18-years-of-age)

The percentage of non-registered children among families with monthly income of over 700 euros was quite high in both areas, but the number of such households was small. The percentages related to the number of non-registered children from these families must be observed in light of that fact – there were five (5) such children in the Albanian-majority area and one (1) such child in the Serb-majority area.

²⁰ Economic status of families had been determined in two ways – by looking at the total monthly household income and by allowing respondents to choose the category to which they believed to belong after comparing their income and property with those of other Kosovo households.

Non-registration of child births in the Serb-majority area was the greatest among extremely poor households (extreme poverty line is set at 0.93 euros per adult equivalent per day).²¹ In the Albanian-majority area there were no significant differences between extremely poor, poor (poverty line is set at 1.42 euros per adult equivalent per day) and better-off households. A little over a third of



households living below poverty line in the Albanian-majority area were receiving welfare (39.1%), while the percentage of such households on welfare was somewhat higher in the Serb-majority area (55.3%). Additionally, 16.8% of households who live below the poverty line in the Albanian-majority area and 71.4% of such households in the Serb-majority area also receive assistance from the Centre for Social Work. However, we did not establish a significant correlation between welfare status of socially vulnerable families and birth registration.

Graph 11. Monthly income of the families who have not registered their children

4.6. PLACE OF BIRTH AND BIRTH REGISTRATION IN KOSOVO

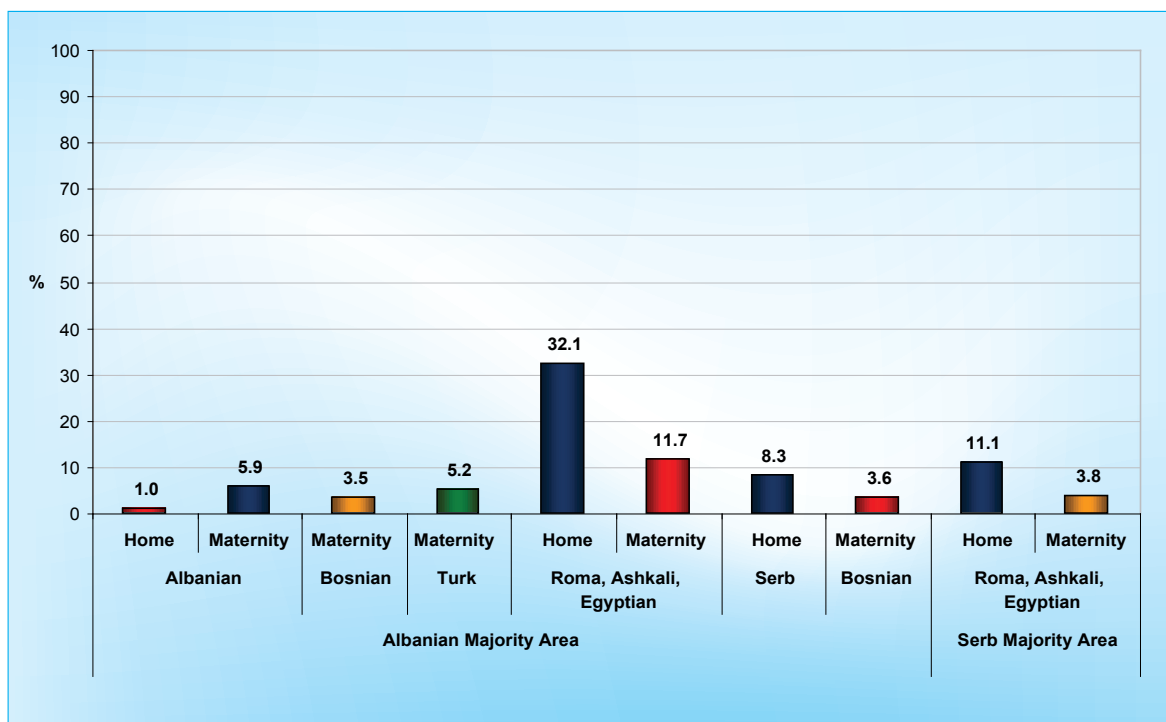
Most children up to 18-years-of-age in both the Albanian- and the Serb-majority area (92%) were born in hospitals. Most remaining children (5.4% in the Albanian and 6.9% in the Serb majority area) were born at home while only a few children were born in private hospitals, abroad or somewhere else.²² Mothers from the Roma, Ashkali and Egyptian communities were more likely to deliver their children at home, particularly if living in the Serb-majority areas (where one in five Roma, Ashkali

²¹ http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_final-16June2005.pdf

²² The same trend was registered for children under 5 years of age. However, the number of hospital-born children in this group was somewhat higher or 95.3% in the Albanian-majority and 91.5% in the Serb-majority area of Kosovo.

and Egyptian children is born at home. The same is true for one in ten Roma, Ashkali and Egyptian children being born in the Albanian-majority area).

In Kosovo, home-born children are more likely than hospital-born children not to have their birth regis-



tered. However, in the Albanian-majority area the above was true only for the members of the Roma, Ashkali and Egyptian communities while in the Serb-majority area it was equally true for members of the Roma, Ashkali and Egyptian and Serb communities. (See Graph 12)²³.

Prior to and during 1990s about 50% of children of the Roma, Ashkali and Egyptian communities in Fushe Kosove/Kosovo Polje had been born at home. The current share of home births in all births by members of these communities is estimated to be down to 10% (IDI 12).

Graph 12. Home-born children are more likely not to have their birth registered (Graph shows birth non-registration rates among children under 18-years-of-age; whenever a category is missing in the table, it implies that the frequency in that category is 0%, or null value)

4.7. PARENTS' BIRTH REGISTRATION AND BIRTH REGISTRATION IN KOSOVO

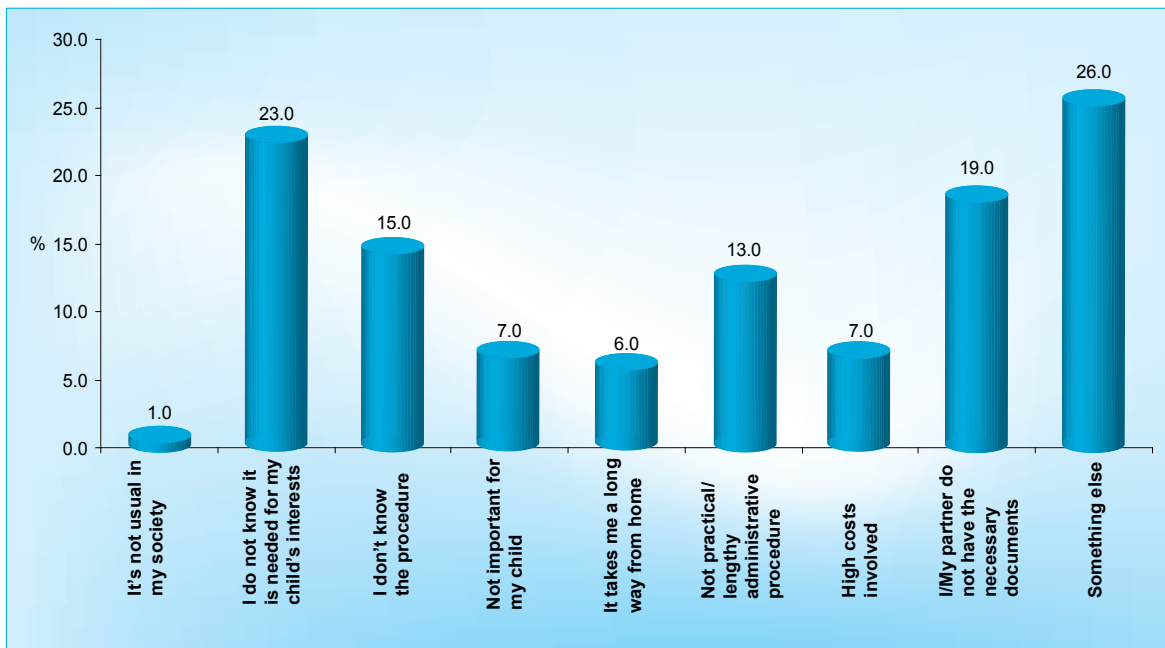
As for the influence of parents' birth registration on the birth registration of their children the only reliable conclusion was that families in which mothers had not and fathers had been registered were more likely than other families not to register the birth of their children.²⁴

²³ The graph represents the rate of non-registered children born in different facilities (institutions) (N is more than 10).

²⁴ The number of non-registered parents (one or both) was the highest among members of the Roma, Ashkali, Egyptian communities (and they were more likely to be found in Roma, Ashkali, Egyptians households living in the Serb- rather than in the Albanian-majority areas: 7.1% and 16.2% respectively (p < .05//) However, registration status of parents was not a significant factor for (non)registration of children in either area.

4.8. REASONS FOR NON-REGISTRATION OF BIRTH

Lack of knowledge on the importance of birth registration is the most common reason for birth non-registration in Kosovo – over a third of households with unregistered children say that they had not registered their children because birth certificates are unimportant for their children or because they have not yet needed to register birth of their children. The above is confirmed by data concerning late registration which shows that late birth registration is done “depending on the need” – most commonly once children need medical insurance or are about to start with school. It is only once they understand that late birth registration is a more complicated and lengthy procedure that the respondents become ready to register their future children on time. Most Kosovo households with unregistered children cite ‘not knowing whether or not their child needs birth certificate’ as the main reason for not including their child into the civil registry, followed by ‘not having documents required from parents to register their children’ (identification card, birth certificate etc.) (19%), ‘lack of knowledge about birth registration procedure’ (15%) and ‘belief that the procedure is inconvenient, that is, too lengthy’ (13%).



It is necessary to mention that along with the most frequent answers several additional answers were pointing to the lack of knowledge among participants about the significance of birth registration – 7% of participants said that ‘birth certificates were of no importance for their child’, further, 5% said that ‘they have not registered their child/children because there was no need for that, while 2% said that they are ‘waiting until their child/children reach school age to register it/them’. This indicates that the most common reason for non-registration of births in Kosovo is the lack of knowledge about advantages/disadvantages of registration²⁵.

²⁵ Considering that most households with unregistered children live in the Albanian majority area (92%), while only 8% of such households live in the Serb majority area (mostly members of the Roma, Ashkali, Egyptian communities and nearly all of them residing in the region of Mitrovica), the reasons for birth non-registration were not analyzed by different ethnic majority areas.

Graph 13. Reasons for child birth non-registration

There are other significant reasons why respondents from different Albanian-majority regions do not register the birth of their children. Most respondents with unregistered children in the region of Prishtina/Pristina cited the lack of knowledge about whether or not their child needed a birth certificate as the main reason for non-registration (41%), while the most frequently cited reason in the region of Mitrovicë/ Mitrovica was the lack of knowledge about the procedure to obtain a birth certificate (40%). Also, answers classified under “something else” category (neglectful, no time, etc.) were the most frequent in the region of Prizren. Regarding the ethnicity of respondents living in the Albanian-majority area, members of the Roma, Ashkali and Egyptian communities were more likely than other respondents not to register their children because of the inconvenience, that is, the lengthy registration procedure.

4.8.1. Reasons for late birth registration

One in ten Kosovo households have registered the birth of their children when children were one month of age or older. The most frequently cited reason for deciding to register the birth of their children was that the child needed health care (64%) or that the child was about to start with school (46.4%).

A smaller number of these respondents said that the late birth registration was prompted by the need to access social benefits (support for child care) (30.4%) or need for a passport (20.0%). The summary information about reasons behind belated birth registration indicates that a certain number of Kosovans have had their birth registered only after reaching adulthood! A small number of households have registered their children only when children needed a birth certificate in order to get married (6.4%) or to obtain a driver’s license (4.0%).

Most of the 12.5% of households in the Albanian-majority area who belatedly registered the birth of their children state that they did so because their children needed health care or were about to start with school. Members of the Roma, Ashkali and Egyptian communities were more likely than other respondents to belatedly register the birth of their children in order to secure access to social benefits.

Similarly, most of the households (5.66%) in the Serb-majority area who belatedly registered the birth of their children (most of them living in the Ferizaj/Urosevac region) state that they did so because children needed health insurance or because they needed to access certain social benefits (66.7%).

The Kosovo households who registered the birth of their children after the legal deadline (74%) were now aware that related procedure was more complicated and more expensive than timely birth reg-

istration. Subsequently, most of them (80%) stated that they would have registered the birth of their future children within a month in order to avoid more demanding and lengthier procedure as well as additional cost of late birth registration.

All households, regardless of their socio-demographic profile, with the only exception of low-income households shared the above view. The latter were not sure they would have registered their future children within the legal deadline thus avoiding complications of the late birth registration. This is partially due to the fact that they were the least aware of the fact that late birth registration was more complicated and more expensive²⁶

4.8.2. Reasons for (timely) birth registration

Respondents who registered their children immediately upon birth (in less than a month after birth) did so in order for the child(ren) “to exercise their rights” (64.5%), followed by “so that the child could go to school” (51.7%), “so that the child could get medical treatment” (43.5%) and because “it is usually done in my society” (40%).

Need for a passport, that is, to give children an opportunity to travel, was a more frequently chosen answer in the Albanian-majority area (26% compared to 2% in the Serb-majority area), while respon-



26 Other than the low-income households, the households from the region of Mitrovicë/Mitrovica were also less aware of this fact. Households from the region of Pejë/Pec were the most aware of the fact that late birth registration procedure was more complicated and more expensive.

dents from the Serb-majority area were more likely to say that they registered their child(ren) “so that the government had data” (35% compared to 6% in the Albanian majority area)

Very few respondents said that they registered the birth of their children so that the children could get a driver’s license (7%) or be married (9%).

5. FACTORS INFLUENCING BIRTH REGISTRATION

There are numerous factors influencing the birth registration process that can be grouped in the following categories:

5.1. POLITICAL OBSTACLES

Kosovo residents of Serb ethnicity rarely register the birth of their children or apply for birth certificates to Kosovo institutions. They register mostly when they need social assistance, disability assistance, visas etc. Since they register child birth in parallel structures, the Government of Kosovo cannot access the information.

The previous Kosovo government did not recognize civil status registration as a priority issue and had thus not given it sufficient attention.

In 1990 Kosovo Albanians were expelled from their jobs in public service. From that moment on Kosovo Albanians were restrained from using the civil status registration system due to procedural flaws. When the United Nations began administrating Kosovo in 1999 – enabling the establishment of the Provisional Institutions for Self-Government – general trust in public administration was not considered an issue. Kosovo citizens accepted the new public administration without hesitation and their perception of civil service completely changed. But the absence of personal identification docu-

ments and the lack of tradition in organizing public administration continued to be a problem. This is why much time was needed to establish functional public administration.

5.2. ADMINISTRATIVE OBSTACLES

The lack of formal written instructions has led municipal bodies to adopt a rigid approach to civil status registration. There has also been inconsistency in the use of softwares to store the data in different municipalities. While that is not a problem at the local level, problems can easily arise when different softwares are used to send information at the central level. This complicates the integration of database.

Other problems include inadequate implementation of prescribed administrative procedures and absence of legal remedies for persons rejected for registration.

Special re-registration and late registration bodies were established in all municipalities to facilitate birth registration of citizens without valid identification documents; however, these bodies did not adopt a consistent approach which led to inefficiency.

Meanwhile, the central authorities have failed to provide clear instructions to relevant municipal bodies about the difference between late registration and registration of children born at home.

Furthermore, the civil status registration offices have delayed making decisions on registration applications which require a special review.

The current law does not recognize the practice of accepting a statement by two witnesses as evidence for civil status registration whereas it was accepted by civil status registration offices in cases when applicants were otherwise unable to prove their identity. No standards were developed for this procedure and municipal civil status registration officers were not instructed on how to apply it to the birth registration process.

5.3. ECONOMIC OBSTACLES

There is insufficient budgetary funding allocated by the Kosovo Government for developing and installing software and information technologies to link and communicate between civil status registry offices at municipal and central levels.

The Public Administration Reform Project initiated by the Ministry of Public Services included plans for centralized collection of civil status data. However, it was impossible to successfully meet all the project objectives due to limited budgetary funding. One of the project's main objectives was to link the civil status registration office in the hospital in Prishtinë/Priština with the one in the municipality of Prishtinë/Priština, as well as to establish electronic communication between maternity hospitals and municipal civil status registration offices in all Kosovo municipalities.

In order to improve their work, municipal civil status registration offices require more funding from municipal authorities. Financial constraints and lack of government funding prevented some municipal registry offices from completing the reconstruction of civil status registers. Due to a lack of financial means and technical equipment some municipalities were unable to install software for personal data gathering and issuance of certificates. Beside this, in some municipalities hardware provided by the Ministry of Public Services is not of sufficient quality to enable the installation of the Ministry of Internal Affairs software in order to provide centralized, electronic civil status registers.²⁷

In some cases Kosovo residents avoid birth registration of their children because registration is possible only in the municipalities of birth, which exposes them to additional financial and administrative burden.

5.4. GEOGRAPHIC OBSTACLES

The travel distance to the birth registration office is one of the factors that can also influence birth registration. Survey results suggest that distance to the birth registration office is not a primary cause of non-registration – average distance for respondents from the Serb-majority area is greater than the one for Albanian-majority area respondents. This is not proportional to birth registration rate in these areas, since birth non-registration rate is much higher within the Albanian-majority area. However, if there are other reasons (such as economical, political and other barriers) for non-registration, distance has a certain role.

Civil status registry offices established field departments for issuance of civil registry certificates in order to enable the population to obtain certificates from the nearest location to their home. These field departments existed prior to 1999 and their work was re-initiated in 2003 under the auspices of the Department of Local Administration of the Ministry of Public Services. However, the capacity of these field departments (184 in total) often does not correspond to the size of the population they serve and they can only issue a limited number of birth certificates. Moreover, these offices issue birth certificates only for births occurred prior to 1999 (as part of the civil status registry book reconstruction process), and home-births after 1999.

Many first-time mothers and women with complicated pregnancies are advised to give birth to their children in the Hospital in Prishtina/Pristina. When such mothers are from distant and rural communities, they later face the problem of having to travel to Prishtina/Pristina every time they need their child's birth certificate. Every application that needs to identify civil status and access to a right requires the presentation and delivery of the original copy of the birth certificate. Hence, for each application, an original copy is required. Moreover, a birth certificate is considered valid only if it is issued six months prior to the date of application.

²⁷ See footnote n.2. The Government has now initiated a process of standardization and unification of the softwares therefore these problems should be addressed and solved.

5.5. LEGISLATIVE OBSTACLES

Kosovo has had to set up a new system of civil registration since 1999. Understandably the legislative area has been challenging.

The Law on Civil Status Registers and the Law on Family regulate Birth registration in Kosovo; however there have been cases where there have been an inadequate and inconsistent enforcement and implementation of those Laws. In order to improve the enforcement of these laws, administrative instructions will need to be promulgated. One such instruction could be for the establishment of a commission to deal with civil status registration applications.

Clarification is also needed as municipal bodies are reluctant to register persons over 18 years of age who had been outside Kosovo and are referring their cases for consideration and decision by the Ministry of Internal Affairs. Meanwhile Article 3.3 of the Law on Civil Status Registers clearly prescribes that “facts and information related to births, marriages and deaths of the citizens of Kosovo which occurred outside the Kosovo territory shall be registered only at the Municipal Civil Status Registration Office where the interested party lives”.

The legal framework regulating birth registration has recently evolved, with the recent passing of the Law of Citizenship, which will help tackle the problems with new solutions. This law foresees the right of all children who are born within Kosovo to register in the civil registry books no matter the permanent settlement of their parents.

With the approval of the Kosovo Constitution and the promulgation of the Law on Citizenship, the Law on Civil Status should come into force. The Law on Civil Status will facilitate the use of witnesses in birth registration of all inhabitants who lack the required documents.

There is further need to accelerate the drafting and passing of the:

- Civil Status Law (over the past couple of years, the law has been moving back and forth between different stakeholders), which shall precisely regulate the birth registration procedures and distribute authority between different levels of government.
- Law on Personal Name – this law shall regulate procedure for change and correction of the name.
- Law on Personal Identification Number – this law shall enable centralized data collection of all births registered in Kosovo and prevent dual birth registrations.
- Residency Law – this law shall give the right to children born in other countries to register as Kosovo citizens based on their parents’ residence status.

5.6. AWARENESS RAISING ACTIVITIES

The low level of awareness about the importance and the procedures of birth and civil status registration, both among general public and in public administration, is another problem.

In 2002, the Statistical Office of Kosovo, in cooperation with the Office for Civil Status Registration, initiated a large-scale information campaign about the necessity and advantages of birth registration. The campaign included three different posters, each providing information about registration of a different vital event: namely birth, marriage and death. Posters – which were printed in official languages of different ethnic communities – were put up in cities throughout Kosovo. The posters are still displayed in municipal civil status registration offices around Kosovo.

Civil Rights Program Kosovo (CRP/K) is a local non-governmental organization which provides relevant information to members of the Roma, Ashkali and Egyptian communities and assists them with civil status and civil registration (obtaining IDs and travel documents). The organization is supported by the UNHCR and the U.S. Bureau of Population, Refugees and Migration.

The Union of Parent-Teacher Associations of Kosovo is a non-governmental organization working to prevent female members of the Roma, Ashkali and Egyptian communities from dropping out of school. Together with the Ministry of Education, Science and Technology, UNICEF and Catholic Relief Service they published a brochure about prevention of school dropouts in this community. The brochure includes information about the importance of and the procedure for birth registration.

In 2006, the Office of the Prime Minister of Kosovo developed a Strategy for Civil Registration of members of the Roma, Ashkali and Egyptian community. The Strategy aims to create conditions for registration of the Roma, Ashkali and Egyptian communities in the civil status registry books and to provide them with personal identification cards. The strategy encouraged administrative authorities to facilitate integration of the Roma, Ashkali and Egyptian communities in their respective systems. Local authorities used this strategy as a basis for developing and agreeing on memorandums of understanding with relevant stakeholders to facilitate Roma, Ashkali and Egyptian communities to obtain documents issued by municipal authorities free of charge.

Involvement of the Kosovo media in activities to increase public awareness on the importance of birth registration has been active. Public broadcasting service provided free air time for information about community initiatives. As part of this initiative, a documentary on civil registration produced by CRP/K was broadcast free of charge.

Based on survey results, parent of both registered and non-registered children stressed the same necessary measures to improve the rate of birth registration:

- Better access to information about registration procedures;
- Simplifying registration procedures;
- Providing registration free-of-charge;
- Charging fines for birth non-registration.

Therefore, in spite of the numerous projects aimed at awareness raising above presented, results of the survey suggests there is a need to continue these activities – 14% of survey respondents that

haven't registered their children are not familiar with the institution where birth registration takes place.

Since the survey results show that the majority of information related to birth registration are received from family members, friends and other informal sources or medical/hospital centres employees (doctors, nurses, etc), media campaigns are not sufficient for raising awareness about the birth registration issue. Good practice from the Hospital in Prishtina/Pristina (booklets, leaflets containing necessary information about birth registration) should be extended to other Kosovo hospitals and dispensaries.

Also, since only one-third of respondents were familiar with importance/advantages of having a birth certificate, further awareness raising activities and campaigns should be based on information-related to the consequences of birth registration/non-registration rather than the procedures for birth certificate issuance.

Most of the survey respondents believed that no legal measures could be taken against parents/guardians who had failed to register childbirth. The majority of respondents who didn't register their children said that they were not pressured by the authorities to register them. Parents should be aware that timely registration is much easier and cheaper than late registration, which is a rather complicated process. In order to emphasize this, parents should be informed about the benefits of timely birth registration and the negative consequences of late birth registration or non-registration.

6. RECOMMENDATIONS AND SUGGESTIONS FOR FUTURE PROJECTS AND POLICIES

1.7. RECOMMENDATIONS

In order to respond to the problems of birth registration the following recommendations should be implemented in order to contribute to a more effective birth registration procedure and to enable Kosovo citizens to exercise universal guaranteed rights.

Adopt New Legislation and implement existing regulations

- Enforce and implement the current Law regulating the birth registration process: namely the Law on Civil Status Registers, the Law on Family and the recently approved Law on Citizenship.
- Accelerate the drafting of other laws (particularly the Civil Status Law, the Law on Personal Name, the Law on Personal Identification Number and the Residency Law) which are meant to help simplify and shorten the birth registration procedures and improve citizens access to civil status registry offices.

Establish an efficient civil status registration system, at both local and central level²⁸

The full integration of the centralized database application must be divided into several phases, each consisting of important steps toward improving the methodology of the electronic data collection. Currently there are at least three database applications being used by the civil status registers offices, therefore, it is imperative that the unification of database applications occur in order to prepare the ground for a further inclusion of all data into a single, centralized data set. To achieve that goal there will be need to:

28 See Footnote n.2

- Ensure the standardization and consistency of softwares used to collect and store data on Birth Registration in civil status registry offices across all municipalities, improving personal data protection in line with the law.
- Develop a solid and reliable computer network within each civil status registry office to integrate the data base into a large scale.
- Unify the systems into a single centralized data base application to be used by the Ministry of Internal Affairs and shared with other relevant Ministries.

Public administration training

While recording civil status, there is an apparent lack of knowledge about information and good-practice. Late registration and re-registration (reconstruction of books) seem particularly confusing to the register officers. Therefore, there is a need to further train the registers' officers in the current legislation that is in force.

- Ensure standard laws and regulations are applied throughout Kosovo, by building the capacity of civil status registry and other relevant officers about current legislation and good practice relating to birth registration, through adequate training and materials, giving attention not only to technical training but also to motivation and orientation on human rights. This could be done through:
 - Organizing roundtables with civil status registry officials, possibly using the Kosovo Institute for Public administration, to review the implementation of Laws relevant to birth registration making sure that public official are familiar with anti-discriminatory practices and their importance.
 - Providing technical assistance to support them in managing databases at local and central level.²⁹

Improve citizens' access to information about birth registration procedures

If Kosovo is to have a more functional and efficient birth registration system, a continuous and multi-dimensional informative campaign with the aim of raising awareness about the role and procedures of birth registration is considered to be essential. Public awareness about birth registration and benefits deriving from this procedure will induce the legal integration of all inhabitants into the existing social and public services.

- Conduct a media campaign to encourage demand for birth registration and certificates
- Spread informative material in schools and hospitals about the consequences and procedures of birth non-registration, highlighting the inexpensive and quick process when registration is timely.
- In municipalities where birth non registration rates are high, conduct awareness-raising events and enrolment campaigns in health clinics and primary schools.

²⁹ See footnote n.2

- Establish mobile units to raise-awareness more thoroughly in those same municipalities.

Simplify registration procedures

Some procedures to register births have prevented citizens from accessing the birth registration service.

The fact that the birth certificate is issued based on where the birth occurred, rather than on the applicant's place of residence, causes problems. Issuing the birth certificate based on dwelling, rather than birth place may simplify the procedures and make birth registration more accessible to Kosovans as it would reduce the cost of travel to other municipalities and would reduce the total costs of birth registration procedure.

Also the use of witnesses as a legal form of recording data during birth registration causes problems. At the moment there is no official law imposing the application or the prohibition of the use of witnesses therefore civil status registry officials have made an inconsistent use of them in the past.

The draft Law on Civil status that should soon be approved is meant to legally regulate the use of witnesses; facilitating officials to proceed more easily with the birth registration process engaging them. It would greatly help for this law to be approved soon.

Furthermore, since one-fifth of survey's respondents said that they didn't have sufficient information about birth registration requirements after the first visit to the birth registration office, it is recommended to prepare a list of requirements – precise information about documents and places they can obtain (written information on board or leaflets) instead of oral explanation given by clerks in registration offices.

Incentives and amnesty for late fees and penalties should be created to encourage most vulnerable sectors of the population to register their children.

Fulfilment of these tasks would contribute to improved social security in Kosovo and create conditions for providing children with their right to identity and access to basic public services.

ANNEX 1

RESEARCH METHODOLOGY

Three Methods were used to implementation this analysis:

- Desk Research which included gathering and analyzing information about the registration of children with the local authorities (review of the necessary legal documents and procedures that are used by the local authorities to register birth of newborns). An outcome of the desk research is a detailed analysis and description of the legislative papers, its strength and weakness and governing procedures.
- Quantitative Survey Research of citizens who gave birth of children in the last seven years. The age limit of seven years was chosen so it would be possible to analyze if school enrolment impacts birth registration and to see what was the situation with birth registration immediately after the war (because birth registration of Albanian children in Kosovo had been very difficult prior to the war). Since calculating birth registration rate among children up to 5-years-of-age is foreseen by the international standards, the research results includes data for children under 18-years-of-age, but also for children up to 5 years.
- Qualitative Survey Research - In-depth interviews (IDIs)³⁰ provided an insight into the complete background of the issue. Interviews were conducted with the parents who have not registered their child and other stakeholders that are engaged in this process (government representatives engaged in the civil status and civil registry sector, municipal officials in the civil status registry office, employers of the Centres for Social Work, hospital officials, non-government officials implementing projects that are related to birth registration, etc.).

Quantitative research

30 PROTECTION OF RESPONDENT PERSONAL DATA CLAUSE

Prism Research, in accordance with ESOMAR and AAPOR rules and regulations, is obliged to protect the anonymity of respondents. All questions / variables that contain any type of information about the identity of respondents are removed from the report and the final database. This means that the answers given by respondents are physically separate to data that relates to their identity. Any purposeful attempt to come by the identifying data of respondents, whether by the Client, Prism Research, or any third party will be considered a serious violation and will be treated as such.

Method of interviewing

The survey was conducted using face-to-face interviews. According to specific guidelines interviewers were instructed to go to randomly selected addresses to conduct interviews (Random Walk Technique) and to identify and select individual household members with whom to conduct interviews (parent, grandparent or guardian/caretaker).

Questionnaire structure and design

Prism Research developed the questionnaire in close cooperation with UNICEF staff.

Sampling methodology and procedure

A three-phase stratified random sample was designed for the purposes of this survey. Care was taken to ensure that all set parameters of the sample were satisfied: by ethnic-majority area (Albanian- and Serb-majority areas), regions, and settlement type (urban / rural). Interviews were conducted in all the municipalities in each of the regions. The number of interviews per each municipality was determined on the basis of the municipal population (number of registered voters in each municipality). Consequently, fewer interviews were conducted in municipalities with smaller populations and more in municipalities with larger populations.

Although the sample was initially designed on the basis of the KFOR administrative and territorial division (UK KFOR – Prishtina/Pristina, French KFOR – Mitrovicë/ Mitrovica, US KFOR – Gjilan/Gnjilane, German KFOR – Prizren and Italian KFOR – Pejë/Peč in the Albanian-majority area, as well as North –, Mitrovicë/ Mitrovica, Centre – Fushë Kosovë/Kosovo Polje and Graçanicë/Graçanica, East – Novo Bërd/Novo Brdo and Kamenicë/Kamenica, and South – Shtrpcë/Strpce) these municipalities were regrouped into administrative regions developed by the Statistical Office of Kosovo.

As previously mentioned, grouping of the municipalities into regions reflect the division developed by Statistical Office of Kosovo, and the sample per municipality is drawn from the civil registry obtained by the OSCE. Despite the fact that the results were analyzed to group municipalities by “new” PISG regions (Prishtina/Pristina, Mitrovicë/ Mitrovica, Gjakovo/Djakovica, Prizren, Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peč regions), the above should make the sample representative both at the municipal level and at the level of “new” regions.

It is also important to mention that the minority groups (particularly the Roma, Ashkali and Egyptian community) are overrepresented in the sample. This made possible to reach conclusions about different practices of (non) registration of child births among different ethnic groups in Kosovo. Had a different approach been used, it would have been much more difficult to prove the differences between different ethnic groups.

Main characteristics of the sample

The survey was conducted on a sample of 1,145 participants whose households include children under 7-years-of-age and who provided information for every child from their household (younger than 18 years). Thus the results had been analyzed in two ways: “by households” and “by children.” The total number of respondents in the “by households” analyses was N=1,145 meaning that the household was the main unit of analysis.

The total number of respondents in the “by children” analyses was N=2,883 or the total number of children in surveyed households.

The report also includes basic information about registration of children under 5-years-of-age (59 months) – in which case the total number of respondents was 1,457 (which is the total number of children under 5-years-of-age in surveyed households).

Table 1. Main characteristics of the sample by households

		Albanian-Majority Area		Serb-Majority Area	
Area		880	76.9	265	23.1
TOTAL		1145			
		Area			
		Albanian-Majority Area		Serb-Majority Area	
		N	%	N	%
Region	Prishtina/Pristina region	220	25.0	50	18.9
	Mitrovicë/ Mitrovica region	115	13.1	141	53.2
	Gjakova/Djakovica region	90	10.2		
	Prizren region	170	19.3		
	Ferizaj/Urosevac region	95	10.8	60	22.6
	Gjilan/Gnjilane region	90	10.2	14	5.3
	Pejë/Peç region	100	11.4		
Ethnic groups	Albanian	729	82.8		
	Serb			200	75.5
	Bosnian	25	2.8	14	5.3
	Turk	28	3.2		
	Roma, Ashkali and Egyptian	96	10.9	43	16.2
	Other	2	0.2	8	3.0
Working status	Yes	263	29.9	130	49.1
	No	617	70.1	132	49.8
	DK/DWA			3	1.1

Education	No school	31	3.5	36	13.6
	1-4 years of primary education	50	5.7	4	1.5
	5-8 years of primary education	280	31.8	18	6.8
	3 years of high school, craft	76	8.6	19	7.2
	Completed high school - 4 years	340	38.6	134	50.6
	Advanced school - 2 years	60	6.8	25	9.4
	University completed	36	4.1	26	9.8
	Postgraduate degree – Mr. PhD	2	0.2	2	0.8
	Something else	2	0.2		
	DK/DWA	3	0.3	1	0.4
Income	Less than 30 euros	26	3.0	11	4.2
	30 - 50 euros	71	8.1	5	1.9
	51 - 100 euros	140	15.9	28	10.6
	101 - 200 euros	218	24.8	35	13.2
	201 - 300 euros	199	22.6	57	21.5
	301 - 400 euros	96	10.9	43	16.2
	401 - 500 euros	50	5.7	32	12.1
	501 - 600 euros	7	0.8	16	6.0
	601 - 700 euros	12	1.4	13	4.9
	More than 700 euros	27	3.1	10	3.8
	DK/DWA	34	3.9	15	5.7

Table 2. Main characteristics of the sample by children up to 18 years of age

		Albanian-Majority Area		Serb-Majority Area	
Area		2276	78.9	607	21.1
TOTAL		2883			
		Area			
		Albanian-Majority Area		Serb-Majority Area	
		N	%	N	%
Region	Prishtina/Pristina region	555	24.4	112	18.5
	Mitrovicë/ Mitrovica region	283	12.4	341	56.2
	Gjakova/Djakovica region	219	9.6		
	Prizren region	452	19.9		
	Ferizaj/Urosevac region	261	11.5	129	21.3
	Gjilan/Gnjilane region	241	10.6	25	4.1
	Pejë/Peç region	265	11.6		

Ethnic groups	Albanian	1847	81.2		
	Serb			421	69.4
	Bosnian	60	2.6	31	5.1
	Turk	58	2.5		
	Roma, Ashkali and Egyptian	307	13.5	132	21.7
	Other	4	0.2	23	3.8
Gender	Male	1160	51.0	300	49.4
	Female	1116	49.0	307	50.6
Age of children	0	26	1.1	15	2.5
	1	174	7.6	58	9.6
	2	223	9.8	74	12.2
	3	227	10.0	70	11.5
	4	237	10.4	63	10.4
	5	228	10.0	62	10.2
	6	267	11.7	65	10.7
	7	131	5.8	29	4.8
	8	124	5.4	31	5.1
	9	121	5.3	26	4.3
	10	103	4.5	36	5.9
	11	71	3.1	21	3.5
	12	82	3.6	23	3.8
	13	65	2.9	10	1.6
	14	57	2.5	7	1.2
	15	49	2.2	7	1.2
	16	43	1.9	6	1.0
	17	43	1.9	4	0.7
	18	5	0.2		

Table 3. Main characteristics of the sample by children up to 5 years of age

Area	Albanian-Majority Area		Serb-Majority Area	
		1115	76.5	342
TOTAL	1457			
	Area			
	Albanian-Majority Area		Serb-Majority Area	
	N	%	N	%

Region	Prishtina/Pristina region	310	27.8	55	16.1
	Mitrovicë/Mitrovica region	148	13.3	200	58.5
	Gjakova/Djakovica region	115	10.3		
	Prizren region	218	19.6		
	Ferizaj/Urosevac region	141	12.6	73	21.3
	Gjilan/Gnjilane region	80	7.2	14	4.1
	Pejë/Peć region	103	9.2		
Ethnic groups	Albanian	892	80.0		
	Serb			230	67.3
	Bosnian	34	3.0	18	5.3
	Turk	32	2.9		
	Roma, Ashkali and Egyptian	154	13.8	83	24.3
	Other			11	3.2
Gender	Male	583	52.3	184	53.8
	Female	532	47.7	158	46.2
Age of children	0	26	2.3	15	4.4
	1	174	15.6	58	17.0
	2	223	20.0	74	21.6
	3	227	20.4	70	20.5
	4	237	21.3	63	18.4
		228	20.4	62	18.1

Interviewers and interview procedure

The field team for this research included five regional coordinators, 30 interviewers, four field controllers and one telephone controller. They had been selected on the basis of their skills, previous experience, age, gender and regional origin in order to ensure equal opportunities/ represent the diversified composition of the population. Coordinator and interviewers participated in a few hour-long training session that covered the detailed sampling procedures, interviewing, question-by-question analyses and a role play exercise.

The opinion poll began on 12 December 2007 and was completed on 25 January 2008. After reaching appropriate households and identifying appropriate respondents, interviewers introduced themselves, Prism Research Agency and provided a brief description of the research aims and goals. After that, they informed the respondents about the interviewing procedure and began the interview. Interviewers read the questions from a questionnaire on which they also recorded the answers.

While conducting the opinion poll, interviewers did not encounter any major problems in terms of the willingness of the population to participate, especially after the participants had been briefed about the purpose of the poll. Thus, the response rate (the percentage of respondents who completed the

survey on the total number of contacted potential or available respondents) stands at 73.73% making the sample highly representative of birth registration rates reality in Kosovo.

The table below contains information from the contact sheets related to the outcome of contact achieved by the interviewers with the respondents.

Table 4. Review of the contact outcomes

OUTCOME	N	%	
1	1145	73.73	1 - Interviews completed;
2	111	7.15	2 - Household-level refusal, interview refused by the person who opened the door;
3	28	1.80	3 - Refusal by the household member selected for the interview;
4	91	5.86	4 - Nobody answered the doorbell or knocking;
5	21	1.35	5 - Interviewer made two visits but failed to find the householder selected for the interview at home;
6	28	1.80	6 - Other reasons;
7	12	0.77	7 - Business facility, restaurant/bar, a government organization or agency;
8	117	7.53	8 - Household not eligible to participate in the survey.
Total	1553	100	

It is necessary to mention that the opinion poll alone has had a positive impact, that is, that the questionnaire was designed in such a way to increase participants' awareness about importance of birth registration and also to provide them with information about the related procedures. The majority of respondents who belatedly registered the birth of their children said they would register their future children in time after being informed – during the interview – that timely registration is cheaper and less complicated.

Data control

As mentioned above, each interviewer had to conduct at least one interview with or without the attendance of a coordinator. The work of interviewers had been controlled in two ways: once the survey had been completed, controllers started with field work to check on the basis of information provided in the contact and control sheets if the interviewer had followed the rules of sampling, as well as his/her approach and behaviour during the interview. Also, during the conducting of the field work regional coordinators checked each completed questionnaire upon submission to minimize the likelihood of incorrectly completed questionnaires or systematic interviewer errors going unchecked. Besides, the chief data gathering coordinator conducted some controls by phone from the Prism Research central office.

Data processing & analysis

The complete data entry was conducted in Prism's office in Prishtina/Pristina. A special mask from the Survey System software program was used for data entry.

After entry, the data was transferred and analyzed with the SPSS program (Software Program for Social Sciences) – a professional software package for public opinion surveys. SPSS was also used for data clearing and logical control, as well as for cross tabular presentation of results. Data processing, analysis and report writing was facilitated by Prism research's central office in Sarajevo.

It should be noted that only statistically significant differences between compared variables are mentioned, where the statistically significant difference implies a difference with which the probability of it having been obtained accidentally is 5% or less than 5%, i.e. if $p \leq 0,05$. If a difference with a higher probability is mentioned in the report, it is accompanied by a corresponding note.

Qualitative research

Using focus groups and interviews we gained insight into the complete background of opinions and attitudes, reasons, motivations of the target groups relating to the issue being researched. In addition, the in-depth interviews were an effective way to test some of the initial hypothesis and assumptions.

Primary data collection method

A total of 33 in-depth interviews were conducted. Interviews were conducted with the following categories of respondents: Parents who had not registered their child, and other stakeholders that were engaged in this process (government representatives engaged in the civil status and civil registry sector, municipal official in the civil status registry office, employers of the Centres for Social Work, hospital officials, non-government officials implementing projects that are related to birth registration, etc.)

Stakeholders interviewed at the central level

1. Ministry of Internal Affairs, Department for Registration and Civil status (Division for Civil Status)
2. Ministry of Internal Affairs, Department for Registration and Civil Status (Division of Civil Registration)
3. Ministry of Work and Social Welfare, Department for Social Services, Sector for Social Care
4. Ministry of Work and Social Welfare, Department for Social Services, Sector for Child Protection
5. Ministry of Internal Affairs, Department for ID Production
6. UNMIK, Central Civil Registry
7. Union of Parents and Teachers Associations of Kosovo
8. Ministry of Education, Primary School Units
9. Ministry of Internal Affairs, Kosovo Police Service
10. Ministry of Health, Public Health Division
11. Prime Ministers office, Office of Good Governance
12. Ministry of Public Service, Statistical Office of Kosovo
13. Ministry of Work and Social Welfare, Department for Social Assistance

Stakeholders interviewed at the local level

1. MIA - Municipal Office for Civil Status in Prishtina/Pristina:
2. MIA - Municipal Office for Civil Status in Mitrovica
3. MIA - Municipal Office for Civil Status in Fushe Kosove/Kosovo Polje
4. MIA - Municipal Office for Civil Status in Prizren
5. MIA - Municipal Office for Civil Status in Gjakova/Djakovica
6. MIA - Municipal Office for Civil Registration in Prishtina/Pristina
7. MIA - Municipal Office for Civil Status in Hospital in Prishtina/Pristina
8. Ministry of Health, Hospital in Prishtina/Pristina
9. Ministry of Health, Gjakovo/Djakovica Hospital
10. Ministry of Education, Regional Inspector Unit, Mitrovica
11. Ministry of Work and Social Welfare, Center for Social Work, Mitrovica
12. Association of Parents and Teacher, Fushe Kosove/Kosovo Polje
13. Municipality, Office for Communities, Prizren

An additional seven interviews were held with parents of non-registered children from: Obiliq/Obilic, Obiliq/Obilic, Shtime/Stimlje (2 interviews), Podujeve/Podujevo, Rahovec/Orahovac and Prishtina/Pristina.

List of interview referred in report

1. Ministry of Internal Affairs – Civil Status Registry Office, Prishtina/Pristina
2. Ministry of Internal Affairs – Civil Status Registry Office, Mitrovicë/Mitrovica
3. Ministry of Internal Affairs – Civil Status Registry Office, Fushë Kosovë/Kosovo Polje
4. Ministry of Internal Affairs – Civil Status Registry Office, Prizren
5. Ministry of Internal Affairs – Civil Status Registry Office, Gjakovo/Đjakovica
6. Ministry of Internal Affairs – Central level
7. Ministry of Internal Affairs – Civil Status Registry Office, Prishtina/Pristina Hospital
8. Ministry of Health – central level
9. Ministry of Health – Hospital Gjakovo/Đjakovica
10. Ministry of Labour and Social Welfare
11. Ministry of Labour and Social Welfare
12. Association of Parents and Teachers – Fushë Kosovë/Kosovo Polje.
13. Ministry of Education
14. Association of Parents and Teachers – central level
15. Parents of non-registered children

Recruitment

Recruitment of respondents for in-depth interviews was based on the following major criteria:

- Geographical distribution – including coverage of all major geographic regions, minimum two, one for each ethnic majority areas.
- Number of locations – In consultation with UNICEF, nine Kosovo municipalities were selected where qualitative research was conducted, namely Prishtina/Pristina, Mitrovicë/Mitrovica,

Fushe Kosove/Kosovo Polje, Prizren and Gjakova/Djakovica for IDI's with stakeholders, and Obiliq/Obilic, Shtime/Stimlje, Podujeve/Podujevo, Rahovec/Orahovac, Prishtina/Pristina and Mitrovicë/Mitrovica for IDI's with parents of non-registered children.

- Key stakeholders and target groups: (1) General population - Parents who had not registered their child(ren), and (2) Relevant stakeholders - key government institutions; at both central and local level, non-governmental organizations engaged in projects that are related to birth registration, etc.

Discussion Guide

Prism Research developed a Discussion Guide for in-depth interviews in consultation with UNICEF.

Data processing & analysis

In-depth interviews were conducted by well-trained Prism Research moderators. The interviews were conducted at easily accessible and comfortable locations. They were audio recorded for the purpose of making transcripts on which a part of this report is based, or notes were taken actively whenever respondents were not willing to have the interview tape-recorded.

ANNEX 2

WORKSHOP ON BIRTH REGISTRATION: FURTHER RECOMMENDATIONS

On 11 November, UNICEF organized a workshop with the aim to present the key findings of UNICEF's draft research on Birth Registration in Kosovo and to bring together the main stakeholders involved in the Civil Status Registration system.

UNICEF facilitated the workshop to provide space for additional discussions in order to finalize the report inclusive of what the Government Institutions at central and municipal level, the Civil Society identify as problems and solutions in relation to Birth Registration.

Therefore, building on the existing recommendations already presented in this report, experts and relevant stakeholders have identified additional measures to address current gaps in the birth registration process.

Here we list some of the main points presented and discussed in the workshop.

- Training and Capacity Development of Civil Status Registration Officers

Municipal Civil Status Officers will need to undertake training on children's human rights, they will also need continuous orientation on the Kosovo updated legislation and budget planning. Municipal Civil Status Officers also require an on-the-job training which will be followed by accredited certification process that will validate their capacities to work in the civil status registration system.

The trainings should be organized by regions, and implemented in several phases over one year Ministry of Internal Affairs will develop an action plan for knowledge management including by organizing trainings, round tables, workshops and study visits.

- Citizens access to information about birth registration

Municipal authorities and NGOs will support the organization of awareness raising activities at the community level and among parents about the advantages that birth registration brings to their

children and about the birth registration procedures. The special focus of the awareness raising campaigns will be parents with lower level of education and less access to public services.

Religious and community leaders will assume significant roles in raising awareness among the population and parents about birth registration. These leaders should be involved in and be active participants of the above mentioned roundtables.

Social mobilization activities should start as soon as possible and continue until evidence shows increased rates of birth registration.

Municipalities should develop Strategies for information, multimedia campaigns, regular meetings with parents, print and disseminate appropriate materials through schools, and health institutions. Organize outreach mobile promotion units and financial support to the most vulnerable families. A multi-sectoral working group will be established in order to develop a monitoring and evaluation plan to assess the impact of the community mobilization activities.

- Improvement of the administrative system focusing on a) addressing gaps in the regulations and inconsistencies in procedures regarding birth registration and b) user friendly services.

a) Administrative instructions will regulate difficult cases (late registration, use of witnesses, home births, etc.) until the Law regulating Birth Registration will be endorsed and enforced. Once the Law on Birth Registration is endorsed, the entire legislative framework affecting birth registration including the draft Law on Civil Status, the Law on Citizenship, and other relevant laws will be reviewed. Adequate administrative subsidiary acts will be developed to set up standard procedures for Civil Status Registration Offices all over Kosovo. This should involve an Inter – Governmental effort for a period of one year.

b) Assess the legal and practical feasibility of devolving a set of birth registration responsibilities and competencies to the lowest level of municipal offices (Bashkesite lokale/Mesna zajednica)³². These competencies could involve issuing, signing and stamping the birth registration certificates, which would facilitate easier access to birth registration services for people living in remote areas.

- Improve working conditions in terms of office equipment and logistics for civil status officers.

- Kosovo-wide training of health professionals on birth registration procedures at the hospital/maternity wards where children are born, which is the current practice of the Obstetric Gynecologic Clinic of Prishtinë/ Priština

- The current legislative framework will be amended to regulate mobile teams to reach vulnerable people and/or people living in remote areas. On the same line, Ministry of Internal Affairs will develop protocols and standards.

Ministry of Internal Affairs will be the main accountable actor to implement the above mentioned recommendations; however this should be done in close cooperation with relevant ministries such as Ministry of Health, Ministry of Public Services, Ministry of Local Governance, Ministry of Labour and Social Welfare, Statistical Office of Kosovo.

31 Analyse EU good practice on birth registration services



Every Child Counts

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Birth registration in Kosovo

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