



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No.2004/46

ON CIVIL REGISTERS

The Assembly of Kosovo,

Pursuant to the legislative authority given to the Assembly of Kosovo in Chapter 9.1.1 of UNMIK Regulation No. 2001/ 9 of the Constitutional Framework;

Taking into consideration Chapters 5.1 point (m) and 9.1.26 of UNMIK Regulation No. 2001/ 9 of Constitutional Framework;

Aiming to create condition, ways and a coherent procedure for registration of facts on civil status of citizens of Kosovo

Adopts:

LAW ON CIVIL REGISTERS

Chapter 1

General Provisions

Article 1

This law shall regulate and determine the civil registers, their maintenance and safeguarding, the types of civil registers, the procedures and registration facts, late registrations, remarks, safeguarding, renewal, cooperation and supervision of the management of civil registers.

Definitions

Article 2

“**Civil registers**” are official books, in which all facts regarding the personal state of citizens related to: birth, marriage and death of Kosovar citizens and other rights originating from them are kept.

“**Birth Register**” shall mean the book, in which notes concerning facts on all people born within the matriculation territory or municipality, in which birth was given.

“**Death Register**” shall mean the book, in which notes on all facts related to death that have occurred are kept.

“**Marriage Register**” shall mean the book, in which notes related to all marriages entered in the given municipality are kept.

“**Matriculation territory**” shall mean the place consisted of all the inhabited territories, for which civil registers are kept.

“**Office on Civil status**” shall mean the Office of the Civil Status in matriculation territory or respective municipality, in which data on birth, marriages and death is registered.

“**Special black ink**” shall mean the specific and only black ink, allowed to be used to take notes in the civil registers.

“**Section on late registrations**” shall mean a specific section in the civil register, in which later notes are taken regarding registered facts.

“**Section on remarks**” shall contain notes on supplementary data.

“**Certificate**” is a formal document certified and issued by the Office of the Civil Status, which contains notes on the facts of birth, marriage or death.

Civil Registers Article 3

3.1. Civil Registers are books that contain notes-basic official records on the civil status of the citizens.

3.2. The following facts: birth, marriage, death and changes related to these facts, shall be registered in the civil registers and their registration abroad.

3.3. The facts and information related to births, marriages and deaths of the citizens of Kosovo which have occurred outside the territory of Kosovo shall be registered only at the Municipal Office on Civil Status where the party lives.

3.4. The civil registers shall be kept in two ways: in writing and electronically.

3.5. Electronic forms shall be kept according to the instructions of the respective Ministry.

Maintenance of civil registers Article 4

4.1. The civil register is maintained and managed directly by the authorized official, specifically certified to handle the works of the civil registry-Civil Registrar of the Municipal Office of the Civil Status (MOCS), respectively of the Administrative Office in the matriculation territory for the registration of the facts on the civil status.

4.2. If the Civil Registrar is absent, he/she shall be replaced by another official of the MOCS appointed to replace him/her.

4.3. The matriculation territory, respective numbers and dwelling places constrained within a territory, shall be defined by the Municipal Assembly.

4.4. Within the matriculation territory shall be kept the birth and death register, while the common marriage territory shall be kept only by the Municipal Office of the Civil Status in the Municipality.

4.5. Books shall be kept separately according to each calendar year.

4.6. If during a calendar year the civil register is filled completely, the registration shall continue in the next civil register with a reference number following from the previous register.

4.7. The civil registers shall be closed at the end of each calendar year with the note “closed with these reference numbers of registrations for this year (the number of registrations shall be written in numbers and letters)”

4.8. If during the calendar year there were no facts related to registration of birth, marriages, or death, for this year it shall be noted in the register the following “there were no registrations for this year”

4.9. The first registration in the following calendar year starts with number 01.

4.10. In the civil register the registrations shall be noted according to the line of the appearance of the cases for registration.

4.11. The civil register, in which the last registration is made 110 years ago, shall be sent to the archive of Kosovo.

4.12. The type and the scale of the administrative fee for the registration of facts shall be defined by the municipal assembly pursuant to this law.

Preliminary notes in civil registers Article 5

5.1. The first page of the civil register, with no numbers in it, shall contain:

- a. The name of the civil register (e.g. birth register, marriage register, or death register)
- b. The name of the place in which the civil register is kept and the name of the municipality.
- c. The date of the first and final registration
- d. The imprint of the stamp
- e. The signature of the civil registrar
- f. The signature of the Municipality Head of Assembly and
- g. Certification of the number of pages of the civil register.

5.2. If the name of a locality changes, i.e. matriculation territory or municipality, in which the civil register is kept, these changes shall be noted following the previous registrations.

The registration manner
Article 6

The factual cases of birth, marriage and death shall be noted as follows:

- a. The date shall be written in Arab numbers and in brackets shall be noted in letters
- b. The month shall be noted in letter
- c. The year, in Arab numbers
- d. Hours in numbers starting from 00-24 and minutes from 00-60

Article 7

The Ministry in charge of the services of civil registration shall take care of the supervision, control, manner of maintenance, electronic recording, distribution of civil registers and transfer of accompanying registers and certificates, distribution of seals, designation of officials with signing authority, as well as defining the way management of the civil registers will be conducted.

Article 8

8.1. In the civil register notes shall be made only in the special black ink, used to write down those data that deal with the fact that will be registered.

8.2. No other data are allowed to be included in the civil register, besides those dealing with the written facts presented, or those notes contained in the act of a competent body.

8.3. Notes registered in the civil register shall be true.

8.4. With respect to the notes on personal name and surname, it shall be used the language of the person requesting the registration of such data, pursuant to the spelling rules (in Latin alphabet) of such person.

Mistakes and their correction
Article 9

9.1. If the Civil Registrar Official notes that mistakes are made in the course of the registration, before completing the registration he/she shall correct such mistakes in person.

9.2. The Civil Registrar Official is obliged to note and certify such correction in the civil register by signing in person and stamping on the section on "remarks".

9.3. Late corrections in the civil register may be done only through a decision act of the competent body and by registering such change in the section "notes after completion of the registration". It shall be noted:

- a. What is corrected;
- b. The body that has released the decision act;
- c. The number and date of the decision act.

9.4. After each late correction in the source civil register, the Civil Registrar Official within three days from the correction is obliged to inform the competent body, which keeps a copy of the aforesaid civil register, in order that such correction to be pointed out and incorporated in the copy kept by this body.

9.5. The section on “late registration and notes” shall contain:

- a. The date of the registration (on the left) and
- b. The signature of the civil registrar (on the right)

9.6. If the section on remarks and late registrations are filled, but the registration is not completed, or new remarks should be inserted, as soon as the supplementary registration is inserted, such note shall be placed in the respective sections through a separate form “attached form”.

9.7. This form contains:

- a. The reference number of basic registration and
- b. The form shall be certified through the stamp of the competent body placed in a way that it (the stamp) covers the page of the civil register.

9.8. If during the registrations some data is noted incorrectly in several sections, and therefore a correction cannot be made, the Civil Registrar Official shall conduct the correct registration in a following form, with the same reference number, drawing a diagonal line over the form filled incorrectly. Then he/shall shall make a note in the section on remarks showing that the correct registration is done in a following form.

9.9. If the correction of the registration under the above paragraph (9.8) is entered pursuant to a decision act of a competent body, the Civil Registrar Official shall enter the correct registration under the next reference number, following the last registration, and then through drawing a diagonal line shall nullify the incorrect form and in the section on late registrations shall note “corrected pursuant to the decision act of the competent body, date, no. of decision act, and that the registration is entered in this reference number”.

9.10. If the basic registration is entered by mistake in the next register (registration upon competencies), the Civil Registrar Official, the official person, or every person who notes the mistake, shall inform immediately the competent municipal body on this matter.

9.11. After the decision taken by the competent body on a correction, the Civil Registrar Official shall nullify the incorrect registration through drawing a diagonal line, and shall specify in the section on late registrations:

- a. That the incorrect registration is nullified pursuant to a decision act on this registration
- b. The body that has released the decision act
- c. No. and date of the decision act
- d. That the registration is done in the corresponding civil register (according to the fact)
- e. The place of domicile and municipality
- f. Reference number

Signing the registration
Article 10

10.1. After completing the registration, the civil registrar shall read to the person who presented the fact, or to the witnesses, all the registered notes and shall certify this fact in the civil register under the section on remarks.

10.2. The registration in the civil register shall be signed by the person who presented the fact for registration, witnesses, and Civil Registrar Official.

10.3. If the person who has presented the fact for registration, or one of the witnesses refuses to sign the registration, the Civil Registrar Official shall point this out in civil register and draft a note on it.

Copies of the civil registers
Article 11

11.1. In addition to the source civil registers, their respective copies similarly to the source register shall be kept.

11.2. Copies of the source civil registers shall be filled simultaneously with the source register and shall contain all the notes covered in the source register.

11.3. Contrary to the source registers, their copies are kept and safeguarded by the competent body.

11.4. Copies of source registers may be photocopied and such photocopy shall stand for 'the second copy' and shall be verified by the competent body, after equalizing it with the first copy.

11.5. If the source civil register gets lost or destroyed, the competent body that keeps the first or the second copy, shall issue certificates pursuant to such copies until the source register is described.

11.6. The electronic copies of civil registers are kept and safeguarded by the central competent authority of the civil status in the respective ministry.

Safeguarding the civil registers
Article 12

12.1. The civil registers filled during the calendar year, shall be certified, sealed and signed by the authorized official of the civil register at the end of the year.

12.2. The source civil register shall be kept by the Civil Registrar Official, while a copy of such register shall be kept by a competent body.

12.3. The civil registers shall be kept paying special care to securing them from damages or destruction.

12.4. The source civil registers and their copies shall never be kept in the same building.

The Book of civil registers
Article 13

- 13.1. For each civil register, there shall be kept a notebook abcd-s.
- 13.2. This notebook shall be kept pursuant to the corresponding form.
- 13.3. The competent body shall issue regulations with regard to the contents and form of the notebook.
- 13.4. The notebook shall be kept in accordance with the first letter of the surname whereas the letter “N” is used for unidentified corpses.
- 13.5. In addition to the notebook on civil registers, for the sake of the efficiency, may be kept even the card-index.

The right to access the notes of the civil registers
Article 14

The right to access the civil register is held by the following:

- a. every interested person as regards notes on himself/herself,
- b. members of his/her close family,
- c. the adopting parent, custodian, or other officially authorized person
- d. other official person based upon reasons sustained by the general interest and the law.

Chapter II

Types of civil registers
Article 15

- 15.1. For each fact of the civil status of the citizens, a separate register shall be kept such as the birth register, the marriage register and the death register.
- 15.2. In addition to the civil register, the register of abcd-s shall be kept also.

Birth register
Article 16

- 16.1. The fact of a child birth is registered in the birth register.
- 16.2. The fact of the birth shall be registered only within the Municipal office of the civil status office in the matriculation territory in which the birth was given.
- 16.3. The fact of the birth shall be presented in writing by the competent authority (health institution) in which the birth was given.
- 16.4. The fact of a child birth shall be registered in the birth register within 30 days from the birth day.

16.5. The following persons are responsible to declare the birth of a child outside of a health institution:

- a. Child's father or mother;
- b. The person, in whose house birth was given;
- c. The doctor, nursing staff or other person assisting in giving birth.

16.6. In the cases when a child birth is not reported within the prescribed term of 30 days according to paragraph 7, the registration is done by decision of the competent organ according to later decision.

16.7. The person who finds a child is also obliged to declare the fact of birth and the Civil Registrar in the section in remarks shall note all the circumstances related to such case, as well as data on the person who finds the child.

16.8. In registering the fact of birth as main notes shall be:

- a. Name and last name of the child
- b. Child's gender
- c. Date, month and place of birth
- d. Personal number
- e. Name and surname of parents (regarding the parent who has changed the surname after the marriage it shall be noted the previous surname e.g. mother's maiden name)
- f. Data of birth of parents and place of birth
- g. Place of domicile and address of parents
- h. citizenship

16.9. The followings are noted as supplementary notes:

- a. Personal name of the child
- b. Acceptance or proof of motherhood / fatherhood
- c. Marriage bond of parents, if the marriage is entered after the child's birth
- d. Child's custodian
- e. Revocation or award of parental rights
- f. Continuation or suspension of parental rights
- g. Entry into marriage or annulment of marriage
- h. Change of name or surname of the child, parent, custodian or adopter.
- i. Change of domicile
- j. Death or declaration of death of a person lost
- k. Improvements done after the basis registration.

16.10. The civil registrar regarding the fact of birth drafts a record.

16.11. If the fact of birth is presented by a health institution, this shall be noted in the section "remarks".

16.12. If the fact of death is registered upon the decision act of a competent municipal body, this shall be noted in the section on remarks

Giving, correcting, changing and improving a personal name
Article 17

The giving, changing, correcting, and improving of a personal name is regulated by the law on personal names.

Registration of the fact of birth when parent is missing
Article 18

18.1. In case of the registration of the fact of birth when one of the parents is unknown, the section in the civil register on that parent's data shall not be filled, but it shall be noted that the parent is unknown

18.2. If both parents are unknown the registration shall be made upon the decision act of the custodian body, while in the section on remarks or late registrations shall be noted:

- a. That the registration is entered upon the decision act of the custodian body
- b. The name of the custodian body
- c. Number and date of the decision act

18.3. If a parent is defined upon a court decision, the Civil Registrar shall note in the section on remarks or late registrations:

- a. That father/mother of the child is defined upon a decision act,
- b. The name of the court and its seat,
- c. Number and date of the decision act.

18.4. In case a neonatal child is found, and his/her parents are unknown, the Civil Registrar immediately shall draft a record.

18.5. The record shall be draft in three samples and shall contain:

- a. Name, last name, address of person who has found the child, or has reported the finding of the child
- b. Place and time of finding
- c. Circumstances, in which the child has been found
- d. The exact age and the sex of the child
- e. Distinguished or specific body marks of the child
- f. The call of the entity or data of the person who has the child under care
- g. If witnesses were present when a child was found, their statements shall be taken as well.

18.6. The record shall be drafted even by custodian body.

Acknowledgement of fatherhood and/or motherhood
Article 19

19.1. The person who considers himself/herself father/mother of the child may acknowledge fatherhood/motherhood in the office of the Civil Registry where the child was born and his/her statement shall be registered in a record containing their signatures and that of the Civil Registrar, as well as the stamp and the date.

19.2. The statement on the acknowledgement of fatherhood/motherhood shall be noted in the section on remarks or late registrations specifying:

- a. Personal name of the person who has acknowledged fatherhood/motherhood,
- b. The authority in front of which fatherhood/motherhood is acknowledged,
- c. Number and date of the record,
- d. Agreement of mother on acknowledgement of fatherhood,
- e. The authority in front of which the mother has acknowledged the fatherhood of that person,
- f. Date and number of the statement.

19.3. If upon the acknowledgment of fatherhood/motherhood the personal name of the child is not given, the record shall mention this fact too and it shall be registered in the section on remarks or late registrations that the parents have not given a name to the child

19.4. Fatherhood may also be acknowledged in front of the custodian body, court, or other authorized body for issuing public documents. Such organs are obliged to send without delay the certified record to the competent Civil Registrar, who shall register the child in the birth register.

19.5. Fatherhood may also be acknowledged in a will, which the civil registrar shall note in the birth register.

19.6. The mother of an extra-matrimonial child in reporting the birth of the child may note the person that she considers as the father of the child. Such oral statement given in front of the Civil Registrar shall be noted in the record, and upon registration of the child, a note shall be made in the section on remarks stating that “Mother of extra-matrimonial child names the father of the child”.

19.7. If the mother in reporting the birth of the child does not note the person that she considers to be father of the child, the Civil Registrar shall instruct her on her right to do so.

19.8. When the Civil Registrar receives the statement of the mother on the personality of the father of the child, he shall invite the noted person to declare his fatherhood directly in front of the Civil Registrar, or in a certified document within a period of 30 days. The invitation letter for this person shall be handed over to him personally and in a discrete manner.

19.9. If the person invited, declares that he does not want to be the father of the child, or within the 30 day period does not declare fatherhood, the Civil Registrar shall inform the mother about such matter.

19.10. The mother of the child can initiate a legal procedure before the court, on this occasion.

19.11. If the person invited declares in the record in front of the Civil Registrar that he considers himself to be father of the child and this is registered in a certified document, the civil registrar shall register him as father of the child in the birth register and shall inform the mother on the registration. This fact is also noted in the section on late registrations.

Marriage entered between the parents of the child after acknowledgement of
fatherhood/motherhood
Article 20

20.1.If the out of wedlock parents who acknowledged their child as their own, enter into a marriage, the Civil Registrar, based on the marriage register, or on the certificate issued upon such register, shall note in the section on remarks or late registrations:

- a. That upon entering into marriage, the child has become a matrimonial child
- b. The place in which the marriage is entered
- c. The following number and the date of the registration of the marriage in the civil register

20.2. Other changes such as: Death or divorce shall be mandatory registered in the section on remarks or late registrations.

20.3. If during the marriage the parents, or the spouses change the name of the minor the civil registrar shall note in the section on late registrations:

- a. That parents upon agreement have given a new name and/or surname to the child (a name and/or surname noted)
- b. Number and date of the record
- c. The authority in front of which the statement is given

Registration of data upon adoption
Article 21

21.1.In cases of unknown parents, when the child is adopted upon the decision act of the competent body, the Civil Registrar in the birth register in the section on parents shall note the name of the adapter and related data and in late registrations shall note:

- a. That data registration is done upon the decision act (body, number and date of the decision act noted)

21.2.Upon the termination of the adoption the adoptee that has the surname of the adopter shall receive the former surname and this shall be registered in the section “late registrations”

Receipt after divorce of the previous surname
Article 22

In case one of the spouses after the termination of marriage, declaration of marriage as inexistent, or its annulment, receives the surname that used to have before the entering into marriage, the Civil Registrar shall note in the section “late registrations” and in the record:

- a. The receipt of the surname held before the marriage was entered (Surname noted)
- b. Name and date of the record
- c. Name of the authority in front of which the statement is made

Registration of the fact of birth of the citizens of Kosovo abroad

Article 23

23.1. If the child is born outside the country of his/her parents, who are Kosovo citizens, and if they want to register their child in Kosovo as well, such fact shall be registered in the municipality, in which the parents of the child live.

23.2. The fact of birth of a child outside Kosovo from parents who are inhabitants of Kosovo, shall be registered upon the birth certificate from the civil register of the state body, in which birth was given and in the section on remarks shall be noted “The registration is entered upon the international certificate issued by the state (State noted)”, and shall be added also:

- a. The name of the state that issued the certificate
- b. The body of the state that issued the certificate
- c. The seat of the body
- d. Number and date of the document
- e. Country of birth
- f. Date of birth and address

23.3. The notes from the document issued by the foreign country shall be registered in the civil register, identically as they are noted in document, notwithstanding the alphabet used.

23.4. If the Civil Registrar is completely sure about the pronunciation of a country, or a state in our language, he may note the phonetic pronunciation of that country e.g. Ostereich – Austria.

Marriage register

Article 24

24.1. The marriage register shall contain the fact of the marriage bond as a legal cohabitation of husband and wife.

24.2. The marriage shall be registered in the marriage register of the Municipal Office of the Civil Registry where one of the spouses resides permanently.

24.3. Every adult aged more than 18 years shall be entitled to enter into marriage, respectively to register the fact of marriage bond.

24.4. Persons who are not adults are also entitled to enter into marriage, respectively to register a marriage, if the competent body has agreed on this matter through a decision act.

24.5. To enter into marriage, two persons of opposite gender shall express freely their will and agreement on the marriage in front of the civil registrar.

24.6. The statement shall be immediate and absolute.

24.7. The parties attending the marriage ceremony are the bride, groom, two witnesses and the civil registrar, whereas in cases of marriage to a foreign citizen, the interpreter/translator also.

24.8. Every person with capacity to act may be a witness in marriage proceedings.

24.9. Entry into marriage shall take place in the Civil Office Seat, in a solemn way and in a location designated for this occasion.

24.10. Upon the request and will of the spouses, entry into marriage may take place in other location chosen from them.

24.11. During the marriage proceedings the persons who will enter into marriage and two witnesses must be present.

24.12. Marriages entered due to some kind of interest are banned by law.

Request for entry into marriage Article 25

25.1. The persons who wish to enter into marriage shall present their request at the Civil Registrar of municipal assembly.

25.2. A birth certificate, a certificate on marital status and other documents shall be attached to the request to enter into marriage as stated in a separate act.

25.3. The Civil Registrar shall decide on the date of the marriage in agreement with the persons who wish to enter into marriage.

25.4. Upon the presentation of the request for entering into marriage, the Civil Registrar shall recommend to the persons, who wish to enter into marriage, to learn about each other's health, to visit a marriage counselor in order to gain an opinion on the development of a sustainable marriage and family relations, to learn about the possibilities for family planning, and to reach an agreement on the future surname.

25.5. The citizens of Kosovo who live outside Kosovo for a long period of time need to submit the statement of two witnesses certified by a notary in the country where he/she lives in order to be issued the certificate on the marital status.

Duties of the Civil Registrar in proclaiming a marriage Article 26

26.1. The Civil Registrar shall not be entitled to refuse the consent of future spouses to enter into marriage, unless one of the marriage barriers applies.

26.2. The Civil Registrar shall create a solemn and calm setting during the proclamation of the marriage.

26.3. Marriage proceedings shall start with the report presented by the Civil Registrar, pointing out the presence of future spouses, witnesses, as well as the inexistence of marriage barriers defined by law.

26.4. Inexistence of such barriers shall be shown based on the presented documents, statements of future spouses, as well as on witnesses' statements.

26.5. If the Civil Registrar concludes that there are no barriers for entry into marriage, he shall inform the future spouses on rights and duties of the spouse according to family law.

26.6. Later, the Civil Registrar shall ask each of the future spouses individually whether they consent to marry each other.

26.7. Upon receiving the statements of their consent to enter into marriage, the Civil Registrar shall announce the marriage as entered.

Notes on marriage entrance in the civil register
Article 27

27.1. The civil register on marriage registration shall contain the following facts on the bride and groom:

- a. Name and surname;
- b. The year of birth;
- c. Personal number;
- d. Statement on the surname that the spouses have determined to keep after the marriage;
- e. Date and place of entry into marriage;
- f. Domicile and address of spouses;
- g. Address before marriage was entered.
- h. Name and surname of the parents of groom and bride;
- i. Name and surname of the witnesses;
- j. Name and surname of the person officially in charge, in front of whom marriage is entered;

27.2. As supplementary notes shall be taken those on:

- a. Dissolution of marriage
- b. Death of one of the spouses
- c. Announcement of marriage as inexistent.

27.3. If an interpreter is involved in marriage proceedings, interpreter's data shall be noted in the section on remarks.

27.4. Upon entry into marriage, with respect to the spouse who has consented changing the surname, the Civil Registrar in the section "on statement of the spouse concerning change of the surname" shall note his/her statement.

27.5. The spouse, who has changed the surname, shall sign the marriage registration pursuant to the new surname.

27.6. The Civil Registrar shall register the entry into marriage in the marriage register and the same register shall be signed by spouses, two witnesses and the Civil Registrar.

27.7. Immediately following the entry into marriage, the spouses will receive the certificate pursuant to the marriage register.

Marriage refusal by civil registrar
Article 28

28.1. If the Civil Registrar, concludes on the existence of any kind of marriage barriers, he shall orally inform the person filing the request that marriage cannot be entered and shall compile a record on this matter.

28.2 The civil registrar shall note in the record:

- a. The reason for marriage refusal;
- b. The barrier upon which marriage was refused;
- c. The person to whom marriage refusal applies;
- d. Date and place, in which marriage was requested;
- e. Name and surname of the Civil Registrar who refused the marriage.

28.3 If the persons, who have filed the request to enter into marriage, do not agree with the refusal issued by the Civil Registrar, they may initiate court proceedings at the competent court regarding the refusal of the marriage request.

28.4 Following the administrative proceedings, the court shall issue a decision within 15 days from the receipt of the request.

28.5 Against the decision of paragraph 4 of this article, a complaint may be lodged with the second instance court authority within 8 days from the day of notification from the court regarding refusal of marriage.

Entry into marriage upon court permission
Article 29

Upon entry into marriage through a prior permission issued by a competent court on disregarding a marriage barrier, the civil registrar shall note in the section “on remarks”:

- a. The court that has allowed contracting of the marriage;
- b. The seat of the court issuing the decision;
- c. Number and date of the decision;
- d. The barrier on which the court has reached a decision;
- e. Names of bride and bridegroom as stated in the decision;

Entry into marriage in foreign states
Article 30

30.1. If marriage has been entered between our citizens in foreign states, and when it is filed a request for registering such marriage in the marriage register, the Civil Registrar in the section “on remarks” shall note: “the registration is done on (specify the date) upon the certificate issued pursuant to a marriage register (specify the body of the foreign country that has issued such certificate, its seat, number and date.)”, while in the section “place of entry into marriage” he shall note: “place and state of entry into marriage”.

30.2. The names of foreign states shall be notes as they are noted in the document, or in accordance with Article 23, paragraph 4.

The right to marriage of foreign citizens

Article 31

31.1. Persons of foreign citizenship are entitled to enter into marriage in front of competent Municipal Authority of the Civil registry of the locality.

31.2. The persons of foreign citizenship shall bring:

- a birth certificate;
- a certificate proving the right to contract marriage (marital capacity) issued by their own country's authority which attests to the right to marriage according to the provisions of this law that there are not marriage bans and barriers to contract marriage;
- a certificate of residence; and
- other documents stated in separate acts.

31.3. The certificate shall become invalid if the marriage is not being entered within six months from its release. If the certificate specified a shorter deadline, such deadline shall apply.

Divorce register

Article 32

32.1. In cases of divorce, declaration of a marriage as inexistent, dissolution or annulment of a marriage, the Civil Registrar shall note in the marriage register in the section "late registrations" as follows: "marriage status is annulled, dissolved, divorce, declared as inexistent pursuant to a court decision (specify the court, number and the date of the decision act)"

32.2. If the marriage is interrupted due to the death of one spouse, the civil registrar shall note in the section "late registrations":

"Marriage is interrupted due to the death of one spouse" specifying the date and place of the death, number and year of the death registration in the death register.

32.3. The registration of divorces of our own citizens which have occurred in foreign countries are recognized in the competent court of the place.

Death register

Presentation of the fact of death

Article 33

33.1. The death register is the one, which contains all records related to the facts of all deaths that have occurred.

33.2. The fact of death shall be registered in the death register, upon presentation of it in writing or verbally, or pursuant to an act issued by a competent body at the place of death of the deceased.

33.3. The fact of death shall be presented within 15 days from the day of death, respectively 21 days after the corpse is found.

33.4. The fact of death of Kosovo citizens occurring outside the country shall be presented within a term of 60 days.

33.5. The fact of death shall be stated by a family member.

33.6. If there are no family members, it shall be presented by members of the extended family, neighbors, or every one who comes to know about death.

33.7. If the fact of death occurs in health institutions, hotels, dormitories, prisons, or other institutions, they are obliged to present the fact of death.

33.8. The person, who presents the fact of death, shall present also the certification issued by the health institution, in which death is proven.

33.9. Notwithstanding the lack of the certification from a health institution, the fact of death may be registered by the civil registrar upon the statements of two witnesses who have taken part in the funeral of the deceased or who have witnessed the moment of death of the deceased.

Presentation of fact of death from the competent body Article 34

34.1. If the fact of death is presented to the competent body of a foreign state and it is registered in the death register, the civil registrar shall note in the section 'remarks' the followings:

- a. The call of the body that has issued the document;
- b. The seat, place and state
- c. Number, date and place of death

34.2. If data provided in the document issued by a foreign body is not complete for conducting the registration in the death register, the Civil Registrar shall insert the rest of it.

34.3. If the fact of death occurs outside the country of domicile due to a misfortune, in the section "remarks" of the death register it shall be noted:

- a The place of death, number of house and street;
- b The time of death

34.4. If the fact of death occurs within a transportation vehicle and if the place of death is not known accurately, the Civil Registrar shall note in the death register "died in the place of the registration and registration is entered in the burial place."

34.5. The fact of death due to a war or force majeure shall be registered by the civil registrar based upon the acts and certifications issued by competent authorities or local and international organizations that have kept records on such cases.

34.6. If the fact of death is registered based on a decision act of a competent body for declaring a lost person as dead, the Civil Registrar shall note in the section "remarks":

- a That registration is conducted pursuant to a decision act of a competent body;
- b The call of the body that has received the decision act;
- c. Data, number and place of the receipt of the decision act.

Presentation of the fact of death based on a court decision
Article 35

35.1. If the fact of death is registered pursuant to a court decision act issued under the law on declaration of a lost person as dead, the Civil Registrar shall note:

- a. The call of the court;
- b. Its seat;
- c. Date and number of the decision act

35.2. If the decision act on the declaring a lost person as dead changes, the civil registrar shall note in the section “remarks”: “the court decision act on declaring a lost person as dead is changed” specifying:

- a. The call of the body that changed the decision act;
- b. Its seat;
- c. Date and number of the registered decision act;
- d. Specific changes of the decision act.

35.3. If the court suspends the decision act on the declaration of the lost person as dead, the earlier registration shall be annulled by drawing a diagonal line and in the section “remarks” shall be noted the suspended decision act.

The fact of finding an unknown corpse
Article 36

36.1. The fact of finding a corpse shall be registered in the civil register and a record shall be kept.

36.2. The section on the dead person data shall not be filled, except for the section ‘remarks’ in which shall be noted the followings:

- a. Date, year, place and the time the corpse was found;
- b. Approximate age;
- c. Gender;
- d. Height;
- e. Hair and eyes color;
- f. Burial place and date;
- g. Date and number of record;
- h. The call of the body that kept the record

36.3. If the identity of the corpse is proved later, such fact shall be noted in the section “late registrations” pursuant to the decision act of the competent body.

Data on the registration of the fact of death
Article 37

The death register shall contain the following records regarding the fact of death:

- a. Name and surname and/or surname before marriage of the deceased;
- b. Day, month and year of birth;
- c. Date, month, and time of death;
- d. Marital status and sex;
- e. Personal number;
- f. Citizenship;
- g. Domicile and address;
- h. Name and surname of parents;
- i. Name and surname of the person, or body that has presented the death;
- j. Nature and cause of death;
- k. Other relevant notes.

Chapter III

Common dispositions

Issuance of certificates

Article 38

38.1. The Civil Registrar shall issue certificates *ex officio*, or upon the request of the interested party.

38.2. A certificate shall be issued upon a written request of the interested person.

38.3. If electronic infrastructure is in place, the request may be submitted as an e-copy.

38.4. The certificate shall provide for the most recent notes in the civil register in the moment it is issued.

38.5. Certificates shall be issued as: birth certificate, marriage certificate (showing the marital status) and death certificate and others.

38.6. The certificate shall contain notes on the respective fact that the certificate is issued for, pursuant to the notes of the civil register.

38.7. The certificate shall not contain notes on later corrections and amendments done in the civil register (e.g. the name of previous adopter that is not any longer the child's adopter.)

38.8. The Civil Registrar may refuse to issue a certificate, only if he/she considers that the certificate will be misused.

38.9. Upon issuing a certificate the civil registrar shall draw a line in unfilled sections.

38.10. In the birth certificate the Civil Registrar shall note in the section on parents the data of persons registered as parents, notwithstanding the basis upon which parenthood on the child is given.

38.11. The birth certificate shall note contain any data on the child who is found and the circumstance of this case.

38.12. Also if a child is adopted, such fact shall not be included in the birth certificate and the child's surname shall be the respective surname given after adoption.

38.13. Even in cases of continuation of parenthood or custodian rights, such data shall not be noted in the certificate.

38.14. If the person, to whom a birth certificate is issued, is married, in the section on surnames, it shall be noted his/her surname before marriage, if a change in the surname applies.

38.15. If the person has changed his personal name, the birth certificate is issued with the name he carries on the occasion of issuance of the birth certificate, whereas according to the act decision of the competent authority under the section "notes", the previous name is written down.

38.16. If marriage is interrupted, the birth certificate shall note such fact.

38.17. In cases of several marriages, the birth certificate shall note only the last marriage.

38.18. The birth certificate shall not note the time of birth.

38.19. All the certificate upon issuance shall be signed by the civil registrar and stamped respectively.

38.20. The contents, template and the type of the certificates shall be governed by separate acts.

Safeguarding the civil registers and official documents

Article 39

39.1. Civil registers and documents upon which the registration is conducted shall be kept safe from damage, destruction and misuse.

39.2. The Civil Registrar is responsible for keeping and maintaining the civil registers and other corresponding documents while using them and placing them covered in the civil registers archive.

39.3. Documents of a permanent value, used to register facts shall be considered all the followings:

- a. Records;
- b. Summons to appear;
- c. Decisions;
- d. Decision acts; and
- e. Other documents.

39.4. All the documents shall be kept in a separate archive, together with the register on references, corresponding to the respective facts.

Description (renewal) of civil registers
Article 40

40.1. If the civil register is damaged substantially, lost or destroyed, it shall be absolutely done its description according to this register's copy.

40.2. The described sample shall contain in its first page the following notes:

- a. The type of the lost or destroyed register that will be described;
- b. The decision act, number, date and the competent body in charge to describe the civil register;
- c. The place in which the register is kept and the municipality;
- d. The described pages;
- e. The reference number and the number of registration;
- f. Signature and stamp of the competent body.

40.3. If both copies of the civil register are lost or destroyed, they shall be announced through mass media means and the citizens shall be invited to present such their facts for the renewal of the respective civil register.

40.4. In this case data argumentation shall be carried out pursuant to the law.

Cooperation and supervision
Article 41

41.1. The Civil Registrars in the same municipality, respectively in matriculation territories of the same municipality are obliged to cooperate.

41.2. The cooperation and supervision shall be conducted in particular in cases of registrations after the defined deadline, late registrations, issuance of different decision acts, corrections, amendments, receipt of the decision acts for renewal of civil registrar, professional assistance of civil registrars and supervision of their work, record keeping on cases in administrative proceedings.

41.3. Such supervision and cooperation regarding law enforcement shall be conducted even by the bodies of the respective ministry.

41.4. The Civil Registrars in municipalities are obliged to compile for the respective Ministry monthly, quarterly, biannually and annual reports for all the registrations carried out.

41.5. If the supervision and control is conducted by the competent bodies of the respective ministry, the civil registrars and other officials in the Office of Civil Status in respective municipalities shall provide all required data and allow without any impediments the review of the examined cases.

41.6. The competent bodies for review and control compile a report, providing suggestions, observations, and measures to be taken in specific cases.

Duties of the Civil Registrar Article 42

42.1. The Civil Registrar shall note in the civil register only those data presented to him, respectively contained in the act of the competent body.

42.2. The Civil Registrar shall properly and efficiently carry out the registration in the civil register.

42.3. If there is a doubt on the inaccuracy of data presented to the Civil Registrar, he/she shall absolutely prove such data.

42.4. The Civil Registrar shall read in front of the presenter each data registered in the civil register.

42.5. Non-performance of duties defined in this law by the Civil Registrar, shall constitute serious breach of the official duty.

Punitive provisions Article 43

43.1. The competent Ministry, upon information pursuant to Article 43 paragraph 5 of this law, can initiate disciplinary procedures according to the provisions on Civil Service.

43.2. Court proceedings can be initiated against such officials.

43.3. The following persons shall be fined in the amount of 30 to 70 Euro:

- a. the Civil Registrar who fails to register data on the presented fact within the prescribed term;
- b. the Civil Registrar who does not conduct his work in accordance with the civil registers;
- c. the Civil Registrar who discloses data to unauthorized persons.

43.4. The penal proceedings start in the events of:

- a. An Official who issued falsified documents.

Final provisions Article 44

44.1. Civil Registers, respectively the forms, certificates, content, types of certificates, the format and type of paper and special ink that shall be used to effect registrations are regulated by the Law on Civil Registry.

44.2. On the basis of the civil registers and documents issued pursuant to these, the stamps shall be prepared in accordance with this law.

44.3. The respective ministry together with the ministry of health shall compile the death certificate.

44.4. The type and contents of the form of civil registers shall be defined by the competent body pursuant to Article 13.3 of this law.

44.5. Civil registers, respectively their existing forms shall be into force no later than three months after the entry into force of this law.

44.6. The new civil registers, respectively the certificates pursuant to this law and the respective administrative instructions issued accordingly, shall be used starting from the term foreseen in paragraph 5 of this article.

44.7. With regard to the template of the certificates and the procedure for issuing them under Article 38.3, the ministry in charge in this area shall issue the respective administrative instruction.

44.8. Upon entry into force of this law, all other laws, regulations or other acts ruling this area shall cease to exist.

Entry into force
Article 45

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary - General .

Law No.2004/46
27 September 2004

President of the Assembly

Academic Nexhat Daci