



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-118

ON PERSONAL NAME

Assembly of Kosovo,

In support to Chapter 5.1 and 9.1.26, (a) of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation Nr. 2001/9 dated 15th May 2001)

With purpose of determining legal provisions on Personal Name,

Hereby adopted the following:

LAW ON PERSONAL NAME

Chapter I

GENERAL PROVISIONS

Article 1

Purpose

This law regulates meaning, composition, procedure and manner of determination and use of the personal name, as well as conditions, for change and correction of the name for citizens of Kosovo (below in the text: citizens).

Article 2

Definitions

Personal name - means name and family name of the Kosovo citizen.

Citizens - mean permanent residents of Kosovo.

Legal Communication - means total set of legal norms that regulate correspondence between organ of administration and government bodies with citizens including every action which results with legal consequences.

Civil Service Registry - means the book where the data are kept regarding personal situation of citizens related to facts of all births, marriages, deaths and other data that derive from them.

Article 3
Personal name

- 3.1. Personal name guarantees to the citizen an identity, guarding its personality and dignity
- 3.2. Personal name is part of the citizen's right and it is used for identification and distinction of a person.
- 3.3. The citizen is obliged to use his/her personal name during legal communication.
- 3.4. The right for determination of personal name can be subject of restriction, if that is necessary for guarding the moral, rights and freedoms of other persons or the same person.

Article 4
Composition of personal name

- 4.1 Personal name is composed of name and family name.
- 4.2 Name and family name, one of each can be composed of more than one word which established the entirety of personal name.
- 4.3 Citizen, based on paragraph 2 of this article, is obliged to use his/her complete personal name in legal communication.

Article 5
Acquisition of the personal name

Personal name is acquired by registration in the respective civil statute registry according to the place of birth.

Article 6
Use of language for personal name

- 6.1 Citizen's personal name is registered in the respective civil status registry in his/her native language, except in cases when he/she decides for any other official language in Kosovo.
- 6.2. Name and family name of the citizen is printed in Latin alphabet in the respective civil status registry.
- 6.3 For cases from paragraph 1 of this article printing used in the official language should not modify the original form of the personal name used in the original language.

Article 7
Giving the personal name to the child

- 7.1 Personal name to the child is given by parents or authorized persons according to the Family Law.

7.2 Personal name to the child is given by parents based on their arrangement.

7.3 If one of the parents is unknown, or is not alive, or can not fulfill parent's rights, the name to the child is given by the other parent.

7.4 Family name to the child is regulated according to the Family Law.

7.5 If parents of the child are not alive, or can not fulfill their parent's obligations, the name to the child is given by the person, to who was trusted the care of the child, in agreement with competent social centre.

7.6 In cases of abandoned/found child his/her name is given by the competent care body.

Article 8

Giving the personal name to the child when parents do not have an agreement

8.1 If parents do not give the personal name to the child within the deadline predicted by the article 9 paragraph 2 of this Law, because they do not have an agreement, to achieve the agreement, for giving personal name to the child, the care body will assist them.

8.2 If parents do not achieve an agreement for personal name of the child, then the care body will give personal name to the child.

Article 9

Registration of the personal name

9.1 Personal name is registered in the respective civil status registry of the competent body at the place of birth.

9.2 Registration in the competent body should be done, within 30 days after child's birth.

9.3 Parents or authorized persons according to this law, are obliged that within 15 days from the delivery to make a request for registration of the name of the child.

9.4 Personal name in the respective civil status registry and in other public documents should be printed with letters and signs determined with this law, which regulates registration in the respective civil status registry.

Chapter II

CORRECTION AND CHANGE OF THE PERSONAL NAME

Article 10

Citizen has the right to correct and change his/her personal name.

Article 11
Manner of correction of the Personal Name.

11.1 If in the civil status registries have been made mistakes during the registration of the personal name, the citizen has the right for correction of the personal name at the birth place where the civil status registry is kept.

11.2 Juvenile citizen can correct his personal name based on his/her request made by legal representative or by authorized representative.

11.3 Correction should not change meaning and content of the personal name.

Article 12
Manner of changing the personal name

Adult citizen based on his/her request can change personal name.

Article 13

Change of personal name during the adoption process should be according to the provisions of the Family Law.

Article 14

Change of the family name after marriage should be in accordance to the provisions of the Family Law.

Article 15
Family name in marriage with a foreigner

If the citizen of Kosovo, has permanent residence in a foreign country, is married with a citizen of that foreign country at the legal bodies of respective foreign country, family name after marriage, the same family name can be used in Kosovo in same form and manner as it is used in the spouse's country, in harmony with rules in power in that country and article 4.3 of this Law.

Article 16
Change of the family name after the divorce

16.1 After the divorce, separated spouses can keep the family name that they have chosen during marriage.

16.2 Spouse who, because of marriage has changed his/her family name, after the divorce can take his/her previous family name.

Article 17

Procedure for change of the personal name based on a request

17.1. To the request for change of the name, submitter of the request should attach the attestation that shows that he/she is not under investigation.

17.2. For the request, for changing of personal name, decides the competent body according to the dwelling-place, where the request was made.

17.3. The decision for the change of the name is forwarded to the civil status office, where the delivery was registered respectively registration of marriage of respective parties was made.

Article 18

Obstructions for changing of the personal name

18.1. Citizen being prosecuted for criminal offence according to the official duty or who has been convicted for such criminal offence, until the conviction is executed, or until legal consequences of conviction last, as well as the person who is ascertained that he/she submitted request only to avoid obligations foreseen by the law, will not be allowed to change personal name.

18.2. If the personal name of citizen, under the criminal procedure, is changed the competent body of civil status within three days, after change approval, should notify the court where the criminal procedure is going on.

18.3 Civil registration office can ask the court and persecution office to verify authenticity of the submitted data by the applicant related to the documents from article 17 of this law.

18.4. If the personal name is changed with the request of the party with administrative procedure of the civil status body, in next 5 years, citizen will not be allowed, according to the same procedure, to re-change the personal name by civil status body.

Article 19

Change of personal name of the juvenile based on his/her request

19.1. Juvenile citizen can change his/her personal name upon the request of the legal representative. If the change of the name is asked by his/her care body, this should be approved by the competent social center and during this procedure the interest of the child mostly should be respected.

19.2 Change of the name of juvenile citizen above age of 10, can be made only by his approval, except in cases when the child manifests mental retardment.

19.3. If the parents live separately, one of the parents can ask change of personal name of the child, one with whom the child lives, respectively to whom the care and education of child was entrusted, if the other parent agrees for.

19.4. If the other parent does not agree on changing of personal name of the child, to achieve the agreement for changing the name, social center will assist them.

19.5 The approval of the other parent is not necessary if his/her habitation is unknown, or if his/her parenthood or the right for action were taken.

Article 20

Validity and registration of the change of personal name

20.1 Change of the personal name which is a result of change in the legal relations in family is valid from the date when the statement was given, respectively from the date when the decision of competent body was made.

20.2 Change of the personal name should be registered in the respective civil status registry within 5 days from the moment of announcement on the change approval.

Article 21

Oversight

Ministry of Internal affairs does the oversight on the implementation of provisions of this law.

Article 22

Penalty Provisions

Citizen, who uses his/her personal name contrary to the rules of paragraph 2 of article 3 of this law, will be fined in amount of 200 Euro.

Article 23

All parents that do not notify the personal name of the child within the time set in paragraph 2 of article 9 of this law, will be fined in amount of 100 Euro.

Article 24

All financial incomes benefited from the issued penalties should be poured in the Kosovo Consolidated Budget.

Chapter III

TRANSITIONAL AND FINAL PROVISION

Article 25

This law does not take effect for personal names that have been given to the citizens according to laws that have been in power at that time when their personal names were given.

Article 26

This law abolishes all provisions of the applicable law that are incompatible with this law.

Entry into Force
Article 27

This law shall enter into force after the approval by Kosovo Assembly and promulgation by the Special Representative of Secretary General.

Law no. 02/ L-118
13 April 2007

President of Kosovo Assembly,

Kolë Berisha