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*Qeveria - Vlada-Government*  
**Ministria e Punëve të Brendshme / Ministarstvo unutrašnjih poslova / Ministry of Internal Affairs**

# CONCEPT DOCUMENT ON CIVIL STATUS

**Drafted by the Ministry of Internal Affairs**

**Civil Registration Agency**

**December, 2021**

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## Summary of the Concept Document

<b>General information</b>	
Title	Concept Document on Civil Status
Responsible Ministry	Ministry of Internal Affairs, Civil Registration Agency
Contact person	<b>Erdon Arifaj</b> Deputy Director of the Directorate of Civil Status 038-200-19-226
SOP	2.4.11. - Expansion and modernization of services in the Civil Registration Agency
Strategic priority	Increase and maintenance of public safety

<b>Decision</b>	
Main issue	Based on the analysis of the current situation, the main issue is the advancement of the distribution and exchange of civil status data and services, as well as the alignment of current legislation with the EU <i>acquis</i> , and the adaptation to new dynamics and trends in the field of civil status.
Consultation summary	Preliminary consultation on the Concept Paper for Civil Status was conducted in November 2021
	Public consultation through the public consultation platform was conducted during the period November-December 2021.
Proposed option	The option considered and recommended is to change the current legislative framework - <b>Option 3</b> .

<b>Main expected impacts</b>	
Budget impacts	Implemented within current budget limits
Economic impacts	In principle, the drafting of the new Law on Civil Status will have no major economic impacts. The economic impacts that will follow from the new Law will be positive.
Social impacts	With the new draft of the Law on Civil Status, the social impacts will be significant in a positive aspect because they will facilitate access and services for citizens in general.
Environmental impacts	In general, the proposed option will not have a major environmental impact, with the exception of system digitization, which will have a positive impact in terms of lower paper consumption.

Crosscutting impacts	The proposed measures are expected to have crosscutting impacts, because the Concept Document foresees that, with the adoption of the new Law, there will be a more significant cooperation between the relevant institutions.
Administrative burdens for companies	There are no direct impacts.
SME tests	The SME test has not been applied.

<b>Next steps</b>	
Short-term	Drafting a new Law on Civil Status
Medium-term	Drafting of secondary legislation with the adopted Law; Advancement and interconnection of databases, as well as the implementation of measures that are foreseen in the implementation of the preferred option.

## **ABBREVIATIONS AND ACRONYMS**

MIA	Ministry of Internal Affairs
CRA	Civil Registration Agency
CCSR	Central Civil Status Register
CSO	Civil Status Office

## INTRODUCTION

Figure 1: Table with background information on the Concept Document

Title	Concept Document on Civil Status
Responsible Ministry	Ministry of Internal Affairs Civil Registration Agency
Contact person	<b>Erdon Arifaj</b> Deputy Director of the Directorate of Civil Status 038-200-19-226
SOP	2.4.11. - Expansion and modernization of services in the Civil Registration Agency
Strategic priority	Increase and maintenance of public safety
Working group	<ol style="list-style-type: none"> <li>1. Erdon Arifaj/CRA- Chairman;</li> <li>2. Qendrim Bytyqi - DEIPC/MIA - Deputy Chairman;</li> <li>3. Meliza Qorraaj - Legal Department/MIA - Member;</li> <li>4. Shkodran Manaj - CRA/MIA - Member;</li> <li>5. Drita Xheladini - DBF/MIA - Member;</li> <li>6. Ariana Podrimaj PIO/MIA -Member;</li> <li>7. Venera Dibra HRMU/MIA - Member;</li> <li>8. Marigona Ramaj - DEIPC/MIA - Member;</li> <li>9. Lorik Lipoveci - Cabinet of the Minister/MIA - Member;</li> <li>10. Genc Hamzaj - CRA/MIA - Member;</li> <li>11. Jeton Sadriu - CRA/MIA - Member;</li> <li>12. Safet Osmani - CRA/MIA - Member;</li> <li>13. Liridon Neziri - DCAM/MIA - Member;</li> <li>14. Drita Hasani - DGS/MIA - Member;</li> <li>15. Muhamet Berisha - KP/MIA - Member;</li> <li>16. Arta Maxhuni - MLFT - Member;</li> <li>17. Vlora Dobraj - MFAD - Member;</li> <li>18. Habit Hajredini - OGG/OPM - Member;</li> <li>19. Valon Hetemi - OPM - Member;</li> <li>20. Zenel Hisenaj - MoH - Member;</li> <li>21. Valdete Navakazi - KAS - Member;</li> <li>22. Representative of MoJ;</li> <li>23. Representative of ACA;</li> <li>24. Drita Perezic - ICITAP - External Member;</li> </ol>

	<p>25. Isa Maluku - ICITAP - External Member; 26. Arbër Nuhiu - CSGD - External Member; 27. Milanka Bazdar - UNHCR - External Member; 28. Mentor Seferi - CRPK/UNHCR - External Member; 29. Valbona Boshtrakaj - EU Office - External Member; 30. Fernando Barriero Cacho - EU Office - External Member; 31. Vena Neivergelt - EU Office - External Member; 32. Blert Morina - CEL - External Member.</p>
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## **CHAPTER 1: PROBLEM DEFINITION**

Civil status is the entirety of the personal data of citizens of Kosovo, foreign citizens and stateless persons with temporary or permanent residence in the Republic of Kosovo, which are registered and kept in the Civil Status Register as well as certify the birth, family status, death, relationship amongst them and any alteration that might take place in these relationships.

Civil status, specifically Civil registration, plays a very important role for all individuals (citizens), starting from the right to registration of births, deaths, marriages and any other similar life event, as well as the causes of death registration. Moreover, the civil status creates the opportunity for citizens to be provided with legal forms of identification, thus enabling access to any service. Civil status also implies a recognition of the responsibilities of the state towards an individual. Birth and death registration enables individuals and their families' access to resources and some of the fundamental rights. Civil registration is part of the civil rights of the citizens, which deals with the registration of citizens' data and their personalization in personal documents, as well as their maintenance by state institutions defined by law. Civil registration is a common name for registration of vital facts, birth registration, citizenship registration, marriage, wedlock, birth of children and the like. In other words, civil registration is the recording (writing) of all biological and vital facts of people by the state, in which these facts occur, in the registers created by that state.

Referring to the Evaluation Report for the Civil Registration Agency (hereinafter referred to as the "CRA") in Kosovo from 24 November 2015, "the CRA, during the 2011-2015 period, has implemented significant improvements in the Civil Status Registration System, the Vehicle Registration System, and the Ministry of Internal Affairs (hereinafter referred to as the "MIA") has created biometric identification documents. The systems for document identification, vehicle registration, the processes for application and distribution of identification documents and driver's licenses are directly related to the Civil Registration System, as the main source data for the application of documents."

Central Civil Status Register (hereinafter referred to as the "CCSR") was established with the central database on 19 February 2013, from which various civil status documents were printed based on data from CCSR.

The global trend shows a continuous evolution in technology for data analysis, utilization, processing and distribution. This rapid technological evolution makes it possible to create new services and applications that are built to use, collect, or combine data. The rate of collection and exchange of personal data has increased significantly. Technology makes it possible for private



as well as public companies to use personal data to carry out their activities. At the same time, a high level of security for personal data protection must be ensured.

The Program of the Government of the Republic of Kosovo 2015-2018 and the National Development Strategy 2016-2021 also set objectives in the field of improving services for citizens, through the improvement of e-government and e-services.

Civil status services are provided by the Civil Status Office (hereinafter referred to as the "CSO"). These offices are responsible for issuing personal identification numbers, birth, family, marriage and death certificates, in the manner prescribed by law; they perform civil service activities, according to the definitions set forth in the Law on Civil Status and bylaws in force.

Furthermore, the Civil Status service in the diplomatic and consular missions of the Republic of Kosovo manages the documentation and performs transactions in the Civil Status Register for Kosovo citizens with permanent residence abroad, according to the definitions set forth in this law and other relevant legal provisions.

CRA provides citizens with official certificates when they need to be identified. There is a number of legal acts in Kosovo that regulate identification documents, passports, civil status registration (birth, marriage, death, etc.), vehicle registration, driver's license policies, and there are also legal acts that regulate CRA status, functions, responsibilities and archiving of documents.

The main point is that legal acts in CRA activities do not provide solutions for issuing documents, using technology which excludes the use of paper. In particular, administrative instructions and regulations do not follow the principle of minimizing various certificates or extracts and paper files.

### **Institutional and legislative framework of the civil status in the Republic of Kosovo**

During the drafting of this Concept Document, the Ministry of Internal Affairs and the Civil Registration Agency have taken into account a number of international instruments and principles related to the field of civil status.

The following table identifies the laws and sub-legal acts related to the issue addressed by this Concept Document. The institutions responsible for the implementation of these acts as well as the role and duties of law enforcement institutions are also specified.

Figure 2: Relevant policy documents, laws and sub-legal acts

Policy document, law or sub-legal act	Link to policy or planning document online or to legal acts in the Official Gazette	State institution(s) responsible for implementation	Role and tasks of the institution(s)
Law No. 04/L-003 on Civil Status	<a href="https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2743">https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2743</a>	Ministry of Internal Affairs, Civil Registration Agency	This Law regulates the meaning and civil status components of the Kosovo citizens, foreign nationals and stateless persons with temporal or permanent residence in the Republic of Kosovo, defines the rules for their creation, maintenance and amendment, as well as the organization and functioning of civil service in the Republic of Kosovo.
Ministry of Internal Affairs, Civil Registration Agency	<a href="https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2570">https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2570</a>	Ministry of Internal Affairs, Civil Registration Agency	This Law shall regulate the meaning, composition, procedure and manner for determining and using the (personal)

			name, as well as conditions for changing and correcting citizens' names in Kosovo (hereinafter: citizens).
Law No. 03/L-040 on Local Self Government	<a href="https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=2530">https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=2530</a>	Municipalities	This Law establishes the legal basis for a sustainable local self-government system in Kosovo.
Administrative Instruction No. 20/2012 - MIA on Requirements and Procedures on Passing the Professional Examination for Civil Status Officers	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=8166">https://gzk.rks.gov.net/ActDetail.aspx?ActID=8166</a>	Ministry of Internal Affairs, Civil Registration Agency	By this Administrative Instruction shall be stipulated and regulated requirements and procedures for passing the professional examination for civil status officers.
Administrative Instruction (MIA) No. 18/2013 on Registries of Civil Status and Special Registries	<a href="https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=10115">https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=10115</a>	Ministry of Internal Affairs, Civil Registration Agency	By this Administrative Instruction shall be stipulated types, form, content, data entry, as well as the mode and deadline of keeping the principal civil status registries and special

			registries.
Administrative Instruction (MIA) No. 11/2017 on Central Civil Status Registry	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=15648">https://gzk.rks.gov.net/ActDetail.aspx?ActID=15648</a>	Ministry of Internal Affairs, Civil Registration Agency	The purpose of this Administrative Instruction is to define the manner of establishment, administration, content, registration and update of civil status data, and the rules for the use of the information technology that will be used in Central Civil Status Registry.
Administrative Instruction (MIA) No. 25/2013 on Civil Status Documents	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=10169">https://gzk.rks.gov.net/ActDetail.aspx?ActID=10169</a>	Ministry of Internal Affairs, Civil Registration Agency	This Administrative Instruction shall define types, forms, constituting elements, mode of keeping, time limit of using the documents which are kept and issued by the civil status service and rules of issuing these documents.
Administrative Instruction No. 05/2012 - MIA on Commission for the Review of Complaints	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=8118">https://gzk.rks.gov.net/ActDetail.aspx?ActID=8118</a>	Ministry of Internal Affairs, Civil Registration Agency	The purpose of this Administrative Instruction is to determine and regulate

			the work procedures of the Commission for Review of Complaints by the parties regarding the documents issued by the municipal civil status body, as well as the composition and definition of the responsibilities of the Commission.
Administrative Instruction (MIA) No. 06/2016 on the Personal Number	<a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=12653">https://gzk.rks-gov.net/ActDetail.aspx?ActID=12653</a>	Ministry of Internal Affairs, Civil Registration Agency	This Administrative Instruction shall define criteria and procedures of issuing the personal number to the citizens of the Republic of Kosovo, persons who reacquire the citizenship of the Republic of Kosovo, to foreign citizens and to stateless persons with temporary or permanent residence in the Republic of Kosovo.
Administrative	<a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=12653">https://gzk.rks-gov.net/ActDetail.aspx?ActID=12653</a>	Ministry of	This

<p>Instruction (MIA) No. 08/2015 on the Re-registration in the Principal Civil Status Registers</p>	<p><a href="http://gov.net/ActDocumentDetail.aspx?ActID=10837">gov.net/ActDocumentDetail.aspx?ActID=10837</a></p>	<p>Internal Affairs, Civil Registration Agency</p>	<p>Administrative Instruction shall determine the criteria and shall regulate the procedures for re-registration of births, marriages, and/or death in the principal civil status registers in the Republic of Kosovo, in cases when the principal registers are lost, damaged or destroyed.</p>
<p>Administrative Instruction (MIA) No. 24/2015 on the Late Registration in the Civil Status Registers</p>	<p><a href="https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11321">https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11321</a></p>	<p>Ministry of Internal Affairs, Civil Registration Agency</p>	<p>This Administrative Instruction determines and regulates the criteria, forms and procedures for the late registration of births and deaths for the citizens of the Republic of Kosovo and for foreign citizens having a temporary or permanent residence in the Republic of Kosovo, that have occurred</p>

			inside and outside the territory of the Republic of Kosovo and that have not been registered in the civil status registers within the legal deadline.
Administrative Instruction No. 03/2013 - MIA on the Verification Stamp	<a href="https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=9880">https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=9880</a>	Ministry of Internal Affairs, Civil Registration Agency	This Administrative instruction shall determine the form and content of the verification stamp and shall regulate procedures of application and verification, on the Civil Status and Civil Registration documents, for the use abroad.
Administrative Instruction (MIA) No. 11/2018 on the Use of Certified Copies of the Original Principal Civil Status Registers of Kosovo which were taken by the Former Serbian Regime prior to	<a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=18327">https://gzk.rks-gov.net/ActDetail.aspx?ActID=18327</a>	Ministry of Internal Affairs, Civil Registration Agency	The purpose of this Administrative Instruction shall be to define the procedures on the use of certified copies of original principal civil status registers of Kosovo,

<p>June 1999</p>			<p>which were taken from Kosovo civil status services by the former Serbian regime prior to June 1999.</p>
<p>Administrative Instruction (MIA) No. 19/2015 on the Conditions and Procedures for Personal Name Change and Correction</p>	<p><a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=11168">https://gzk.rks-gov.net/ActDetail.aspx?ActID=11168</a></p>	<p>Ministry of Internal Affairs, Civil Registration Agency</p>	<p>This Administrative Instruction defines and regulates criteria and procedures on personal name change and correction for citizens of the Republic of Kosovo.</p>
<p>Administrative Instruction (MIA) No. 12/2018 on Requirements and Procedures for Passing Professional Examination by Civil Status Officers</p>	<p><a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=18412">https://gzk.rks-gov.net/ActDetail.aspx?ActID=18412</a></p>	<p>Ministry of Internal Affairs, Civil Registration Agency</p>	<p>This Administrative Instruction defines and regulates the requirements and procedures for passing the professional examination for officers providing civil status services.</p>
<p>Administrative Instruction (MIA) No. 17/2015 on the General Registration Procedure of the Fact of Birth, Marriage and Death</p>	<p><a href="https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11020">https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11020</a></p>	<p>Ministry of Internal Affairs, Civil Registration Agency</p>	<p>This Administrative Instruction shall define the general registration procedures of birth, marriage and death, for the citizens of the Republic</p>



			of Kosovo that have occurred in the Republic of Kosovo and abroad, foreign citizens and stateless persons who acquire citizenship of Republic of Kosovo or foreign persons having temporary and permanent stay who realize the right to civil status services in the Republic of Kosovo.
Administrative Instruction (MIA) No. 12/2016 on Defining the Procedure for Digitalization of Scanned Basic Civil Status Registers	<a href="https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=12900">https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=12900</a>	Ministry of Internal Affairs, Civil Registration Agency	With this Administrative Instruction are defined the procedures for digitalization of the scanned Principal Civil Status Registers for establishing the Electronic Archive of Principal Civil Status Registers.
Administrative Instruction (MIA) No. 19/2015 on the Conditions and	<a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=11168">https://gzk.rks-gov.net/ActDetail.aspx?ActID=11168</a>	Ministry of Internal Affairs, Civil Registration Agency	This Administrative Instruction defines and regulates

<p>Procedures for Personal Name Change and Correction</p>			<p>criteria and procedures on personal name change and correction for citizens of the Republic of Kosovo.</p>
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### **Current policy and responsibilities**

Law No. 04/L-003 on Civil Status determines the meaning and civil status components of the Kosovo citizens, foreign nationals and stateless persons with temporal or permanent residence in the Republic of Kosovo, defines the rules for their creation, maintenance and amendment, as well as the organization and functioning of civil service in the Republic of Kosovo.

The MIA is responsible for the development, implementation, organization, oversight of the issuance of identity cards and passports as well as for civil status registration policies at the central level which is responsible for the CCSR, which contains civil status information for all residents of Kosovo, foreign nationals and stateless persons, with temporary or permanent residence in Kosovo, as well as for foreign nationals who have been granted asylum in Kosovo. The CRA is a unique civil service agency. It maintains, updates and manages the CCSR, maintains civil status acts, issues certificates and performs other services in accordance with applicable law.

Law No. 04/L-003 on Civil Status determines the meaning and civil status components of the Kosovo citizens, foreign nationals and stateless persons with temporal or permanent residence in the Republic of Kosovo, defines the rules for their creation, maintenance and amendment, as well as the organization and functioning of civil service in the Republic of Kosovo.

The Interoperability Framework of the Republic of Kosovo is based entirely on the Electronic Governance Strategy 2009-2015 and the Action Plan for the implementation of this Strategy. This framework is also based on other important documents related to public administration, in particular the European Interoperability Framework.

Law No. 04/L-003 on Civil Status regulates the use of collected and registered civil status data. Paragraph 4 of Article 3 stipulates that the collected and registered data concerning the civil status shall only be used in accordance with the applicable legislation.

According to Article 6 of this Law, "other state and private institutions collecting and administrating persons' databases containing data related to civil status should supply the data in question on the basis of the request of the CRA and in accordance with the Law on Protection of Personal Data". CRA uses the data provided in accordance with the provisions of this Article, for as long as it is necessary to verify and ensure the accuracy of the CCSR data.

Administrative Instruction (MIA) No.11/2017 on CCSR stipulates that access to the Central Register is provided to all officials within the government network or a virtual network managed by the Government of the Republic of Kosovo.

CRA has more than 50 data supply agreements with other government institutions. This process is based on a standard procedure through a simple online service: questions-answers or periodic (2-3 times a year), copying data sets from the recipient.

From an organizational, technical and technological point of view, CRA cannot ensure the full implementation of electronic services for citizens and businesses if they are not connected to the government network or the virtual network managed by the Government of the Republic of Kosovo.

### **Complementary assessment of current policy**

The Law on Civil Status as well as the relevant sub-legal acts are advanced and in line with international standards.

When implementing technologies that exclude the use of paper, attention should be paid to:

- General principles for amending legal acts related to the implementation of technology that excludes the use of paper in the CRA;
- Regarding the alignment of legal acts, a proposal should be made to draft a special law on the management of information sources. Such a law would regulate the management of state information sources:
  1. Types of state information sources;
  2. Formation and implementation of state information sources policy;
  3. Activities of the authority for management of state information sources and persons authorized for data management;
  4. Rights, duties and responsibilities of the heads of state registers and information systems, holders of state registers and information systems, natural and legal persons who provide data, information, documents and/or copies thereof and who receive them from state registers and information systems;
  5. Main principles for the creation and management of state information sources;
  6. Planning the creation and management of state information sources;
  7. State Information Sources Interaction Platform;
  8. Evaluation of the management and protection of information technology equipment used for the processing of information managed by the institution during the performance of its statutory functions;

9. Financing of expenses incurred during the creation, management and supervision of state information sources. This law applies to state institutions, state agencies, state-owned enterprises, public bodies, which establish, create and/or manage state registers (cadastres), departmental registers, state information systems and other information systems financed from the state budget.

Another issue is the alignment of the sanctioning provisions of the current Law on Civil Status with the provisions of EU legislation.

#### *Experience from other countries*

In the experience of the EU, civil registration data should be used by all Kosovo administrations according to the "register once - use the information multiple times" principle. The current legislation of Kosovo requires citizens to present a certificate instead of (copy of) the identification document for institutions (universities, schools, courts, etc.). This hinders the progress made in civil registration and burdens citizens.

As far as EU countries are concerned, the Netherlands and Lithuania have good experience and a well-developed legal basis for registering civil status data. The Law on Civil Status of the Republic of Kosovo stipulates that civil status data are valid only if issued by the official of the Civil Status Office in the manner and form defined by the Law on Civil Status and sub-legal acts arising from its implementation. However, the experience of EU countries shows that all data in the CCSR should be recognized as accurate and complete from the moment of their registration in the Register, unless they are invalid in the manner prescribed by law. The most important thing is the moment of registration of data in the Register rather than the moment of issuance of certain certificates.

The approach that can be successful in Kosovo is to amend and supplement the current law. This would reduce the administrative burden on citizens when state authorities and governing bodies require them to submit certificates on paper or copies of identification documents.

### **The main problem**

Some of the main reasons that have initiated the drafting of this Concept Document are related to the changes and dynamics that have emerged in recent years regarding the data recorded in the civil status. Due to the dynamics of technological development, it is vital to create the right infrastructure for the distribution and exchange of civil status data with relevant stakeholders and institutions.

### **Registration of fact of birth**

The current Law on Civil Status has shown some problems in the area of registration of fact of birth. One of the main problems in registering the fact of birth is the lack of treatment of reporting birth as a fact by health institutions. Although the current law obliges health institutions to report on the fact of birth, when CRA as an institution receives the information,

according to the current law, the birth act is not created, so the received information has no further treatment. Reporting according to the analysis made also showed a problem in the way the data were reported. In most cases the data received were incomplete, and even lacked basic information. In certain cases, these reportings lack the identification data of the parents, especially the mother, causing problems in the birth registration procedure by the competent authorities. The current law obliges to report on a periodic basis, but neither the law, nor the bylaws have provided a unique form which would be used for reporting by health institutions. This has also shown problems in the collection of vital statistics by the competent authorities.

Law on Family stipulates that a child be given an identity after birth. The registration of the fact of birth in each case is also provided by the Convention on the Rights of the Child, the Universal Declaration of Human Rights, as well as the Constitution of the Republic of Kosovo. In practice, there are situations when the mother is recognized but has no legal identity, thus making it impossible to register the child. Although the biological father of the child possesses the identity documents, the birth registration at the administrative level is not further processed due to the lack of identity data of the mother, regardless of the location of birth (hospital/home). Moreover, the practice shows that these cases are not processed even by the courts because there is no dispute between the parents, thus leaving the child unregistered.

Also, the problem in registering the fact of birth is the lack of identification documents for some categories of persons, therefore, it is essential that persons under international protection (stateless persons, refugees, persons under supplementary and temporary protection) be included in all relevant changes.

In the registration of the fact of birth, despite the attention and dynamics that is generally paid in other countries to the issue of "stillborn", the current Law on civil status in the Republic of Kosovo does not address this category. The problematic issue is that although there is a large number of these births, there are no standardized criteria for registering a stillbirth.

### **Registration of fact of death**

Even in the registration of the fact of death, some problems regarding implementation have been identified in the analysis conducted. To begin with, in practice, there has been a number of cases where persons apply for registration of death of a family member but they lack a medical report. Although the current law explicitly requires that there be a medical report for the registration of death, in practice, the lack of legal clarity of the accompanying provisions has presented a number of problems.

Similar to birth act registration, although institutions are required to report the death of a person when that death occurred in their institution, the lack of reporting treatment by the competent institutions, i.e. CRA and CSOs, for death reporting turns out to be problematic even for death registration. So, similar to the registration of the fact of birth, even death cannot be registered without the declaration of family members.

Given that Kosovo provides accommodation for different categories of persons, including those under international protection, it is essential to include one of these categories, which would

reflect on the procedures required to register the facts of death for persons who have been granted international protection status. Also, as for the citizens of Kosovo, the burial procedure and other relevant arrangements should be provided.

### **Subsequent registration and re-registration**

The current law stipulates that when births and deaths are not registered within the time limit set by law, then the subsequent registration can be done by decision of the Civil Status Office. The implementation of subsequent registration is also regulated by bylaws, but the criteria for subsequent registration are not properly defined and are very broad. Moreover, the subsequent registration creates implications for the citizenship, therefore, the problem is the fact that the decision for subsequent registration is a decision taken by the Civil Status Offices.

Any registration of births, deaths and/or marriages, which has been previously registered in the civil status register books in the municipality, is re-registered if the applicant is able to certify the preliminary registration based on documents issued by the civil status principal register and/or the central civil status register or documents issued by the Ministry of Internal Affairs, which contain the original registration and which were later lost and/or destroyed. Re-registration is estimated that due to the situation it is necessary to be envisaged as a possibility, but in the same way as in the subsequent registration, the fact that the decision is taken by the Civil Status Offices should be reviewed.

### **Cohabitation**

Law on Family recognizes the creation of rights and obligations by the factual relationship of two (2) persons (cohabitation). However, this category is not registered in the civil status according to the Law on Civil Status in force. Most countries of the European Union register cohabitation which creates the same or equivalent rights as marriage, in accordance with the time limits set out in the relevant Law on Family.

### **Data change and correction**

Civil status has several components: name, surname, date of birth, place of birth, gender, citizenship, residence and the like. The current law does not provide for the possibility of data change, but only provides for correction. The only exception to this rule is the personal name, which is regulated by a special law.

Law on Civil Status recognizes the right of a person to change his/her gender, however, it does not provide a legal mechanism to change it. The intention of the legislator is very clear in terms of determining the right to change the components of the civil status, including gender. However, the lack of specific laws fails to provide the mechanism through which a person can exercise this right and change data in the civil status.

Despite the lack of a legal basis and not very clear legal provisions, there are some decisions of the local courts regarding the change of one of the components of the civil status, i.e. gender.

In August 2019, the Court of Appeals upheld the decision of the Basic Court of Prishtina, which had affirmed the right of an applicant, who had undergone a gender reassignment surgery, to change his or her name and gender marker in accordance with their gender identity. In December

2019, the Basic Court in Prishtina similarly recognized the right to change the name and gender marker for a person who had started hormone therapy but had not undergone a gender reassignment surgery. The court decision states that the decisions of the Directorate for General Administrative Affairs within the Municipality of Gjakova, based on the recommendation of the Kosovo Civil Registration Agency (CRA), "are cancelled as illegal" and oblige the relevant institutions to formally correct the name of the applicant and the gender marker.

Consequently, in both cases the court has affirmed the right of the person to change the name and gender marker, rights which are also guaranteed by the Law on Civil Status. In both cases, the courts instructed the CRA to follow the procedures to change a person's name, as described in the Law on Personal Names. However, in both cases, the courts have not elaborated the concrete basis of administrative procedures on which the relevant bodies should make changes to the gender marker.

### **Legal validity of (electronic) civil status data in the Civil Status system**

The number of certificates issued by the civil status within a year is approximately 2 million. Trends in neighbouring countries, but also in developed countries, are focused on the digitalization of information - that is why such a large number of applications for civil status certificates has shown its problems. To begin with, such a large number of certificates is a financial and administrative burden for citizens, as well as has a negative impact on the environment. Another problem is the fact that many institutions set a validity deadline for documents issued by the civil status, despite the fact that the Law on Civil Status does not provide for such a thing.

### **Organization of Civil Status Offices**

There is no legal basis or definition on which the Civil Status Offices are opened and this has caused a large number of Civil Status Offices in the municipalities. With new technological developments and population movement trends, such a large number of Civil Status Offices is deemed unnecessary, and, consequently, there will have to be a rationalization of these offices.

Also, the organization of the civil status in the foreign diplomatic service of the Republic of Kosovo should be reviewed in order to increase the capacity of consular officers who provide civil status services.

*Figure 3: Problem tree which presents the main problem, its causes and effects*

Effects	Troublesome creation of civil status data
	Complicated access for citizens to civil status data

Main problem	Based on the analysis of the current situation, the main issue is the advancement of the distribution and exchange of data and civil status services, the harmonization of current legislation with the EU <i>acquis</i> , as well as adaptation to new dynamics and trends in the field of civil status.
Causes	Lack of automatic interconnection of data exchange systems between health institutions and the Civil Registration Agency/Civil Status Office
	Paper-based technologies are still applied and there is no opportunity for the development of electronic services.
	There is no clear legal status of data on paper and in the register.

The following figure lists the identified stakeholders. It also indicates whether stakeholders are affected by the causes and/or effects of the problem defined above. In addition, the last column in the summary shows how these stakeholders identified in the first column are affected. Chapter 5 shows whether these stakeholders have been consulted.

*Figure 4: Stakeholder overview based on problem definition*

Name of stakeholders	The cause(s) and/or effect(s) to which the stakeholder is associated	Manner in which the party is associated to the cause(s) or effect(s)
Civil Registration Agency	Coordinator at the central level of the civil status	The Civil Status Service is a unique state service. This service under this law is exercised as delegated function also by local government bodies. It complements updates and manages the Central Civil Status registry, keeps the civil status acts, issues certificates under definitions of this law and performs other services in accordance with applicable law. Service of



		civil status registry is organized in Central Level of Civil Status Service, respectively Agency.
Civil Status Offices	Enforcer at the local level of the civil status	The Civil Status Service is a unique state service. This service under this law is exercised as delegated function also by local government bodies. It complements updates and manages the Central Civil Status registry, keeps the civil status acts, issues certificates under definitions of this law and performs other services in accordance with applicable law. Service of civil status registry is organized in Local Level of Civil Status Service, respectively Civil Status Offices.
Diplomatic and Consular offices	Enforcer at the diplomatic offices of Republic of Kosovo level of the civil status	The Civil Status Service is a unique state service. This service under this law is exercised as delegated function also by local government bodies. It complements updates and manages the Central Civil Status registry, keeps the civil status acts, issues certificates under definitions of this law and performs other services in accordance with applicable law. Service of civil status registry is organized in Civil Status Service on the diplomatic and consular missions of the Kosovo.

## CHAPTER 2: OBJECTIVES

### *Purpose*

The main purpose is to apply the paper-free technology, to establish the rules that the civil status data are valid only if issued by the civil status service officer in the manner and form defined by the Law on Civil Status and bylaws arising from its implementation.

### *Objectives*

The objectives of the proposal are divided into the following main categories:

1. To explain the meaning and definition of the Central Civil Status Register (CCSR);
2. To define the principles and regulations of data collection as well as on the exchange of civil status data with third parties;
3. To supplement the Law with Articles/provisions that define the moment when the data from the CCSR should be recognized as accurate and complete;

Establishing principles for strengthening public safety and advancing electronic services for citizens and the public.

*Figure 5: Relevant Government objectives*

Purpose of the policy	Name of relevant planning document (source)
Strategic Objective 2.4.5.:	Program of the Government of the Republic of Kosovo 2021-2025
Specific objective: Advancing the legal framework in the field of civil status	According to this Concept Document

## **CHAPTER 3: OPTIONS**

Based on the identification of problems, including causes and consequences, this Concept Document handles and elaborates various options aimed at addressing the shortcomings that have been identified in the analysis of the situation and which can be processed in the field of civil status.

This Concept Document addresses the following options:

1. The *status quo* option (without any change), according to which the current situation will continue to exist;
2. The second option is the amended option to improve the implementation of the current legal framework but without legislative changes, which tends to address some of the issues that have been identified but finds it impossible to provide a new legal basis; and
3. The third option is the one with legislative changes, specifically with the drafting of a new law which provides for addressing all the issues elaborated and the approximation of local legislation with the EU *acquis*.

### **Chapter 3.1: Status quo option (no change option)**

The unchanged option provides for the continuation of the existing situation. Failure to amend and supplement the Law on Civil Status would maintain the *status quo* situation and there would be no opportunity to reduce the amount of documents required by citizens and the public sector. At the same time, citizens would not benefit from better services and opportunities to obtain personal data needed for administrative purposes through implemented IT solutions. The administrative burden remains the same.

If the existing legal framework preserves the provisions for the further use of paper-based technologies, there will be no opportunity to fully harmonize legal acts with EU legislation.

### **Chapter 3.2: Review of existing policies**

The second option reviews the possibility of improving the implementation of the current legal framework without concrete legislative changes. This option, similarly, would leave in force the current Law as a basic pillar of the field of civil status, with some small systematic changes aimed at improving the implementation of current norms.

As elaborated above in the framework of this Concept Document, the legal framework governing the field of civil status does not include changes and dynamics of technological developments related to civil status data. However, if this option is approved, then it will be possible to achieve professional capacity building in the field of implementation of civil status legislation. This means increasing the number of employees especially in decision-making. The option to improve the implementation of the current legal framework without legislative changes proposed by this Concept Document suggests a number of measures in order to implement the Law on Civil Status and other bylaws and which are mainly related to the following activities:

- Increasing professional capacities;
- Strengthening professional capacities to implement the Law on Civil Status;
- Digitalizing services in order to increase efficiency and interconnecting various databases that will result in better generation of statistical data for the purpose of designing policies in the field related to civil status.

The proposed measures are likely to have financial implications as well. However, considering that even this option would not properly serve to improve the situation and legal gaps identified, therefore, the working group does not recommend this option.

### **Chapter 3.3: Third option – Changing the existing implementation approach through legislative changes (recommended)**

Civil registration is defined as the continuous, permanent, compulsory and universal registration of the state of characteristics of life events, such as the registration of birth, death and marital status. This registration serves individuals to verify their identity, establish their right to acquire citizenship and enables them to establish the right to access a large number of services.

Existing policy can be reviewed by supplementing and amending the current law. The third option reviews the possibility of legal changes through the adoption of a new Law on civil status. Failure to change the legal basis, i.e. to continue the implementation of the current law, will render impossible the implementation of technologies that exclude the use of paper, the provision of electronic services to citizens and the public, as well as the ability to harmonize legal acts with EU legislation and definitions of modern registers.

The drafting of this Concept Document aims to create an inter-institutional mechanism, so that, through the drafting of the new Law, the legal basis is created which enables the registration of all natural facts of civil status such as birth and death, in official form, through official reports from institutions that are eligible to verify natural facts, through a unique form, where civil status offices will register these facts in the registers of civil status, respectively in the central civil status register, regardless of residence or place of birth. This change would create enough space for the cooperation and interconnection of data between the relevant institutions to be done more efficiently, thus easing the burden that citizens face for the registration of birth and death data, precisely because this data is not created *ex officio*.

The new Law on Civil Status will also create the necessary legal basis to register a "stillbirth". As discussed in the definition of the problem, the current law does not address this phenomenon, while statistics and reports show that this phenomenon is present. By approving this option, the

deadlines and the rights and obligations which derive for and from the "stillborn" registration will be determined. A stillbirth is the death or loss of a baby before or during birth. Most countries in the region, but also developed countries, have established the necessary mechanisms to register this element of civil status.

This change will have a negative impact because the Civil Registration Agency will have complete information about each person within the territory of the Republic of Kosovo and the data would be processed more accurately, as the central civil status register will be populated with accurate data.

The new Law will also address data changes and corrections. At the moment, the change and correction of the civil status data is somewhat unclear, while only one of the components of the civil status can be changed, i.e. the personal name, which means the name and surname. The personal name is currently regulated by a special Law, but with the approval of this option, the personal name will be addressed by the Law on Civil Status, while the Law on Personal Names, which is in force, will be repealed.

Furthermore, Law on Civil Status recognizes the right of a person to change his/her gender, however, it does not provide a legal mechanism to change it. Furthermore, the Law on Gender Equality also provides the following guarantees for the right to identity and gender equality:

European and regional countries make a clear distinction, both in legislation and in everyday use, between the terms "sex" and "gender". In general terms, "sex" refers to biological differences between males and females, such as genitals and genetic differences. "Gender" is more difficult to define, but can refer to the role of a male or female in society, known as gender role, or an individual's concept of themselves, or gender identity. In these countries, birth certificates, identity cards and passports are typically issued by the state, and thus in these documents the biological sex is marked as male or female. Gender does not appear as a feature in personal documents.

In Kosovo, however, in everyday use, these two terms refer to biological differences and are used as synonyms for each other. Personal documents such as birth certificates, identity cards and passports list two different terms, in Albanian and English, which have different meanings: "gender" in Albanian and "sex" in English. Although the two terms have different meanings and are listed as different personal characteristics by different international legal instruments and domestic legislation, the marker appears the same in both languages as F for "female" and M for "male", referring to biological differences between males and females, such as genitals and genetic differences.

This discrepancy is also evident in the legislation, although the Law on Gender Equality defines and makes a clear distinction between these terms. With the adoption of this Law, it is intended to create the necessary basis to establish the compatibility and compliance with the Laws in force, through the Decisions of the Courts, such as with the international instruments applicable in Kosovo.

Consequently, the new Law, in relation to gender, aims the following:

The new Law on Civil Status shall regulate the following issues, which guarantee the recognition and enjoyment of the right to gender identity, through:

- Provision of procedures for changing civil status data, such as name and gender;
- Foreseeing procedures for recognizing foreign decisions to change civil status data for citizens and residents.

These changes will be consistent with:

- EU legislation and harmonization of these Articles/provisions with the Constitution of the Republic of Kosovo, the Law on Gender Equality and the Law on the Protection from Discrimination, to guarantee the recognition of the right to gender identity and the procedures for changing the civil status data that enable the execution of this right for the citizens of Kosovo.

The new Law also aims to enable institutions and citizens to use data as much as possible in electronic form through the central register of the Civil Registration Agency, thus significantly reducing the need to issue civil status documents on paper. Through this, electronic data would receive the appropriate legal status and would be easily used by citizens when this data is requested by other institutions within the territory of Kosovo.

It should also be noted that current trends in information technology development, as an inevitable part of changes that then reflect in the legal aspect of the data, require that the new Law be in line with current trends in information technology development, or new technical opportunities. In this regard, it was then deemed necessary, through the new Law, to create the necessary legal space and basis to regulate the organization of Civil Status Offices, respectively Civil Status Offices in villages within a municipality, as practice has shown that there is a need to re-evaluate the number of these offices.

Also the organization of civil status in the Foreign Service, or in diplomatic and consular missions, should be provided for by the new Law, in order to increase capacity and professional development, for officials who provide these services.

With the drafting of the new Law on Civil Status, it will be possible to reduce the number of paper documents, implement a modern population register, create electronic services for citizens and businesses and reduce administrative burdens for citizens by providing various administrative services by state authorities and bodies.

With the entry into force of a new Law with the proposed amendments, the Civil Registration Agency should change the technological solutions of the current Civil Registration System and prepare new electronic service applications for citizens and the public sector. The new Law will be harmonized with the Law on Protection of Personal Data and the Law on Civil Registration Agency, as well as will repeal the Law on Personal Names, which will be treated as an integral part of the Law on Civil Status.

## Chapter 4: Identifying and assessing future impacts

The expected impacts have been identified and elaborated within this Chapter, based on the option which has found support from the working group, namely the option of the new Law on Civil Status.

*Figure 6: The most significant impacts identified for the impact category*

<b>Impact categories</b>	<b>Relevant impacts identified</b>
Economic impacts	The new Law on Civil Status will have a small positive impact on economy, mainly in easing the administrative burden for citizens.
Social impacts	No major social impacts are planned, however, small changes will have a positive social impact.
Environmental impacts	In general, the proposed measures will not have an environmental impact, with the exception of the technology-based system, which will have a positive impact in terms of lower paper consumption, while the centralized system will contribute to reduce the number of applicants physically and hence there will be fewer trips.
Impacts on fundamental rights	<p>The proposed measures will have a direct impact on guaranteeing the fundamental human rights guaranteed by the Constitution and other international instruments.</p> <p>The amendment of the current Law on Civil Status will create the appropriate legal basis through which the citizens of the Republic of Kosovo will have the opportunity to make changes to the gender component of the civil status.</p>
Gender impact	The proposed measures will have a direct impact on the gender equality of the treatment of citizens of the Republic of Kosovo.
Social equality Impacts	The measures proposed in the Concept Document do not have a direct impact.
Impacts on youth	The measures proposed in the Concept Document do not have a direct impact on youth.
Impacts on	The measures proposed in this Concept Document are not expected to

administrative burden	have an impact on the administrative burden.
Impact of SMEs	No impact

#### **Chapter 4.1: Challenges with data collection**

The Working Group had in its composition proper representation to provide the necessary information for the drafting of this Concept Document. The work was led by the Ministry of Internal Affairs and the Civil Registration Agency, who provided the necessary general and specific information. On the other hand, specific analyses for the Concept Document were provided by all members of the Working Group.

Therefore, it can be confirmed that there have been no significant problems and challenges in gathering this information.



## Chapter 5: Communication and consultation

, the Ministry of Internal Affairs will organize a press conference to inform the actors about this issue, to distribute notices to all CSOs. The main message will be to inform citizens and the public about the new opportunities offered by implemented technologies that exclude the use of paper and about the use of electronic services for citizens and the public sector.

The public consultation process will be done according to Regulation No. 09/2011 of Rules and Procedure of the Government of the Republic of Kosovo and Guidelines for the Public Consultation Process (September 2011 and the Consultancy Version from 2017), where the participants mentioned above submitted the original draft of this Concept Document. In addition, EU experts working on the twinning project "Support to Civil Registration and Document Security" in Kosovo were consulted. After these consultations, it was concluded that the above-mentioned amendments are more than necessary. Prior to the Government approval processes, this Concept Document will be submitted for preliminary inter-ministerial consultation and public consultation through the public consultation platform.

This chapter includes the realized plan of communication and consultation activities for this Concept Paper. Most of the relevant actors have been part of the working group. The members are listed in Table 1 of this Decision.

During the drafting of this Concept Paper, several meetings of the working group were held, during which the purpose and content of this Concept Paper were discussed. The problems that have emerged in the implementation of the current law as well as the recommendations of the institutions involved in the implementation of the law have been addressed.

According to the Rules of Procedure of the Government, the Concept Paper was sent for preliminary consultations on 24.11.2021.

This Concept Paper was also published on the public consultation platform from 30.11.2021 to 21.12.2021.

*Figure 7: Summary of communication and consultation activities performed for a Concept Document*

The consultation process aims at:						
Consulting the stakeholders on the content of the Concept Paper;						
Transparency when drafting of the Concept Paper for foreigners						
Main purpose	Target group	Activity	Communication / notification	Indicative deadlines	Required budget	Responsible person
Open meeting for	All stakeholders	Working group meetings	Physical presence at	September 2021	/	Erdon Arifaj,

all stakeholders			meetings			CRA, MIA
Preliminary written consultation	Institutions of the Republic of Kosovo	Internal Communication	By official e-mail	24.11.2021 to 27.11.2021	/	Erdon Arifaj, CRA, MIA  Meliza Qorraj, LD, MIA
Public written consultation	All stakeholders	Publication of the consultation on the portal for public consultation	By official e-mail	30.11.2021 to 21.12.2021	/	Erdon Arifaj, CRA, MIA

## Chapter 6: Comparing Options

This chapter presents the plans for the implementation of options and a comparative analysis between the options through which it is intended to justify the selection of the preferred option which will more effectively address the main problem, causes and effects identified.

### Summary of options

Key features	Option 1	Option 2	Option 3
Key features of the option.	The situation remains unchanged; paper-based technologies are still used, there is no possibility to provide electronic services to citizens and the public, there is no possibility to harmonize legal acts and definitions of modern registers with EU legislation.	By amending and supplementing the current law: a modern definition of the registry system should be implemented, electronic services for citizens and the public should be developed, the legal status of registry data should be legalized.	If the existing legal basis and policy remains then it is impossible to provide electronic services to citizens and the public, there is no possibility to harmonize legal acts, definitions of modern registers with EU legislation.
Target population segment/sector/region.	Citizens and the public sector of the Republic of Kosovo who will be users of paper-based technologies that will spend more money on obtaining unnecessary certificates and submitting copies of documents to state authorities and government bodies.	Citizens and the public of the Republic of Kosovo will have the opportunity to use electronic services based on modern IT technologies. The amount of paper documents should be reduced.	Citizens and the public of the Republic of Kosovo who will be users of paper-based technologies that will spend more money on obtaining unnecessary certificates and submitting copies of documents to state authorities and government bodies.
Features of implementation - who is responsible - a government	The Ministry of Internal Affairs is responsible for the	The Ministry of Internal Affairs is responsible for the	The Ministry of Internal Affairs is responsible for the

department (which one), private sector, citizens.	implementation.	implementation.	implementation.
Administration or implementation of the program or service.	The Ministry of Internal Affairs carries out the implementation and supervision.	The Ministry of Internal Affairs carries out the implementation and supervision.	The Ministry of Internal Affairs carries out the implementation and supervision.
Laws, bylaws, amendments and supplementations to existing laws, enforcement and penalties.	There are no changes	Amending or supplementing the Law 04L-003 on Civil Status and amending the relevant bylaws.	There are no changes
Economic incentives or no economic incentives - subsidies or taxes.	Approved budget	Approved budget for 2018 and 2019	Approved budget
Areas of education and communication.	None	Press conference, electronic service instructions	None
Instructions and codes.	None	Administrative instructions mentioned below	None
Timelines - when the option enters into force.	Ongoing	Q2 2019	Q2 2019

The recommended option is to amend and supplement the Law No. 04/L-003 on Civil Status. The new administrative instruction should be prepared.

### *Benefits*

1. Option 1: No benefits; paper-based technologies are still used; there is no clear legal status of the data in the paper and register; there is no opportunity for the development of electronic services.
2. Option 2: By amending and supplementing the current law, a modern understanding of registers will be implemented and electronic services for citizens and the public sector will be developed. In addition, the amendment of the current Law will harmonize the legal acts of Kosovo with the EU legislation.
3. Option 3. By drafting a new law Any change in the existing approach to law enforcement will not entitle citizens to use electronic services based on modern IT technologies. The amount of paper documents should not be reduced.

### *Negative consequences*

Option 1: The consequences of this option will be as follows: citizens and the public sector will continue to use paper-based technologies, face the same difficulties in carrying out electronic services; there is no possibility to harmonize the legislation with the EU legislation.

Option 2: Financial costs can only cause negative consequences. But given the fact that the administrative burden on citizens, state authorities and governing bodies will be reduced and the harmonization of legal acts with EU legislation will be possible, these costs will be covered by increasing the use of the Registry data by citizens who will use electronic services, costs will be reduced for government institutions in the administration of paper documents and by creating a flexible system of fees/taxes from the use of data.

Option 3: Any change in the existing approach to law enforcement would not entitle citizens to use electronic services based on modern IT technologies. The amount of paper documents should not be reduced, and, at the same time, there will be difficulties in harmonizing legal acts with EU legislation.

Option 1: If the current law is still in force, the establishment of a modern understanding of the registry system, the provision of electronic services and harmonization of this Law with EU legislation will be rendered impossible.

Option 2: If the current law is amended and supplemented, the modern understanding of registry systems will be implemented, the opportunity for electronic services will be executed, the administrative burden on citizens and the public will be reduced by making services and information available to them. In addition, during the revision of the current law, the provisions of this Law will be harmonized with the EU legislation.

Option 3: Changing the existing approach to the law will not allow citizens to use e-services based on modern IT technology. This will contribute to the ongoing difficulties in harmonizing legal acts with those of the EU.

## **Chapter 7: Conclusions and next steps**

This Concept Document will precede the amendment of the current legal framework. The amended law will create an opportunity to reduce the administrative burden for citizens and the public during the preparation and submission of documents to state authorities and governing bodies, to apply modern technologies for the development and implementation of electronic services. In addition, during the revision of the current law, the provisions of this Law will be harmonized with EU legislation. The Ministry of Internal Affairs continues to be the authority overseeing the CRA, which maintains the Central Civil Status Register.

After reviewing all the options as well as the negative consequences and potential benefits of the options, the proposal is to adopt Option 3 as the most favourable alternative.

## Annex 1: Form of assessment for economic impact

Economic impact category	Key impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		Yes	No			
Jobs <sup>1</sup>	Will the number of available jobs increase?	X		L	L	L
	Will the number of available jobs decrease?		X	L	L	L
	Will there be an effect on the level of payment?		X	L	L	L
	Will there be an effect on the ease of finding a job?		X	L	L	L
Conducting business	Will there be an effect on the access to finance for business?		X	L	L	L
	Will certain products be removed from the market?		X	L	L	L
	Will certain products be allowed on the market?		X	L	L	L
	Will businesses have to be closed down?		X	L	L	L
	Will new businesses be created?	X		L	L	L
Administrative burdens	Will businesses have to comply with new information obligations?	X		L	L	L
	Are information obligations for businesses simplified?		X	L	L	L
Trade	Are the current import flows expected to change?		X	L	L	L
	Are the current export flows expected to change?		X	L	L	L

<sup>1</sup> When there is an impact on jobs, there will be social impacts as well.

Transport	Will there be an effect on how passengers and/or goods are going to be transported?		X	L	L	L
	Will there be a change in time that is needed to transport passengers and/or goods?		X	L	L	L
Investment	Are companies expected to invest in new activities?		X	L	L	L
	Are companies expected to cancel or postpone investments?		X	L	L	L
	Will investments by the diaspora increase?	X		L	L	L
	Will investments by the diaspora decrease?		X	L	L	L
	Will Foreign Direct Investment increase?	X		L	L	L
	Will Foreign Direct Investment decrease?	X		L	L	L
Competitiveness	Will the price of business inputs, such as electricity, increase?		X	L	L	L
	Will the price of business inputs, such as electricity, decrease?		X	L	L	L
	Are innovation and research likely to be promoted?		X	L	L	L
	Are innovation and research likely to be hindered?		X	L	L	L
SME Impact	Are the companies that are affected mainly SMEs?	X		L	L	L
Prices and competition	Will the number of goods and services available for business or consumers increase?		X	L	L	L
	Will the number of goods and services available for business or consumers decrease?		X	L	L	L
	Will the prices for existing goods and services increase?		X	L	L	L
	Will the prices for existing goods and services decrease?		X	L	L	L
Regional	Will a specific business sector be affected?	X		L	L	L

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economic impacts	Is this sector concentrated in a certain region?		X	L	L	L
Overall economic development	Will future economic growth be affected?	X		L	L	L
	Could there be an effect on the inflation rate?		X	L	L	L



Annex 2: Form of assessment for social impacts

Social impacts category	Key impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		Yes	No			
Jobs <sup>2</sup>	Will the number of available jobs increase?	X		L	L	L
	Will the number of available jobs decrease?		X	L	L	L
	Are jobs in a specific business sector affected?	X		L	L	L
	Will there be an effect on the level of payment?		X	L	L	L
	Will it have an impact on making it easier to find a job?	X		L	L	L
Regional social impacts	Are the social impacts concentrated in a certain region or specific cities?		X	L	L	L
Working conditions	Are the rights of workers affected?		X	L	L	L
	Are standards for working under dangerous conditions introduced or abolished?		X	L	L	L
	Will there be an effect on how the social dialogue between employees and employers takes place?		X	L	L	L
Social inclusion	Will there be an impact on poverty?	X		L	L	L
	Is access to social protection schemes affected?	X		L	L	L
	Will the price of basic goods and services change?		X	L	L	L
	Will there be an impact on the financing		X	L	L	L

<sup>2</sup> When there is an impact on jobs, there will be economic impacts as well.

	or organisation of social protection schemes?					
Education	Will there be an effect on primary education?	X		L	L	L
	Will there be an effect on secondary education?	X		L	L	L
	Will there be an effect on tertiary education?	X		L	L	L
	Will there be an effect on vocational training?	X		L	L	L
	Will there be an effect on education of workers and lifelong learning?	X		L	L	L
	Will there be an effect on the organisation or structure of the educational system?	X		L	L	L
	Will there be an impact on academic freedom and self-governance?		X	L	L	L
Culture	Does the option affect the cultural diversity?	X		L	L	L
	Does the option affect the funding of cultural organisations?		X	L	L	L
	Does the option influence opportunities for people to enjoy cultural activities or participate in them?	X		L	L	L
	Does the option affect the preservation of cultural heritage?		X	L	L	L
Governance	Does the option affect citizens' ability to participate in the democratic process?		X	L	L	L
	Is every person treated equally?	X		L	L	L
	Will the public be better informed about certain issues?	X		L	L	L
	Does the option affect the way political parties operate?		X	L	L	L

	Will there be an impact on civil society?		X	L	L	L
Public health and safety <sup>3</sup>	Will there be an effect on the lives of people, such as life expectancy or mortality rates?		X	L	L	L
	Will there be an effect on the quality of food?		X	L	L	L
	Will the health risk increase or decrease due to harmful substances?		X	L	L	L
	Will there be health effects due to changes in noise levels or the quality of air, water and/or soil?		X	L	L	L
	Will there be health effects due to changes in the use of energy?		X	L	L	L
	Will there be health effects due to changes in waste disposal?		X	L	L	L
	Will there be an effect on the lifestyle of people, such as take-up levels for sports, diet changes, or changes in the use of tobacco or alcohol?		X	L	L	L
	Are there specific groups that face much higher risks than others (determined by factors such as age, gender, disability, social group or region)?		X	L	L	L
Crime and security	Are the chances that criminals get caught affected?	X		L	L	L
	Is the potential gain from crime affected?	X		L	L	L
	Is there an effect on corruption levels?	X		L	L	L
	Is the capacity of law enforcement affected?	X		L	L	L
	Is there an effect on the rights and	X		L	L	L

<sup>3</sup> When there are public health and safety impacts, there regularly are environmental impacts as well.

	security of victims of crime?					
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Annex 3: Form of assessment for environmental impacts

Environmental impact category	Key impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		Yes	No			
Climate and sustainable environment	Will there be an effect on the emission of greenhouse gases (carbon dioxide, methane, etc.)?		X	L	L	L
	Will fuel consumption be affected?		X	L	L	L
	Will the mix of resources that are used for energy production change?		X	L	L	L
	Will there be a change in price for environmentally friendly products?		X	L	L	L
	Will certain activities become less polluting?		X	L	L	L
Air quality	Will there be an effect on the emission of air pollutants?		X	L	L	L
Water quality	Does the option affect the quality of freshwater?		X	L	L	L
	Does the option affect the quality of groundwater?		X	L	L	L
	Does the option affect drinking water resources?		X	L	L	L
Soil quality and land use	Will there be an effect on the quality of soil (related to acidification, contamination, use of pesticides or herbicides)?		X	L	L	L
	Will there be an effect on soil erosion?		X	L	L	L

	Will soil be lost (through construction, etc.)?		X	L	L	L
	Will soil be gained (through decontamination, etc.)?		X	L	L	L
	Will there be any change in land use (e.g. from forest to agricultural or urban use)?		X	L	L	L
Waste and recycling	Will the amount of waste that is generated change?		X	L	L	L
	Will the ways in which waste is treated change?		X	L	L	L
	Will there be an effect on the recycling possibilities for waste?		X	L	L	L
Use of resources	Does the option affect the use of renewable resources (fish stocks, hydropower, solar power etc.)?		X	L	L	L
	Does the option affect the use of resources that are not renewable (groundwater, minerals, coal etc.)?		X	L	L	L
Scale of environmental risks	Will there be an effect on the chances of risks such as fires, explosions or accidents?		X	L	L	L
	Will there be an effect on the readiness when natural disasters occur?		X	L	L	L
	Is the protection of society against natural disasters affected?		X	L	L	L
Biodiversity, flora and fauna	Will there be an effect on protected or endangered species or the areas where they live?		X	L	L	L
	Will the size of or the connections between nature zones be affected?		X	L	L	L
	Will there be an effect on the number		X	L	L	L

	of species in a given area?					
Animal welfare	Will there be an effect on the treatment of animals?		X	L	L	L
	Will there be an effect on the health of animals?		X	L	L	L
	Will there be an effect on the quality and safety of animal feed?		X	L	L	L

Annex 4: Form of assessment for the impact on fundamental rights

Fundamental rights impact category	Key impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		Yes	No			
Dignity	Does the option affect the dignity of humans, their right to life or the integrity of a person?	X		L	L	L
Freedom	Does the option affect the right to liberty of individuals?	X		L	L	L
	Does the option affect a person's right to privacy?	X		L	L	L
	Does the option affect the right to marry or start a family?	X		L	L	L
	Does the option affect the legal, economic or social protection of individuals or the family?	X		L	L	L
	Does the option affect the freedom of thought, conscience or religion?	X		L	L	L
	Does the option affect the freedom of expression?	X		L	L	L

	Does the option affect the freedom of assembly or association?	X		L	L	L
Personal data	Does the option involve the processing of personal data?	X		L	L	L
	Are the individual's right to access, rectification and objection guaranteed?	X		L	L	L
	Is the way in which personal data is processed clear and well-protected?	X		L	L	L
Asylum	Does the option affect the right of asylum?		X	L	L	L
Property rights	Will property rights be affected?	X		L	L	L
	Does the option affect the freedom to conduct business?	X		L	L	L
Equal treatment <sup>4</sup>	Does the option safeguard the principle of equality before the law?	X		L	L	L
	Are there chances that certain groups would suffer directly or indirectly from discrimination (e.g. any discrimination based on any ground such as sex, race, colour, ethnicity, national minority, political or any other opinion, age or sexual orientation)?	X		L	L	L
	Does the option affect the rights of people with a disability?		X	L	L	L
Children's rights	Does the option affect the rights of children?	X		L	L	L
Good administration	Will administrative procedures become more burdensome?		X	L	L	L
	Is the way in which the administration takes decisions affected (transparency,	X		L	L	L

<sup>4</sup> Gender equality is addressed in the *Gender Impact Assessment*

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	procedural time, right to access to a file etc.)?					
	For criminal law and envisioned sanctions: are the rights of the accused affected?	X		L	L	L
	Is access to justice affected?	X		L	L	L