Legally invisible persons in seven stories

Why should the Law on the Procedure for Recognition of Persons before the Law be adopted
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Praxis is a national non-governmental organization (NGO), which aims to protect, improve and promote human rights of refugees, internally displaced persons (IDPs) and members of minorities (Roma, Ashkali and Egyptian minorities). It was established in June 2004, as a continuation of the Norwegian Refugee Council’s (NRC) Civil Rights Project, which NRC conducted in Serbia from 1997.

Praxis has continued to protect the rights of target groups through legal remedies and by raising public awareness about the problems the displaced and the members of minorities face. While working on individual cases, Praxis also advocates for removal of administrative and systemic obstacles which impede the target groups to enjoy their human rights.

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Introduction

The estimates suggest that there are several thousands of persons living in Serbia today, predominantly Roma (IDPs and domicile), who are not recognized as persons before the law, even though the right to be recognized as a person before the law is a basic human right, guaranteed by international regulations and the Constitutions of the Republic of Serbia. We are often witnesses of a vicious circle of the invisible, in which each generation leaves behind a generation of offspring who are nor legally recognized.

Everyone has the right to be recognized as a person before the law. The right to be recognized as a person before the law is acquired upon birth, by registration into birth registry book. Only as a legal subject can one enjoy other rights and freedoms. Persons who are not registered into birth registry books are “legally invisible”, which means that from the legal standpoint they do not exist.

In order to solve their problem and become recognized before the law, these persons need to initiate the administrative procedure of subsequent registration into birth registry book. In case they do not possess evidence on their identity, they need to initiate a court procedure. In practice, these procedures are complicated, long-lasting and often with uncertain outcome. Practice of courts and administrative bodies in this field is unequal. Unfortunately, persons who initiate these procedures need legal assistance in order to exercise this basic human right.

In case one possesses evidence, the administrative procedure lasts for approximately 5 months. Since the “legally invisible” persons usually do not possess all required evidence, the procedures even last for more than a year. Evidence are not collected ex officio, so the burden of providing evidence falls on those who submit the request. Displaced persons from Kosovo are facing similar problems in the procedures of re-registration into birth registry books, in cases of destroyed or lost registry books in Kosovo. Even though the body in charge of administering registry books is obliged to undertake all necessary measures as soon as possible to restore destroyed or lost registry books ex officio and without delay, on the grounds of available data, the burden of providing evidence falls on displaced persons themselves. Evaluation of the same type of evidence by the competent administrative bodies varies from case to case. The fact that certain courts insist on DNA analysis, which costs approximately 500 EUR, in the procedure of establishing maternity/paternity, presents an additional problem. These costs are unbearable for persons who live in unsanitary, illegal settlements, who are unemployed and live below the poverty line.

Upon successfully completed subsequent registration into birth registry book, the issues of the procedure for determining citizenship and registering permanent or temporary evidence will also be raised, for which there are no efficient solutions in the existing legal framework. Persons living in unsanitary, illegal settlements, as well as homeless persons living in the streets, are those facing difficulties in registering permanent or temporary residence. It is necessary to enable these persons to register residence at a certain address, i.e. address of the Municipality Hall or Social Welfare Centre. Only when all these conditions are fulfilled will these persons be able to access other rights.

In order to resolve this issue, it is necessary to urgently engage all relevant stakeholders, primarily the State, but also members of the civil society and international community. So far, the State has not shown enough willingness to find a systemic solution for the issue of “legally invisible” persons. Even the Draft Law on Registry Books, which was presented in March 2008 by the Ministry of Public Administration and Local Self-Government at a roundtable, suggests that this complex problem will remain unresolved, since it inherited the solutions of the existing Law in respect to subsequent registration. At the roundtable, Praxis used the opportunity to once again emphasise the necessity of finding a systemic legal solution to the issue. However, the Ministry maintained its opinion that the solutions offered in the Draft Law on Registry Books were based entirely on basic constitutional principles and that the Draft prescribed the adoption of bylaws that would closely regulate the aforementioned issues as well, and ensure enforcement of the Law in practice, in a way which would enable the unimpeded enjoyment of right to be recognized as a person before the law.

We believe that an inefficient legal solution cannot be justified and remedied by adopting bylaws, but that it is necessary to regulate the procedure for recognition of be recognized as persons before the law in law itself.
Through this publication, we would like to emphasise the necessity of finding a systemic solution to the problem of “legally invisible” persons, primarily by adopting a separate law which would prescribe a simple and efficient procedure of subsequent registration into birth registry books, with least possible legal formalities, both in respect to necessary personal data and providing evidence for the same data. Thus, the State would enable equal enjoyment and protection of rights and freedoms to all its citizens.

By providing free legal assistance to the displaced persons and members of ethnic minorities, Praxis has come across numerous cases in which persons, who legally do not exist, wander through labyrinths of passive and rigid bureaucracy, inefficient and inadequate legal regulations and procedures. In order to illustrate the difficulties that “legally invisible” persons are facing when attempting to gain legal identity for themselves and their children, we have chosen only a few characteristic cases. All explained cases would not last that long, would not require such costs and engagement of a team of lawyers, and would not have uncertain outcome, were there an adequate legal framework that is consistently applied in practice.

Upon initiative and support from Praxis, UNHCR and US Department of State’s Bureau of Population, Refugees and Migration, the Center for Advanced Legal Studies (CUPS) drafted a Model Law on the Procedure for Recognition of Persons before the Law, using the experience of Praxis in work on individual cases and encountered obstacles in gaining legal identity.

What follows is a joint advocacy campaign lead by CUPS, OSCE Mission to Serbia, UNHCR and Praxis, for reaching a systemic solution to the issue, in which the problems encountered in practice will be presented to professional stakeholders and wider public, and the Model Law offered as one of the possible solutions. The Ministry for Human and Minority Rights endorsed the initiative and decided to actively participate in the campaign, as well as to support the adoption of this legal solution, which would enable the “legally invisible” persons to enjoy their right to be recognized as persones before the law, guaranteed by the Constitution of the Republic of Serbia.

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> Djulijan and Senad Case
To live and die as a legally invisible person

Djulijan was born in 1999 in Kosovo Polje and had never been registered into birth registry book. He was admitted to a hospital in Belgrade in 2006 using a “borrowed” health card. As a “legally invisible” person, Djulijan could not obtain health insurance, so his parents were forced to “borrow” a health card from their cousin Senad, born in Kragujevac in 2001 and registered into birth registry book. Both families are returnees to Kosovo and have registered residence in Kosovo Polje.

In August 2006, Djulijan died in hospital, but the fact of death registered into birth and death registry books was that of Senad, not Djulijan. At the beginning of 2007, Senad’s parents addressed Praxis for legal assistance.

Necessary evidence were obtained, and in April 2007, a motion for proving the fact of death was submitted, thus initiating a non-contentious procedure before the court of petitioner’s place of residence. Only when the court decision becomes final will it be possible to initiate administrative procedure for deletion of the fact of death of Senad in both death and birth registry books.

Regardless of numerous interventions with the judge who was appointed to the case, the competent Pristina Municipal Court, dislocated from Kosovo to Nis, has not set the hearing for over a year now. Today, Senad is seven years old and lives as a “legally deceased” person, so he will not be able to enrol in school, receive medical treatment if necessary, or exercise other rights.

Djulijan, on the other hand, lived and died as a “legally invisible” person.

> Afrim Case
When life depends on a piece of paper

Afrim has been living without legal identity for 30 years now. He was born in Djakovica, Kosovo, but moved to Belgrade with his parents as a baby. He lives with his common-law wife, a child and his parents in a Roma settlement in Belgrade. They support themselves by collecting raw material.

Afrim suffers from serious medical problems, has had a heart defect from childhood and due to glaucoma, he has recently lost sight on his right eye. Last year, he had been admitted to a hospital as an emergency
case, and was advised to undergo a heart surgery. He was also told that he needed to obtain personal documents and medical insurance, so that the hospital would be able to cover the expenses of his operation and medical treatment. For that reason, Afrim addressed Praxis for legal assistance upon leaving the hospital.

Silence of administration

In June 2007, a request for subsequent registration into birth registry book was submitted to the competent administrative body in Jagodina. The following necessary evidence was previously obtained: birth and citizenship certificates for both parents and their marriage certificate. Beside these documents, copies of parents’ ID cards and verified statements of parents and witnesses of childbirth were enclosed in the request. Afrim’s medical documentation was also enclosed in the request, so that the administrative body would comprehend the urgency of deciding upon the request. Instead of urgently bringing a decision, three-month silence of administration followed. Upon Praxis’ plea for urgency, an officer of the Municipal administration of Jagodina claimed that this administrative body was not competent to bring decisions in cases of subsequent registration into birth registry books, but only regarding requests for reregistration in cases of lost or destroyed registry books.

Court brings a decision in a civil lawsuit in 5 months

Taking into consideration the standpoint of the administrative body, Afrim addressed the court for protection of his rights. In October 2007, a lawsuit for determination of maternity and paternity was initiated before the First Municipal Court in Belgrade, and all available evidence submitted. Regardless of submitted evidence, Afrim’s financial and medical condition, the Court requested the DNA analysis, for which Afrim had to pay approximately 500 EUR. At the end of March 2008, the Court brought a decision and determined that the defendants were indeed Afrim’s biological parents. In the decision, the Court ordered the territorially incompetent administrative body to perform the registration of the fact of birth into birth registry book, due to which the correction of the decision had to be made, which took another 15 days.

The administrative body brings a decision rejecting the request for subsequent registration based on the court decision

In July 2008, the initial request for subsequent registration of the fact of birth was supplemented with the final court decision. Since the administrative body in Jagodina did not bring the decision on the grounds of the court decision either, in August 2008, the appeal was lodged to the Ministry for Public Administration and Local Self-Government. In the meantime, upon Praxis’ intervention, the Republic Institute for Health Insurance in Belgrade issued a health card to Afrim on the grounds of the aforementioned court decision. At the beginning of September 2008, administrative body in Jagodina delivered a decision to Afrim rejecting the request for subsequent registration. In reasoning of the decision, the administrative body, among other things, also stated that after the check up performed in the Police Station of the Municipality of Djakovica “the person is not found in the records on persons born and registered in registry books, and records on persons with registered permanent and temporary residence, ID card, citizen’s unique personal number, etc”, as well as that “the person who submitted the request does not possess any personal documentation, although born 30 years ago”. Even though obliged to act upon the final court decision, the administrative body delays this procedure without valid reasons, thus additionally aggravating Afrim’s condition. In mid-September 2008, a complaint was lodged to the Ministry for Public Administration and Local Self-Government against the decision of the administrative body in Jagodina rejecting the request for subsequent registration.

More than a year upon submitting the request, the outcome is still uncertain

It is uncertain when the procedure of subsequent registration into birth registry book will be completed, and what follows is the procedure for establishing the citizenship of the Republic of Serbia, which can last for more than a year.

> Djeljana, Nadjija and Alija Case

No evidence, therefore, no existance

Djeljana is 16 years old and lives in Subotica with her 25-year-old sister Nadjija and 23-year-old brother Alija. They were all born out of wedlock, at home in Vucitrn, Kosovo, and are not registered into birth registry book. They fled from Kosovo with their parents in 1999, and have been living in Serbia ever since, without permanent address. The parents
died in displacement, but the children do not know the exact date and place of their death. They only speak Romani language and they support themselves by collecting and selling raw material.

At the end of 2008, they addressed Praxis for legal assistance. Unfortunately, Djeljana, Nadjija and Alija do not possess evidence needed for initiating procedures of subsequent registration into registry book before an administrative body. In addition, they cannot seek protection of their rights before court, by initiating a lawsuit for determining maternity and paternity, since their parents are deceased.

It is obvious that the existing regulations do not offer solutions for subsequent registration of the fact of birth for Djeljana, Nadjija and Alija. They can only wait until this issue is legally regulated.

Predrag Case
To be born when the forces march in

Predrag is 9 years old and was born at home in Orahovac, Kosovo in 1999, two days after international forces entered Kosovo. The fact of birth has been registered by an International Forces Field Hospital, but it has never been registered in birth registry book.

As of August 2000, Predrag has been living with his family in a collective centre in Kladovo, with no income and in deep poverty.

Administrative body rejects the request for subsequent registration into registry book as groundless

In March 2007, Predrag’s parents submitted a request for subsequent registration of their son into birth registry book to the competent administrative body in Krusevac by registered mail. In addition to the request, they submitted all evidence available at the time: certificate on birth issued by the Field Hospital, mother’s birth and citizenship certificates, verified statements from two witnesses of childbirth, one of whom personally performed the childbirth, as well as the statement on recognition of paternity given to the Social Welfare Centre.

In May 2007, administrative body in Krusevac requested additional evidence: marriage certificate of the parents, father’s birth certificate, copies parents’ ID cards, medical documentation for the child, health card, IDP card, etc. Parents informed the competent body by telephone that they would not be able to provide additional documentation, and requested that the body bring the decision on the grounds of available evidence and evidence obtained ex officio.

In October 2007, only after lodging a complaint on “silence of administration” and 7 months after submission of the request, did the administrative body in Krusevac bring the decision rejecting the request as groundless. In its written explanation of the decision, the administrative body states that the party shall be obliged to propose evidence for his/her allegations and produce them, if possible. If the party fails to comply, the officer conducting the procedure shall invite him/her to do so, referring to the Law on General Administrative Procedure.

However, the competent administrative body did not act in accordance with the provisions of the same Law on the grounds of which the party “shall not be requested to obtain and produce the evidence that can be obtained faster and easier by the officer conducting the procedure” and “the officer conducting the procedure shall ex officio obtain the data related to the facts the official records of which are kept by the authority responsible for deciding in administrative matters. The officer shall proceed in the same manner with respect to the facts the official records of which are kept by other authorities.”

Court reaches a decision upon a lawsuit within less than two months

Due to impossibility to successfully complete the procedure before the administrative body, the parents addressed Praxis for assistance and Praxis continued to work on the case. Additional evidence was obtained and in March 2008, a lawsuit for determining maternity and paternity was initiated before the Municipal Court in Kladovo. Social Welfare Centre appointed a temporary guardian for the underage plaintiff, who was to represent the child before the Court. Following evidence were enclosed in the lawsuit: certificate on birth issued by the Field Hospital, birth and citizenship certificates for both parents and two brothers, copies of parents’ ID cards, verified statements of two witnesses of the childbirth, one of which performed the childbirth, and parents’ marriage certificate issued by UNMIK.

In April 2008, the Court reached the decision determining the marital relation between the parents (marriage concluded in 1986, in Orahovac), and afterwards determined that these persons were in fact Predrag’s biological parents.

In its decision, the Court ordered that the competent administrative body in Krusevac perform the registration of the fact of marriage into marriage
registry book, as well as the fact of birth, maternity and paternity into birth registry book.

Administrative body refuses to accept the request for subsequent registration based on the court decision
At the beginning of July 2008, reception desk of the Registry Office in Krusevac, administering the registry books dislocated from Kosovo, refused to accept the request for subsequent registration based on the final court decision, with all supporting evidence used in the court procedure enclosed. An officer of this administrative body proceeded in the same manner, explaining that the original court decision should be submitted, rejecting the argument that a verified copy is as valid as the original. For that reason, on the same day a request with verified copy of the decision and all evidence had been delivered to the Registry Office Krusevac through the reception desk of the Municipal Administration of the Krusevac Municipality.

Silence of administration – complaint lodged to the Ministry – subsequent registration granted
Since the administrative body did not reply to the request within legally prescribed deadline, a complaint was lodged to the Ministry of Public Administration and Local Self-Government due to “silence of administration”. In October 2008, the Ministry informed Praxis in writing that the subsequent registration of the fact of birth into birth registry book had been performed and, at the same time, delivered the birth certificate. After a year of “struggling” with the competent bodies and gathering evidence, 9-year-old Predrag was finally registered into birth registry book, and he is expected to receive a citizenship certificate in the near future.

Bukurije and her three children
Giving birth under someone else’s name
Bukurije is approximately 19 years old, was born in the Municipality of Pec, Kosovo and is not registered into birth registry book. Her parents were born and got married in Kosovo, but they have been living in Montenegro for the past 15 years. They do not speak Serbian, but only Romani language. They do not know the exact date of Bukurije’s birth.

Bukurije lives in Belgrade with her common-law husband, who was born in Belgrade and possesses personal documents. They have three children who were born in hospital in Belgrade.
Bukurije gave birth to her first two children, using “borrowed” health cards from two different women. Both children are registered into birth registry books, but the data on mother were taken from the “borrowed” health cards. Their biological father has been registered as their father, after signing the statement on recognizing paternity while registering children at registrar’s office.
Bukurije gave birth to her third child without a health card. Since this time she gave birth as a “legally invisible” person, this child could not be registered into birth registry books.
In July 2008, Bukurije addressed Praxis for legal assistance.
After all relevant evidence are gathered, children will have to sue their parents (Bukurije and her common-law husband), to prove that they are in fact their biological parents through a court procedure for determining maternity and paternity. However, the issue of Bukurije’s identity will first be raised within this procedure as a preliminary question. The court will probably order a DNA analysis, which will cost approximately 500 EUR. After that, two older children will have to sue the women whose health cards Bukurije “borrowed” to give birth in hospital, in order to dispute the fact of maternity.
After the court decisions become final, it will be necessary to initiate administrative procedures for correction of personal data in birth registry books for two older children, as well as subsequent registration into birth registry book for Bukurije and her third child.
Without free legal assistance in conducting long and cumbersome procedures, Bukurije and her third child would remain “legally invisible”, and two older children would continue to live under a “false” identity.

Behare and her eight children
Vicious circle of the invisible
Behare has been living without legal identity for 31 years. She was born at home in Obilic, Kosovo, and lost her parents at early age.
Behare fled from Kosovo in 1999 with her common-law husband and four children (all born at home in Urosevac, Kosovo). During displacement, she gave birth to four more children in Kraljevo (three of whom...
were born in hospital). The children are not registered in birth registry book, due to lack of evidence on mother’s identity. Behare lives with her family in a collective centre in Kraljevo, which accommodates displaced Roma from Kosovo, without any income, social welfare benefits, basic hygienic conditions, in deep poverty.

Administrative body brings a decision rejecting the request for subsequent registration into birth registry book
In May 2006, Behare addressed Praxis for legal assistance for the first time, and, at the age of 29, she finally submitted a request for subsequent registration in birth registry book to the competent administrative body in Nis. The following evidence was enclosed: certificate confirming that she was not registered in birth registry book, certificate confirming that her mother was not registered in birth registry book, written statements on Behare’s identity and personal data from two witnesses, as well as the copy of the ID card of Behare’s father.

In the meantime, Behare addressed the Social Welfare Center in Kraljevo for assistance in the procedure of subsequent registration of her underage children in birth registry book. However, this body declared itself incompetent. Since the administrative body did not reply upon the request within legally prescribed deadline, the complaint against “silence of administration” was lodged to the competent Ministry for Public Administration and Local Self-Government. Administrative body then requested additional documentation to be submitted within 15 days including: birth and citizenship certificates for Behare’s parents, as well as the deposition on determination of the personal name and deposition on recognizing paternity. Behare informed the administrative body that she would not be able to submit requested additional documentation, since she did not possess any. At the end of October 2006, administrative body brought a decision rejecting the request for subsequent registration. In reasoning of the decision, it is stated that submitted written statements of witnesses cannot be considered as relevant evidence, since the witnesses were underage at the time of Behare’s birth so they “could not have comprehended the importance of this event” and “could not have been aware of the fact of birth of person in their environment to whom they are not related”.

The administrative body called neither the party nor the witnesses to the hearing, even though it is obliged to in case written evidence are lacking and if it would be useful for resolving the administrative issue in question. Thus, fundamental right of the party to protect her interest in the administrative procedure, as well as to declare upon all facts and circumstances of significance for decision making have been violated.

Complaint lodged to the Ministry with new evidence enclosed
In the meantime, Behare managed to locate her brother in Kosovska Mitrovica, Kosovo in collective centre for displaced persons, and to obtain his birth and citizenship certificates. Names of the parents, father’s date and place of birth and mother’s date of birth only, without her place of birth, were stated in the birth certificate. In addition, Behare’s common-law husband and his father managed to obtain ID cards and to verify written statements regarding Behare’s identity. In November 2006, Behare lodged a complaint against the decision rejecting the request to the competent Ministry for Public Administration and Local Self-Government, with new evidence enclosed. Upon complaint, the Ministry decided to return the case to the administrative body for reconsideration.

Administrative body rejects the request once again
On this occasion, Behare was given the opportunity to give a statement, but since she neither knew her exact age nor the date of birth, her brother was summoned to give a statement on the subject. Behare’s brother gave a statement before the court in Kosovska Mitrovica, confirming that Behare was indeed his sister, stating the exact place and date of her birth, as well as names of their late parents. The court forwarded this statement to the administrative body in Nis several months later.

The administrative body did not take into consideration written statements from the witnesses - Behare’s common-law husband and his father (who knew Behare’s father and knows Behare’s brother) in the new procedure, and would not even hear them. In mid-July 2007, the administrative body in Nis rejected Behare’s request for subsequent registration once again. In its reasoning of the decision, the administrative body pointed out the discrepancy in the name of the mother, since Behare’s brother stated that their mother’s name was Revka, and Behare that it was Refkije. While assessing the evidence, the administrative body showed no understanding of the problem, since it did not take into account the fact that persons in question lost their mother at an early age, that they had been raised on the street and remained illiterate, that the Roma pronounced their names differently in their own language and that they often used names and nicknames equally, without making a clear difference.
Court brings a decision in a lawsuit within 7 months
In August 2007, Behare’s children initiated a lawsuit for determining maternity and paternity before the Municipal Court in Kraljevo, thus raising the issue of Behare’s identity as a preliminary question. In November 2007, the Court brought a decision, in which it previously determined Behare’s identity, based on the statement of her brother, his birth and citizenship certificates, as well as the statements of her common-law husband and his father. Since the place of birth for her two children was wrongly stated in the decision, it was necessary to request the correction of the decision, which prolonged the procedure for additional four months. In March 2008, the decision became final.

The administrative body grants subsequent registration on the grounds of the court decision
At the end of June 2008, and after more than two years, the administrative body in Nis brought the decision granting the subsequent registration into birth registry book for Behare, on the grounds of the final court decision, as well as the statements of two witnesses - Behare’s common-law husband and his father. In August 2008, after numerous interventions, Behare finally obtained her birth certificate. Behare is yet to conduct the procedure for determining citizenship of the Republic of Serbia before the Ministry of Interior, which, in practice, lasts for more than a year, then register permanent and temporary residence, and finally submit a request for issuance of the ID card.

Silence of administration regarding the request for subsequent registration of the children on the grounds of the court decision – complaints lodged to the Ministry and Administrative Inspection Department
In March 2008, the request for subsequent registration of four Behare’s children born in Kraljevo was submitted to the administrative body in Kraljevo, on the grounds of the final court decision determining maternity and paternity. Since the administrative body in Kraljevo did not bring the decision after four months, in July 2008, the complaint against the “silence of administration” was submitted to the Ministry for Public Administration and Local Self-Government. Without issuing a decision on subsequent registration, at the beginning of October 2008, the administrative body in Kraljevo issued birth certificates for the four children, but with incorrectly registered personal data. For that reason, a complaint was lodged to the Administrative Inspection Department of the Ministry for Public Administration and Local Self-Government against not issuing the decision on subsequent registration and not executing the final court decision determining maternity and paternity, which lead to incorrectly registered data in the birth registry book for the four children. In April 2008, the request for subsequent registration into registry book of four of Behare’s children born in Urosevac was submitted to the administrative body in Leskovac, on the grounds of the final court decision determining maternity and paternity. The administrative body in Leskovac replied to the request through a written notice informing Behare that the subsequent registration (stating the name of only one child) could not be performed because “by checking in the birth registry books, it has been established that the child was not registered in Urosevac and, therefore, it is not possible to execute the decision of the Municipal Court in Kraljevo determining maternity and paternity.” At the end of June 2008, a complaint was lodged against the “silence of administration” to the competent Ministry. At the same time, the complaint against the work of the administrative body in Leskovac and their illegal acting upon the subject was submitted to the Administrative Inspection Department of the Ministry for Public Administration and Local Self-Government. Finally, in October 2008, the administrative body brought a decision granting subsequent registration for four of Behare’s children born in Kosovo.

Ilmisa Case
Bureaucratic „Games without Frontiers“
Ilmisa was born in Prizren, Kosovo and is 18 years old. She fled from Kosovo with her parents in 1999 and today this family lives in the vicinity of Belgrade. Ilmisa was registered into birth registry book immediately upon birth and possessed a birth certificate issued before 1999, but was not able to obtain a valid one, since the registry books for the Municipality of Prizren are still administered in Kosovo. Serbian authorities do not accept as valid birth certificate issued by UNMIK in Kosovo, so Ilmisa had to re-register the fact of birth before the Municipal Administration in Krusevac. In April 2007, Ilmisa’s parents addressed Praxis for legal assistance.
Silence of administration

In September 2007, a request for re-registration into birth registry book was submitted to the competent Municipal Administration in Krusevac. Following documents were enclosed in the request: a copy of old birth certificate and a copy of IDP card. Since the administrative body in Krusevac did not bring a decision even after two months upon submitting the request, in mid-November 2007, a request for issuing birth and citizenship certificates was submitted. Fifteen days later the request was returned, with an administrative officer’s handwritten note on the request itself saying “re-registration for Prizren has not been performed”.

A complaint lodged to the Ministry – a decision brought rejecting the request as groundless

At the beginning of December 2007, a complaint was lodged to the Ministry of Public Administration and Local Self-Government against the administrative body for not bringing a decision within the legally prescribed deadline. Copies of the following documents were enclosed in the complaint: the request for re-registration into birth registry book, the old birth certificate, IDP card, a confirmation on receipt of mail by the post office and return receipt as evidence that the administrative body had received the request for re-registration.

In February 2008, an officer of the Ministry had informed Praxis by phone that the administrative body denied having received Ilmisa’s request for re-registration, and requested from Praxis to deliver evidence to the Ministry that the administrative body in Krusevac had received the request. A confirmation on receipt of mail by the post office and return receipt as evidence that the administrative body had received the request for re-registration were sent to the Ministry again.

At the end of March 2008, the Ministry brought a decision rejecting Ilmisa’s complaint as groundless, since the administrative body in Krusevac had allegedly not received her request for re-registration. The Ministry should have brought a decision allowing re-registration into restored birth registry book, since all necessary evidence had been submitted.

Request for re-registration submitted again – silence of administration

In May 2008 a request for re-registration was submitted once again to the Municipal Administration of Krusevac, with the same evidence enclosed.

Administrative Inspection Department orders Municipal Administration in Krusevac to act upon the request

In mid-March 2008, a complaint was lodged to the Administrative Inspection Department of the Administrative Supervision Sector of the Ministry of Public Administration and Local Self-Government, with copies of all the documents related to the case enclosed.

At the beginning of June 2008, the Administrative Inspection Department requested the client to deliver evidence that the administrative body in Krusevac had received the request for re-registration in September 2007. A copy of the confirmation on receipt of mail by the post and the return receipt were sent to the Sector again.

In mid-July 2008 the Administrative Inspection Department informed Praxis in writing that the Head of the Municipal Administration in Krusevac was ordered to bring and deliver the decision on the request.

The decision allowing the re-registration brought a year after submitting the request

According to the law, the body in charge of administering the registry books is obliged to, without delay, take all necessary actions to restore all destroyed or missing registry books and bring a decision on re-registration \textit{ex officio}, on the grounds of the data available. However, not until a year upon submission, has Ilmisa’s request been granted and birth and citizenship certificates delivered to her. Ilmisa can finally obtain an ID card, which she is legally obliged to as an adult, and exercise all other rights guaranteed by the law.

In the meantime

There are thousands of people out there facing the same problems, people who cannot go to the doctor’s, get employed or receive social welfare benefits, children who cannot go to school.

There are thousands of people out there without choice, opportunities, future, people hovering between life and death – people who legally do not exist.

It is our obligation to do everything we can for them, as humans, professionals and their fellow citizens.