









MARRI Member States COMPILATION ON CIVIL STATUS QUESTIONNAIRE

Content:

- I. National overview of legal standards background (history of legal standards since 1920) in the area of civil status matters**
- II. Organization and Operational work of Competent National Institutions**
- III. Contact Details**

Please note that the information gathered from this *Questionnaire* will be used for getting clear overview of situation in the area of civil status matters in the region. The additional questions contained in this *Questionnaire* are the follow up on the topics that have been jointly discussed during the meeting of MARRI Regional Working Group held in Skopje on 5 and 6 February 2007 with the objective to have a clear picture also over the regulation in the area of civil status that was in force in last 80 years. We shall achieve transparency and shall have an excellent overview that shall serve to civil servants where to find appropriate information.

Questions		Name of Country					
		 Albania	 Bosnia and Herzegovina	 Croatia	 Macedonia	 Montenegro	 Serbia
I.	National overview of legal standards background (history of legal standards since 1920) in the area of civil status matters						
1.	Please give us an overview of the legislation history in the area of civil status matters since 1920 (Legislation on civil status registers; which were the competent authorities in the given time to conduct them – e.g. church or state authorities in the period from 1920 to 1946)	The Civil Status service is newly established service in Albania. First Civil Status Service Offices have been established on 1 April 1929, from the administrate of The King Zogu I. Below is given an historical overview of this service in the years: <u>Period before the establishment of Albanian State (before year</u>	Law on Civil Status Registers (Official Gazette of SRBiH: 12/74,38/86 i 33/90 Law on Basic Data for Civil Status Registers (Official Gazette of SFRJ: 06/73) which is applied in BH by special directive for succession of federal legislation		After the end of the First World War until 1941 Republic of Macedonia was within the Kingdom of (SHS) Serbs, Croats and Slovenians, later called Kingdom of Yugoslavia and in this period in view of the Civil Status Affairs the valid were the regulations which were applicable in Serbia, as a part of the stated Kingdom. In that period the	From 1920 until 1946 Civil Status Registers (records books of birth, marriage and death) were kept by religious institutions. By adopting Law on National Civil Status Registers (entered into force on 9 May 1946) it was obligatory to keep Civil Status Registers in which record books of birth,	In the period from 1920 to 1946 the church civil status registers were kept in the territory of the Republic of Serbia. The exception was the part of the territory of the AP (Autonomous Province) of Vojvodina (Banat and Bačka) where, pursuant to the Law on the Civil Status that was adopted in

		<p>1912) is characterized with registration of basic acts of civil status (birth, marriage and death) by the religious institutions, practically by church for Christian religion members and a group of five Muslim representatives for the documentation of birth, marriage and death, for Muslim religion members. As a non written legal act, for the reflection of these events “The Code of Lek Dukagjini” has been used.</p> <p><u>Period after the establishment of Albanian State to year 1929</u></p>			<p>Civil Status Registers (Record Books on Birth, Marriage and Death) had been kept and the same were under the competence of the respective religious communities. Such situation continued also during the Second World War up to 1946. In 1946 the Law on State Civil Status Registers was enacted and published in the Official Journal of the FPRY no. 29/46 which determined that the Civil Status Registers are kept in the local, town i.e district boards for certain registry areas (county). This matter is closely determined by the</p>	<p>marriage, change of personal name and death were registered. Civil Status Registers that were kept until 9 May 1946 or the entering into force of above mentioned Law, as well as extracts from Civil Status Registers was considered as valid identification documents.</p>	<p>1894 and became effective on October 10, 1895, the first state civil status registers were established. The first Law on the State Civil Status Registers that was applied in the whole territory of the Republic of Serbia was passed on April 09, 1946 and came into force on May 09, 1946. The later Laws on the Civil Status Registers were adopted in 1973 and the texts thereof were revised in 1979, 1986 and 1990.</p>
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		<p>continues over the bases of the same method like before year 1912. Today all the documentation elaborated from these institutions exists in the archives of The Albanian State, with exception of some civil status registers opened after year 1923 in some big cities like Tirana, Durres, Shkoder, Elbsan etc, where this civil status registers are found in the archives of o Civil Status Service.</p> <p><u>Period from year 1929 to 1945</u> Zogu I composed “The Civil Code” which had the first elements of the modern civil status</p>			<p>General instructions for the composition of the State’s Civil Status Registers and their records keeping (OJ of FPRY no 29/46) and in line with these principles, the Civil Status Registers were kept for the whole area of local and town boards, i.e. there was a possibility one Civil Status Register to contain data of several local areas.</p> <p>The General principles for reconstruction of Civil Status Registers on Birth which have been destroyed during the World War II (OJ of FPRY no 67/47) determine the principles for the Registers’</p>		
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		<p>service and for the execution of this law on 1 April 1929 the first civil status offices have been opened. The construction of basic civil status registers have been fulfilled in 1930 on the basis of a general registration (home to home) of the population.</p>			<p>reconstruction for the persons born beyond 01.01.1900, and by the General principles for re-writing of the Civil Status Registers that were kept in the areas where there were not State Civil Status Registers (OJ of FPRY no. 109/47) the principles for re-writing of the Civil Status Registers were determined, which were kept since 01.01.1850 and the same should have been re-copied up to 1950. By the Law on Amendments and supplements of the Law on State Civil Status Registers (OJ of FPRY no. 4/49) a possibility was given for</p>		
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					taking away the religious Registers from the religious communities (where the religious books were kept even after the State Civil Status Registers were set up) which do not respect the provisions of the Law on State Civil Status Registers in view of additional enrollment in the religious registers. Since it was established that the religious communities in principle do not respect this law and the same performed additional enrollment, an opinion was brought for taking away all religious registers from the religious		
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					<p>communities. Bearing in mind the fact that due to the territorial modification, that change appeared also in the registry areas, there was Instruction enacted for amending the general instructions on the composition and registry of the State Civil Status Registers (OJ of FPRY no. 51/56) which determined that the Civil Status Registers are kept separately for each settlement.</p> <p>In order to establish Civil Status Registers for each settlement, in the beginning of the 60's up to 1962, the regular Civil Status Registers on Birth, Marriage and Death kept from</p>		
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					<p>09.05.1946 to 31.12.1956 were copied, as well as the religious Registers on Birth, Marriage and Death kept before 06.04.1941, during the Second World War and after the liberation up to 09.05.1946 and the reconstructed Civil Status Registers on Birth for the period from 01.01.1900 to 09.05.1946.</p> <p>The legislation in this area has been developed in the period after. In 1973, in the OJ of the SRM no. 15/73 the Law on Civil Status Registers was published and the amendments and supplements on this law were done during 1988 and 1990 as well as the</p>		
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					<p>Law on the basic data for the Civil Status Registers was published (OJ of the SFRY no.6/73). In the OJ of the SRM no. 22/73 the Instruction on keeping records in the Civil Status Registers was published. Besides the abovementioned laws, in the Republic of Macedonia also other law were enacted, regulating various areas of the citizens' conditions and status. So, for instance, within the OJ of the FPRY no 29/46 the basic law on marriage was published, as well as the Law on amendments of the basic Law on</p>		
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					<p>marriage (OJ of FPRY no. 36/48), Law on marriage (OJ of SRM no. 35/73, 28/74 and 13/78), Law on Personal name (OJ of SFRY no. 8/65) Law on Personal name (OJ of SRM no. 30/72, 41/85, 51/88 19/90) etc.</p> <p>Period after the independence of the Republic of Macedonia in 1991</p> <p>the following laws in this area were enacted: Law on Civil Status Registers (OJ of the RM no. 8/95, 38/02), Law on Personal Name (OJ of RM 8/95), Law on Family (OJ of RM 80/92, 09/96, 38/04, 33/06).</p> <p>In the area of citizenship the following</p>		
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					regulations were applied: Law on Citizenship of the FPRY- entered into force on 28.08.1945 as a law on Citizenship of the Democratic Federative Yugoslavia, pronounced on 23.08.1945, and the amendments and supplements of this Law are published in the OJ of the FPRY 54/46 as law on Citizenship of the FPRY, Instruction of keeping records of the citizens of the Peoples Republic of Macedonia (OJ of PRM 35/47) Law on Citizenship of PRM (OJ of PRM 16/50) Law on Yugoslavian Citizenship (OJ of SFRY 38/64) Law		
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					on Citizenship of the SRM (OJ of SRM 9/65) Law on Citizenship of SFRY (OJ of SFRY 58/76), Law on Citizenship of SRM (OJ of SRM 19/77) and the Law on citizenship of the Republic of Macedonia (OJ of RM 67/92 and 08/2004).		
2.	Please indicate where the archives to the record books (birth, death, marriage, nationality registry) are kept (within your administrative and national archives or elsewhere) during the change of sovereignty in your country since 1920?	<p>Civil Status registers from 1929-1945-1950 are archived in the civil status offices in localities.</p> <p>In this offices in the beginning of each year, are also saved the Civil Status registers of birth, death and marriage.</p> <p>These Civil Status registers serve as information</p>	<p>Until 09.05.1946 in religious communities - from 1946 until today originals of Civil Status Registers and documents based on which data was entered into registers are kept in special bookcases in municipal offices and MoI which exist in BH</p>		<p>After the re-copying of the religious Registers as well as the state Civil Status registers which were reconstructed and previously copied, the same are given for storage in the Archive of the Republic of Macedonia, where they are also kept nowadays. The same refers to the</p>	<p>Civil Status Registers in the period of 1920-1946 were located in religious institutions according to their regulations.</p>	<p>During the period from 1920 to 1946 the civil status registers were kept by churches and other religious organizations. The exception was the area where the state civil status registries Banat and Bačka) were established and kept by the state authorities. After</p>

		<p>source.</p> <p>From 1950-1974 they are stored in Municipalities and Prefectures. From 1974 and on the Civil Status registers are still in use.</p>			<p>re-copied Civil Status registers of citizens which were established in the Republic of Macedonia in 1948.</p>		<p>the Law on the State Civil Status Registers was adopted in 1946, the civil status registers have been kept by the state authorities only. In fact, it was the task municipal administration authorities have been conferred to by the Republic authorities. In addition to that and following the above mentioned Law, the state authorities have taken over from the church and other religious organizations the registers previously kept in the territory where no state civil status registers had</p>
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							existed. The civil status registers that had been kept up to May 9, 1946 and certificates thereof represent equally convincing proof as official document. The civil status certificates are issued by the registrar in charge.
3.	Please indicate if there is any law/s in the area of civil status matters in progress for adoption or amendment?	The Civil Status Service relies on the judicial package consisting on: Law no. 8950, "For Civil Status" date 10.10.2002, amended by laws no. 9029, date 13.03.2003, no. 9229 date 29.04.2004 and	BH Law on Citizenship		Law on Civil Status Registers will be supplemented in direction of automatic records keeping, and amendments and supplements in direction of harmonization with the Law on Misdemeanors also, besides this law,	Law on Nationality, Law on Registers on Movement and Stay of Aliens, as well as the Law on Aliens. Besides mentioned proposals for legislation, in the final stages are drafts of the following	The governing Law on the Civil Status Registers of 1919 is not in the process of adoption or amendment. The Ministry of the Public Administration and Local Government has prepared the work draft of the Law

	<p>no. 9593 date 27.07.2006.</p> <p>Law no. 8951, , “For the Identity Number of Citizens” date 10.10.2002</p> <p>Law no. 8952, “For Identity Document of Albanian Citizens”. date 10.10.2002,</p> <p>Law no. 9062, “Family Code” date 08.05.2003.</p> <p>Law no. 9270, “For the Addresses System”. date 29.07.2004</p> <p>and by-laws legislated in the execution of this law package such as:</p> <p>DCM (Decision of Council of Ministers) no. 63,</p>			will be performed to the Law on Personal Name.	<p>legislation: -Law on Identity Card, Law on Travel Documents and Law on Civil Status Registers.</p>	on the Civil Status Registers.
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		<p>“For the number of workers, structure and organics of Civil Status Service in Units of Local Government”. date 23.01.2003,</p> <p>DCM no. 184, “For regulation and activities in the Civil Status Offices and the Obligation of Citizens for data transfer of Civil Status”. Date 20.03.2003.</p> <p>DCM no. 550, “For tariffs of services accomplished from Civil Status Service”. Date 01.08.2003.</p> <p>DCM no. 827, “For codification manners and structure of</p>					
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		<p>identity number of citizens”. Date 11.12.2003.</p> <p>DCM no. 828, “For form, manner of keeping, components and term of use for documents from civil status offices”. Date 11.12.2003.</p> <p>DCM no. 190, “For amendment and supplement in decision no. 550, date 01.08.2003, of Council of Ministers “For tariffs of services accomplished by Civil Status Service”. Date 10.04.2004.</p> <p>DCM no. 320, “For security elements and form of identity document of</p>					
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		<p>Albanian citizens”. Date 21.05.2004.</p> <p>DCM no. 365, “For establishment and holding manner of national register of civil status and rules for utilization of techniques and information technology network”. Date 11.06.2004,</p> <p>DCM no. 579, “For approval of model for identity document of Albanian citizens” Date 29.08.2004,</p> <p>Regarding this question we can clarify that the whole legislation related with Civil Status Service is under review for the reason that we are involved in the</p>					
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		composition and implementation of two big projects in this Service. By means of these projects we aim to achieve contemporary standards of this service, by solving the problem of identity document, of national register and that of the addresses. So we can say that necessarily one considerable part of these legal and sub legal acts will go under revision and will be tailored to the new requirements.					
4.	Please give us an overview which is first level national competent authority/s for preparation of	General Directorate of Civil Status is the competent authority for preparation of	BH Ministry of Civil Affairs		The stakeholder of the activities until the enactment of the Law on Civil Status registry, Law on personal name,	In accordance with the programme of Government of Republic of Montenegro,	Pursuant to Article 6 of the Law on Ministries (“The Official Journal of the RS”, number:

	<p>legislation in the area of civil status matters (Law on civil status registers; Law on name; Law on nationality; Law on residence; Law on national ID cards; Law on travel documents; Law on movement and stay of aliens; Family Law)?</p>	<p>draft laws regarding Civil Status Service.</p> <p>General Directorate of Civil Status is the main authority for legislative initiatives related to the civil status service, but Albanian law gives the right for legislative initiatives also to other factors interested in this field.</p>			<p>Law on citizenship, Law on Unique Registry Matriculate Number, Law on ID Card, Law on Travel documents, Law on place of residence and stay, Law on movement and stay of Aliens, is the Ministry of Internal Affairs, and the Law on Family is under the umbrella of the Ministry of Labor and Social Policy. The Government proposes these laws and the Parliament of the Republic of Macedonia enacts them. The enactment of the by-laws which arose from the stated laws is under competence of the Government of the RM and the</p>	<p>Ministry of Interior is the first level national competent authority for preparation of legislation in the area of civil status matters.</p>	<p>19/04, 84/04, 79/05), the public administration activities relating to the civil status registers fall within the competence of the Ministry of Public Administration and Local Government. Accordingly, the said Ministry is in the process of drafting the Law on the Civil Status Registers and proposals of all bylaw acts for adoption in relation thereto.</p>
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					respective Ministries.		
5.	Please indicate if identified, which are the main causes for misuse of the legal channels in the area of civil status?	<p>Identified cases which are aftermath of misuse of legal channels in civil status field are the transfer of civil status from one office in another. Transfer of civil status from one office to another means:</p> <p>The citizen is inhabitant in one determined territory that constitutes one unit of local governance, municipality or locality. For each unit of local governance there are basic registers where citizens living within this territory</p>	<p>It is considered that the main causes are insufficient control mechanisms in the municipal civil status register offices, especially related to issuance of extracts from registers of birth and certificates of citizenship based on which persons apply for issuance of ID cards</p>		<p>Besides the basic reasons for each misuse and abuse in a sense of acquiring certain material or other benefit, our consideration is that the most frequent reasons for misuse of the legal channels in the area of the civil status are the shortcomings and gaps in the education and training of individuals performing their work in this area.</p>	<p>Shortcomings and gaps regarding officials in charge of keeping the records, validity of documents and statements based on which changes were recorded, manual keeping of Civil Status records, etc.</p>	

		(municipality-locality) are registered. When the citizen changes the place of living, so he leaves this territory and also the unit of local governance, he must take away his and his family's data. The data he is taking away from the first unit must be registered in the register of the new local unit where he will be living. This procedure is called transfer of civil status data.					
II.	Organization and Operational work of Competent National Institutions						
1.	Please give us an	The institution	Ministries of		According to the	The Law on	The registers on

	<p>overview which are the national institution/s responsible for civil status registration and registration of names?</p>	<p>responsible for registration of name is the Civil Status Office in the Units of Local Governments.</p>	<p>Interior in Federation and RS</p>		<p>existing legislation in the Republic of Macedonia the responsible institution for civil status registry and for name registry is the Ministry of Internal Affairs.</p>	<p>Local Governance states that local government is authorized to keep records on civil status registration and registration of names. However, new legislation as laid down in Draft Law on Civil Status Registers defines that registers are kept in electronic database in which facts of birth, marriage, death and other changes defined by law are entered.</p>	<p>personal status of citizens contain birth, marriage and death information and other details envisaged by the Law on Civil Status Registers (“The Official Journal of the SRS”, number 15/90 and “The Official Journal of the RS”, number 57/03, 101/05-the other law) as well as related changes. Pursuant to the Article 2 of the Law on Civil Status Registers, the municipal, that is the town administration authorities in charge for the administration matters are authorized by the</p>
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							Ministry of Public Administration and Local Government to keep the civil status registers.
2.	Please indicate if there exists, the legal ground for inter-agency (horizontal) co-operation in the area of the civil status matters, its implementation in practice and identified gaps and needs when reflected to migration issues, and if, in which area of legislation (e.g national law on aliens if misuse is identified in area of civil status)	There is no parallel institution to accomplish these functions	It is too early to consider gaps because the Law on Agency for Service for Aliens entered into force recently (BH official Gazette: 54/05 from 17.08.2005. The Agency's Director and other officials have been appointed in the second half of 2006.		The legal base for the possibilities and obligations for inter-institutional cooperation on all levels in the Republic of Macedonia give the Law on organization and work of the state administration bodies, the Law on the Government of the Republic of Macedonia and the Government Journal. The Republic of Macedonia is in a phase of implementation of regulatory reform of the regulations whose aim is to minimize the formalities and administrative obstacles, which	Cooperation between civil servants keeping the Civil Status Registers in specific institutions of local government is prescribed in legislation (Law on Civil Status Registers, Law on Local Governance, Law on State Administration) and sub-law relevant for implementation. Until now, registration of Aliens was conducted on the federal level by	

					impose non-essential obligations for the legal and natural entities, in a sense of provision of certificates, decisions, statements etc. In this manner, the citizens will no longer deal with the unnecessary bureaucratic procedures in acquiring their rights, but also enhanced cooperation between the ministries and institutions will be imposed.	Law on Movement and Stay of Aliens. With independence of Montenegro, it is necessary to regulate these matters with specific legislation. For that reason, Government of Montenegro proposed a Draft Law on Aliens which determines a new approach to regulating status of aliens during their stay in Montenegro. This Draft Law is based on principles in accordance with Schengen Agreement and EU Standards.	
3.	Please indicate which are the	Control mechanisms over	MOIs in Federation and		The institutional control is	Until 2004 under competence of	Pursuant to the Article 3 of the

	<p>control mechanisms over civil status registers (2 nd level institutions)?</p>	<p>the civil status registers on 2nd level are Branches of Civil Status in Communes, which exercise control over civil status registers according to the law “For Civil Status”. (article 62) Article 60 defines: General Directorate is the Central body that makes the control of the activities of the civil status offices precisely of Basic Civil Status Register.</p>	<p>RS, Ministry of Civil Affairs</p>		<p>established on several levels. However several levels of control are needed and they are also in a function. Mainly it is a control conducted by certain senior officials over the work of the officials responsible for carrying out the administrative procedures and for Civil Status Registers enrolment. The service within the Ministry of Internal Affairs Headquarters has a task to perform supervision, and the administrative procedures are under its competence, as well as the issuance of personal documents is under the</p>	<p>Ministry of Justice, after that under competence of MOI.</p>	<p>Law on Civil Registers, the civil status registers control is conducted by of the Ministry of Public Administration and Local Government. The said Ministry is given full general and special types of authority of a supervising body to perform the control, as stipulated by the Law on Public Administration (“The Official Journal of the RS”, 79/05). Additionally, in accordance to the Article 59, Paragraph 4 of the Law on Public Administration, the Ministry of Public</p>
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					<p>competence of the Ministry. The supervision performed by this service over the work of the administrative sections of the Ministry throughout entire territory is done regularly, and the findings of the performed controls are officialy forwarded to the higher instances, to the services tasked for situation analysis, and also to the services responsible for the internal control performed to the Ministry's employees. In those case where some misuse or abuse in the work were determined, procedures are initiated within the</p>		<p>Administration and Local Government considers the appeals against the decisions on the civil status registers matters made by the administration authorities in charge for civil status registers.</p>
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					Ministry in order to determine the liability, and depending on the degree of violation of the service duties or the determined omissions disciplinary measures are undertaken or offensive or criminal procedures are initiated before the respective courts. One of the types of control over the work in this area is also the control performed over the administrative inspectors of the Ministry of Justice in view of the proper enforcement of the procedures.		
4.	Please indicate what is the legal ground (law,by-law and provision) for	Article 60 of law 8950 “For Civil Status” Date 10.10.2002 give	Legal ground represent relevant laws and sub-laws, manuals		The Law on Public Servants sets the framework where the system of	New legislation related to civil status matters envisages special	<i>Remark:</i> The regulation on the establishment of the Human

	<p>education and training (beginners and permanent) of the civil servants responsible for civil status matters and do there exists a special programme for special courses or are there exams foreseen?</p>	<p>responsibility to GDCS to compose and implement programmes for training of the Civil Status staff and also to define the professional criteria that the civil status staff should fulfill.</p>	<p>issued by authorities in the entities</p>		<p>training is defined, based on the main rules, defined by the same: that each public servant has a right and a duty to be trained on the bases of annual programs (prepared for the forthcoming year), enacted by the separate bodies, financed by the Budget of the Republic of Macedonia. The Agency for Public Servants, in compliance with the law, performs coordination on the activities referring to the professional improvement and training of the public servants, as well as promotion of efficient and effective work of the public servants. By the</p>	<p>training programme for civil servants. This training will be conducted in the MOI Human Resources Dept.</p>	<p>Resources Management Service (“The Official Journal of the RS”, number 106/05) governs the field of work thereof. Its competence includes the preparation of the proposal for the Government of the special training programme for civil servants and the realization thereof accordingly.</p>
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					operationalization of this competence, in October 2005, the Agency for Public Servants has adopted and approved the document “National system of coordination of the trainings in the public services of the Republic of Macedonia”, which defines the basic principles of the policy on training, the devision of the roles between the Agency for Public Servants and any body employing public servants, structures for coordination, the model of financing and solution of the issue on training.		
5.	Please indicate are there any mechanisms in	General Directorate of Civil Status	Yes.Mechanisms are controlled by police authorities		The mechanisms on the control of the education and	According to our estimate control over training of	

	place for controlling education and training of civil servants and which agency/s is responsible to carry out control?	performs the control over the professional education and training of the Civil Status staff.	and commissions in Cantonal MoIs		training of the public servants is under the competence of the Agency for Public Servants.	civil servants needs to be under competence of Human Resources Dept.	
6.	Please indicate is the data base for issued identity documents (extracts/certificates of birth, death, marriage, nationality, ID cards (personal, aliens, diplomatic), passports (personal, diplomatic, service, aliens), driving licences) in hard copy or electronic format?	Database for issuing of identity documents is only manual (basic registers). The Project for Modernization of Civil Status Service is being composed.	Yes, electronic database exists		A part of the data contained within the Civil Status Registers are kept automatically, via the national register number records, and there is a project underway for complete integration of the Civil Status Registers into the automated system which will enable greater efficiency in the work, and at the same time improved and more proper records keeping. The Civil Status Registers are kept electronically, while the records	Until now, according to legislation, keeping records in electronic form was not prescribed by law however new legislation envisages development of electronic database as well as whom the users of the database will be.	The civil status registers are kept in accordance with the Article 7 of the Law on the Civil Status Registers, in two copies. The second copy of the civil status registers is a written reproduction or certified photocopy of the first one- the source copy, or they are both managed by means of automatic data processing.

					on issued ID cards and travel documents, driving licenses and registered vehicles are kept both in electronic form but also manually in files.		
7.	<p>Please indicate are there any control mechanism in place on the standard procedure on issuance of identity documents (extracts/certificates of birth, death, marriage, nationality, ID cards (personal, aliens, diplomatic), passports (personal, diplomatic, service, aliens), driving licences), which agency/s is responsible to carry out control and are there prescribed sanctiones</p>	<p>The mechanism for controlling the methods for issuing certificates is the ``Book of Index`` were the working staff should register the serial number of the issued certificate. (Based on the Order of Minister no. 2656 date 01.11.2006)</p> <p>The sanctions for civil servants who have broken the law can be classified in civil sanctions and</p>	<p>Yes. Ministry of Civil Affairs within which CIPS Directorate operates.</p>		<p>The laws in the Republic of Macedonia regulating the matters related to the civil status and personal documents foresee obligatory procedures, needed documents and conditions and all contained penal provisions for disobediance of the prescribed norms. All these laws will be harmonized by the end of May 2007 with the new Law on Misdemeanors, where the penalties</p>	<p>According to legislation currently in force, control over issuance of identity documents is conducted by relevant authorities.</p>	<p>The birth/death/marriage certificates are issued upon request of a concerned person. The records on the civil status registers certificates issued on the forms defined in the ‘Instructions for the Civil Status Registers Keeping and Civil Status Registers Forms’ (“The Official Journal of the SRS”, number 48/90 and “The Official</p>

	<p>(disciplinary and penal) for violators (civil servants, citizens or others) and can you point out any case of violation with court sentence?</p>	<p>penal sanctions. This separation has to do with the level of the braking of the acts and the specialised organisms can do that. These organisms can be motivated from controls and signals sent by our side and also from their daily activity.</p>			<p>i.e. the fines are given in Euros, as well as in view of the fact that besides the Court, the fines can also be pronounced by the State Administration Body, in cases prescribed by the law. If it is not explicitly determined by a law, and if it is about misdemeanor, the disobedience of the official duties within certain competence by the perpetrators, or other misuse of the liability are under the competence of the Law on Labor Relations, Collective Agreements, Criminal Code etc.</p>	<p>Journal of the RS”, number 22/91) are kept as defined in the ‘Instructions on the Office Management of the Public Administration Authorities’ (“The Official Journal of the RS”, number 10/93, 14/93). Special records are kept on the certificates issued for use abroad (in accordance with the Vienna and Paris Conventions). The content thereof is governed by the Rules on issuing the civil status registers certificates for use abroad (“The Official Gazette</p>
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							<p>of the SPRY”, number 55/91). The control is also performed by the Ministry of Public Administration and Local Government, pursuant to the Article 34 of the Law on Public Administration (“The Official Journal of the RS”, number 20/92, 6/93, 48/93, 53/93, 67/93, 48/94, 49/99) stipulating that the administrative inspection of the said Ministry performs control over the enforcement of the law and other regulations on office work. The Law on the Civil</p>
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							<p>Status Registers does not envisage violation provisions in case of issuing a civil status register certificate without having obeyed to the applicable regulations. Pursuant to the Law on the Civil Status Registers, the civil status registers certificates are public official documents, and considering that falsifying the document represents a criminal offence against legal instruments, this issue is governed by the Criminal Code (“The Official Journal of the RS”, number 85/80,</p>
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							88/05, 107/05).
8.	<p>Are there any technical security features (holograms, watermarks etc.) for extracts/certificates of birth, death, marriage, nationality (or other documents issued on the basis of civil status) in place and please indicate them?</p>	<p>Security elements are: Hologram, stamp of ULG, personal stamp of the employee, sign of the employee.</p>	<p>There are no technical security features</p>		<p>The documents issued in the Republic of Macedonia, as well as the Extracts/Certificates issued on the basis of civil status registers, have security protection. By the realization of the project “New Personal Identity Documents” the protective elements incorporated in the personal documents i.e. in travel documents, ID cards and driving licenses will be on a higher level (biometric data etc.)</p>	<p>Extracts from Civil Status Registers and Certificates of Citizenship do not contain security features.</p>	<p>The civil status registers certificates are issued on forms defined in ‘The Instructions on Civil Status Registers and Civil Status Registers Forms’ and they don’t contain any security features such as holograms, watermarks or similar, considering that it was not envisaged by the said ‘Instructions’ that governs the layout and content of the forms of the civil status registers certificates. The authenticity of the issued civil status register certificate</p>

							<p>is confirmed by the registrar affixing his/her signature as the officer authorized for keeping the civil status registers and by the official seal of the authorized body issuing the certificate. The Institute for Manufacturing Banknotes and Coins of the National Bank of Serbia is the only agency authorized for producing the forms of the civil status registers certificates for use abroad. The procurement thereof is subject to a special procedure. Every manufactured form of the civil status register</p>
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							certificate is numerically marked.
9.	In what manner do the civil servants gain the knowledge on applicable international agreements and conventions, norms on legalisation procedures (apostile and others) in the area of civil status matters?	GDCS is the central body, that informs all the civil status service with law amendments and any type of information related to this service.	Ministry of Civil Affairs issues manuals, instructions on relevant matters		Despite the fact that all servants on regular basis are informed on the news in the domestic and international legislation in the area in which they are competent to carry out procedures , however we deem that the training in this area is more then necessary and the same should be constantly present on all levels.	By seminars and organization of round tables by international organizations.	The administration authorities in charge for the civil status registers matters and the officers responsible for the civil status registers are continuously provided with the opportunity of being completely informed and acquiring knowledge on all the international conventions in the area of the civil registers (multilateral and bilateral) the Republic of Serbia has signed. After the Conventions have been ratified, the

							ratification laws thereon are published in “The Official Journal of the RS”, which represents one of the ways of providing information. In addition to that, the Ministry of Public Administration and Local Government monitors the implementation of the international contracts, prepares guideline documents and assists professionally in the implementation of contracts to the administration authorities in charge for the
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							<p>civil status registers matters. It also provides expert assistance in the application of collision norms on settling the disagreements between the national law and the regulations of other countries concerning the status matters and competence containing an international feature, in relation to the civil status registers. It monitors status matters and gives a review thereof relating to applicable regulations of other countries upon request of the administration authority that</p>
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							manages civil status registers keeping, provides expert assistance in relation to the identity documents legalization in the framework of international legal instruments, etc.
10.	Please indicate which is the national institution/s responsible for changing of the name of the citizens and please indicate on which ground the change of name (last and first) may be achieved (marriage, adoption, recognition of paternity, divorce, administrative or court decree on change of the name, etc.)	Responsible institutions are the civil status offices. (Article 37, Change of name and surname). Within our organic law is clearly expressed that the citizen has the right to change his name and surname. This change can be made in the civil status office after a written request has been sent. The civil servant fills in the report (type:	MOIs, legal ground represents the Law on Personal Name		The Ministry of Internal Affairs is competent institution where the procedures for determination and change of the personal name (only the name and only the surname) are conducted. As a ground for personal name change is considered the adoption, marriage and a procedure for personal name change which is initiated upon a request of the Party	Ministry of Interior decides on application for change of personal name-local organizational units in which person has registered its residence. Decision on change of personal name is immediately after entering into force being forwarded to the authorized register and other	Remark: This issue falls within the competence of the Ministry of Labour, Employment and Social Policy.

		book 50-100 pages) in the presence of the applicant and than it is signed by both parties.			in line with the conditions foreseen by the Law on Personal Name.	institutions which according to specific regulations are keeping civil status registers.	
11.	Please indicate to which relevant data base the information on change of the name is disseminated and what is the time frame in which this information must be registered?	Within 10 days the changes or the corrections are sent to the Office of Judiciary Status in the Ministry of Justice. (Article 37 section 10)	Upon legal decision on the change of personal names, MoIs have to withing the period of 30 days to three months to deliver the decision to the municipal office and to the CIPS which has to in the period of 15 days to issue new JMB number to the person		In line with the Law on Personal Name (OJ of RM no.8/95) a notification for personal name change is forwarded to all bodies or organizations which are responsible, by the law, to keep records on data with the personal name of the citizen, therefore it is forwarded to all files kept by the Ministry of Internal Affairs. The deadlines are prescribed by the Law on General Administrative Procedure and by	Change of personal name is immediately forwarded to authorized register in order to change the data in Civil Status Register of Birth, which is a basis for other registers.	Remark: This issue falls within the competence of the Ministry of Labour, Employment and Social Policy.

					the special laws regulating matters of the respective area (Law on travel documents, Law on ID card etc.)		
12.	Please provide information about legal possibilities of celebration of marriage in the consulates or celebration of marriage by proxy, if such a possibility exists, please indicate which ministry/agency is competent to conduct the control over the procedures?	<p>According to our law marriage can be made in one of the civil status offices where man/woman is registered.</p> <p>According to law no. 9062 Family Code, marriage can be made in any office of civil status, which means also in the consulate.</p> <p>GDCS is responsible for the control in Diplomatic and Consular Services. (Article 60)</p>	Yes. Based on the power of attorney. Control is conducted by MFA		<p>In line with the existing legal regulations, a possibility was given for keeping Record Books on Birth, Marriage and Death also in the Diplomatic-consular branches, but this is not the case. The Law on Family gives a possibility for special justified cases, by a decision of the body responsible for keeping Record Books, to allow the marriage to be concluded with the presence of only one spouse and the the person duly</p>	<p>Law on Family Relations which will enter into force on 1 September 2007 contains provisions for authorized unit of local governance to celebrate marriage by proxy in exceptional cases by power of attorney. This Law explicitly does not allow for celebration of marriage in diplomatic and consular representations abroad.</p>	<p>Pursuant to the Decree on Keeping the Civil Status Registers in Diplomatic and Consular Offices of Yugoslavia Abroad and on issuing the certificates and abstracts based on the above registers (“The Official Gazette of the SFRY”, number 39/75, 3/76) concerning the personal status of the Republic of Serbia’s citizens abroad; the birth, death and marriage registers are kept in</p>

					authorised by the other spouse.		diplomatic and consular offices of the Republic of Serbia. The marriage register is kept in the office in which the citizen of the Republic of Serbia, temporarily or permanently residing abroad, enters into marriage. Remark: Other issues concerning this area fall within the competence of the Ministry of Labour, Employment and Social Policy.
III.	Contact Details						
	Please insert contact info on national institutions responsible for management of civil	Eduard ALIKO General Director of General Directorate of Civil Status	BH Ministry of Civil Affairs Telephone: 00387 33 221		Elizabeta Popovska Tomova Head of Sector for administrative affairs and	Natalija Simonovic Head of Department Tel/fax: 00381 81	The civil status registers' matters fall within the competence of the Ministry of

	<p>status matters and the names of persons in charge (telephone, fax, e-mail and address):</p>	<p>Mob: 0692073126 fax: 04 253047, e-mail ealiko@comcast.net</p> <p>Edmond GJOLEKA Director of Procedures and Documentation in the General Directorate of Civil Status Mob: 0682063205 tel/fax: 04 273 202 e-mail: edmond_gjoleka@yahoo.com</p>	<p>073; 00387 33 444 537</p>		<p>supervision Telephone: 00389 2 311 84 15 Fax: 00389 2 314 23 13 e-mail: elizabetha_popovska@tomova.moi.gov.mk</p> <p>Nadica Velevska Head of Section for Citizenship, civil affairs and Matriculation Telephone: 00389 2 311 84 15 Fax: 00389 2 314 23 13 e-mail: nadica_velevska@moi.gov.mk</p>	<p>246 453 e-mail: mupupravno@cg.yu</p>	<p>Public Administration and Local Government,</p> <p>Belgrade, Bircaninova str. No.6 tel/fax: +381 11 3612672,</p> <p>e-mail: info.mpalsg@mpalsg.sr.gov.yu</p> <p>Department for the administrative affairs is the competent organ of the Ministry of Interior of the Republic of Serbia in the matters of identity cards, citizenship, travel documents, readmission and the other administrative</p>
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							<p>affairs.</p> <p>Zorica Gjokic Milosavljevic</p> <p>Head of Section</p> <p>Address: Blvd Mihajlo Pupin 2</p> <p>Contact phone: 00381-11-311-89- 84 Fax number: 00381-11-3008- 203</p> <p>e-mail: readmision@mup .sr.gov.yu</p>
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Contact details for person(s) providing *Questionnaire* responses:

 **Albania**

Edmond Gjoleka, Director of Procedures and Documentation in the General Directorate of Civil Status

 **Bosnia and Herzegovina**

Svevlad Hoffmann, police inspector, Head of Dept., BH State Border Service

 **Macedonia**

Nadica Velevska, Head of Section for Citizenship, Civil affairs and Matriculation - MOI

 **Montenegro**

Natalija Simonovic, Head of Department - MOI

 **Serbia**

Ministry of Interior of Republic of Serbia