

PROPERTY RIGHTS MONITOR

The OSCE Mission in Kosovo (OSCE) works with Kosovo institutions to support the implementation of the policy and legal framework for the protection of property and housing rights of members of non-majority communities and displaced persons (DPs). To assist in these efforts, the OSCE regularly monitors and reports on developments, and advises institutions on adherence to relevant legislation, international standards and best practices. The Property Rights Monitor is a bi-annual publication that contains observations of OSCE field monitors in the following five regions: Gjilan/Gnjilane (GN); Mitrovicë/Mitrovica (MI); Pejë/Peć (PE); Prishtinë/Priština (PR); and Prizren (PZ). This publication aims to provide an overview of the situation in the field of property and housing rights of non-majority community members and DPs. It aims to assist responsible institutions in addressing issues of concern in terms of implementation of legislation and enforcement of decisions, and acts as a mechanism to track progress achieved as well as to close any identified gaps. The information presented below was collected by the OSCE Mission in Kosovo field teams and covers only cases that the field teams had access to in the period from August to December 2020.

EDITION 3: AUGUST 2020 - DECEMBER 2020

Themes

Expropriation represents a legally authorized act of authorities in removing the ownership rights from an owner of a public or private property for achieving certain public interest. It is subject to conditions provided by law, envisaging also compensation for the affected owners. This edition of the Monitor presents the number of expropriations affecting properties of non-majority communities and DPs.

Illegal occupation of immovable property is a criminal offence according to Article 320 of the Criminal Code. Properties of non-majority communities have continuously been subject to illegal occupation. This edition of the Monitor reflects the number of illegal property occupations occurred within the reporting period.

Social housing is an obligation of the authorities to address the housing needs of individuals and families that cannot afford an appropriate standard of living. This edition of the Monitor presents the number of cases of vulnerable groups, such as women and non-majority communities that have benefited from social housing.

Treatment of constructions without permit is a process led by authorities to legalize constructions without permit. This edition includes the number of cases of unpermitted structures built illegally on the properties of non-majority community members, which are subject to legalization.

Spatial planning is the policy of authorities to regulate public space at all levels. Participation in the process of drafting spatial planning documents is crucial not only for assessing and voicing the needs of communities, but also for ensuring protection of individual property rights. This edition reflects the number of spatial planning processes in which non-majority communities' participation was noted.

Municipal land allocation for returns-related projects is a procedure/initiative of authorities exercised with the purpose of achieving certain public interest and/or policy. This edition presents the number of municipalities that have allocated municipal land for returns-related projects and/or for members of non-majority communities within the reporting period.

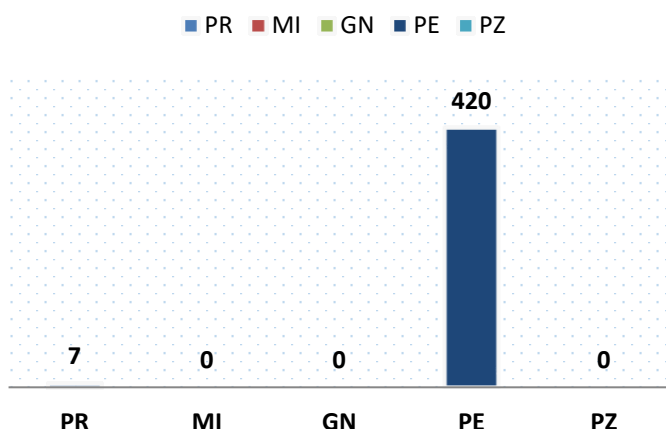
Immovable property tax is a compulsory charge envisaged and applied by authorities for the ownership of the residential, agricultural and commercial properties. However, there are cases when properties of non-majority communities were/are illegally occupied and the owner continues to carry tax liabilities despite not physically in possession of such property. This edition shows the number of non-majority community members exempted from payment of the immovable property tax due to their properties being illegally occupied.

PROPERTY RIGHTS-RELATED CASES AFFECTING NON-MAJORITY COMMUNITIES KOSOVO-WIDE

EXPROPRIATION	427
ILLEGAL OCCUPATION	0
SOCIAL HOUSING	0
TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT	5515
SPATIAL PLANNING	6
LAND ALLOCATION FOR DPs RELATED PROJECTS	0
IMMOVABLE PROPERTY TAX	0

DEVELOPMENTS

EXPROPRIATION CASES PER REGION



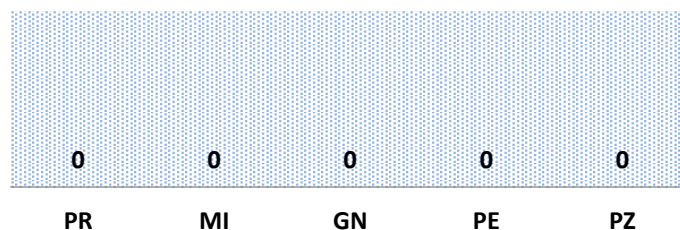
Expropriation

During the reporting period, **300** parcels of land belonging to non-majority community members and/or DPs were affected by the expropriation process. In Pejë/Peć region, expropriation was undertaken for the construction of the Kijevë/Kijevo – Zahaq-Zahač segment of the Prishtinë/Priština–Pejë/Peć highway. In addition, **120** land parcels of non-majority communities have been expropriated in Istog/Istok municipality for the construction of the Osojan/Osojane–Rakosh/Rakoš road segment. Further, in Prishtinë/Priština region, in Lipjan/Lipljan municipality, **7** properties of non-majority communities were expropriated for the construction of a ring road. However, no complaints were reported from the owners of the properties concerning the due process or compensation.

Illegal occupation

No illegal occupation of properties of non-majority communities and/or DPs was reported in this period. This is an important development that indicates enhanced protection of property rights of vulnerable communities in Kosovo.

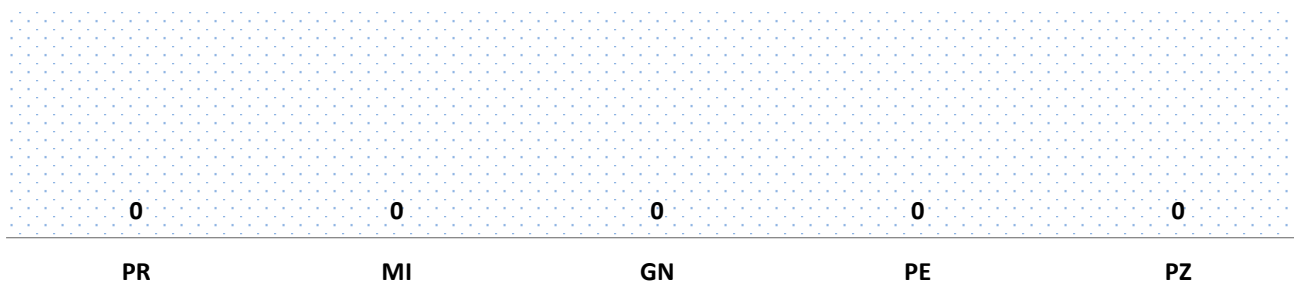
ILLEGAL OCCUPATION CASES PER REGION



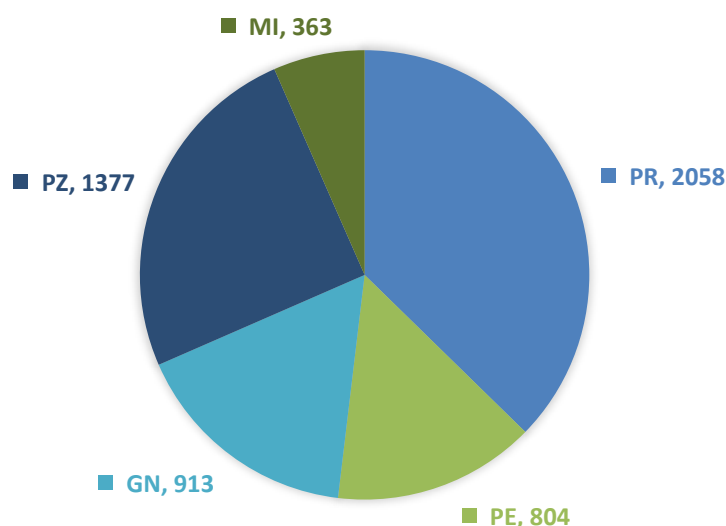
Social housing

During the reporting period, no social housing project was implemented, thus no women or non-majority community members benefitted from the social housing scheme in Kosovo.

PROPERTIES ALLOCATED FOR SOCIAL HOUSING PURPOSES PER REGION



LEGALIZATION CASES PER REGION



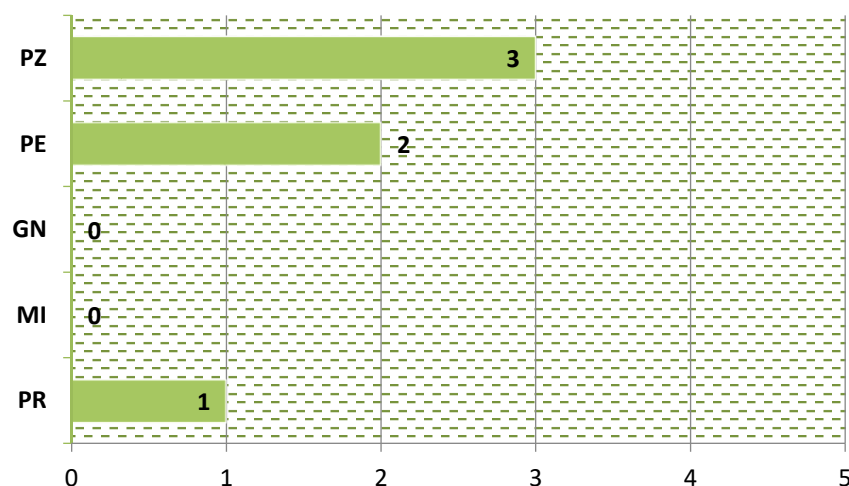
Legalization

The new Law No. 06/L-024 on Treatment of Constructions without Permit entered into force on 5 September 2018, and the Administrative Instructions implementing the Law entered into force on 15 July 2019. Article 10, para. 2 of this Law foresees that an object constructed on another party's land parcel cannot be legalized until the ownership or the right to use the land parcel has been ascertained. The Law through this Article aims to protect vulnerable groups such as non-majority communities and/or DPs, in cases of illegal occupation of their land.

During the reporting period 5,515 applications for legalization of constructions without permit were filed Kosovo-wide, including 27 applications from non-majority communities (18 Kosovo Serb, 7 Kosovo Ashkali, 1 Kosovo Turkish and 1 Kosovo Bosniak). The increased number of applications is due to residents' increased awareness of the deadline for application that is set to be 4 September 2021. The municipal authorities have issued 1,887 legalization decisions, of which 12 for properties belonging to non-majority communities. However, no case of unlawful construction over illegally occupied land parcels of non-majority communities and/or DPs was recorded.

Of note: The majority of the municipalities in Kosovo do not keep community disaggregated data for the applicants in the legalization process.

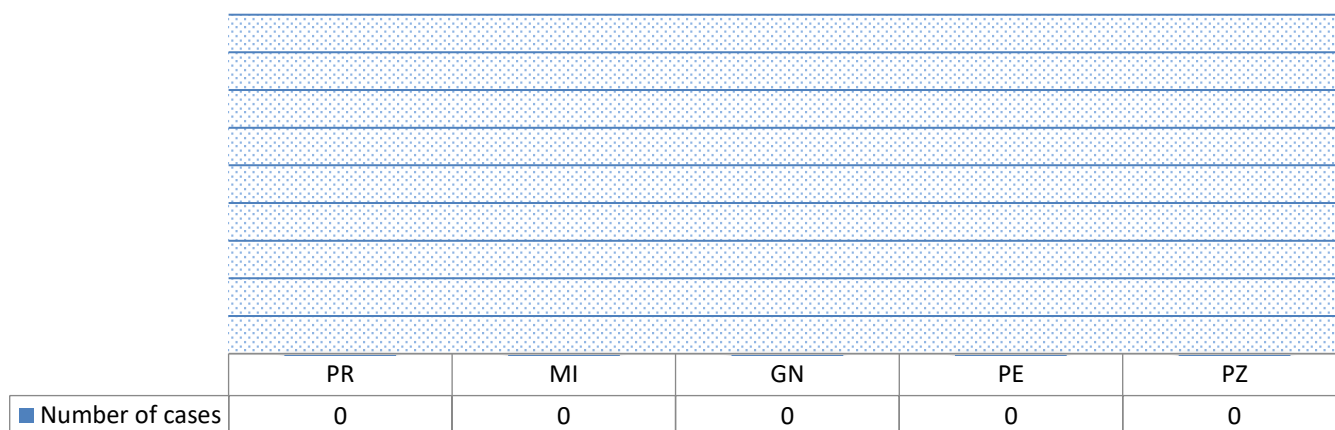
PARTICIPATION OF NON-MAJORITY COMMUNITIES IN SPATIAL PLANNING PROCESSES PER REGION



Spatial Planning

During the reporting period, members of non-majority communities participated in 6 **spatial planning processes** – in Pejë/Peć, Prizren and Prishtinë/Priština region.

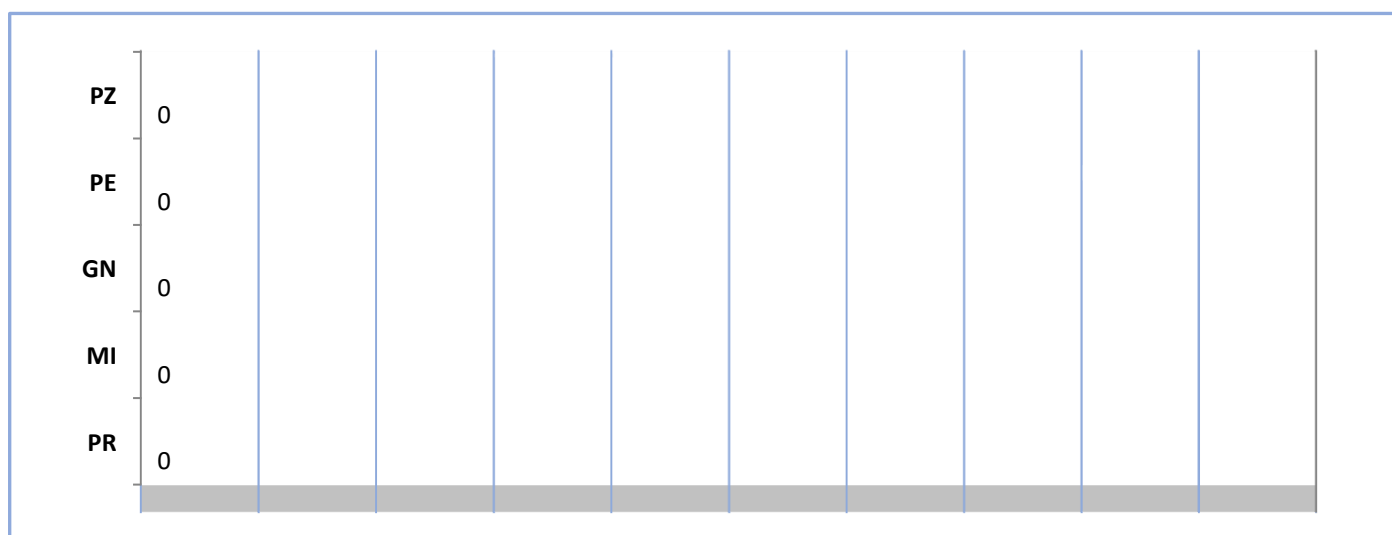
LAND ALLOCATION FOR DPs RELATED PROJECTS PER REGION



Land allocation

No cases of municipal land allocation for DPs return-related projects took place during the reporting period.

IMMOVABLE PROPERTY TAX



Immovable Property Tax

On 1 October 2018, the Law No. 06/L-005 on Immovable Property Tax, entered into force. According to Article 39 of this Law, persons whose property has been or is illegally occupied, are released from tax liabilities based on the final decision issued by a competent public authority in reviewing illegal occupation cases.

During the reporting period, no member of non-majority communities or DPs was exempted from payment of the immovable property tax. Compared to the period July 2019 – July 2020, when two Kosovo Serb property owners have been exempted from payment of the immovable property tax in Prizren region.