

Property Rights Monitor

The OSCE Mission in Kosovo (OSCE) works with Kosovo institutions to support the implementation of the policy and legal framework for protection of the 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 the institutions on adhering to the relevant legislation, international standards and best practices. The Property Rights Monitor is a bi-annual publication of the observations of OSCE field monitors in the following five regions: Prishtinë/Priština (PR); Mitrovicë/Mitrovica (MI); Gjilan/Gnjilane (GN); Pejë/Peć (PE); and Prizren (PZ). This publication aims to provide an overview of the situation in the field on property and housing rights of non-majority community members and DPs. It would assist responsible institutions to address issues of concern in terms of implementation of legislation and enforcement of decisions, as a mechanism to track the progress achieved and to close the identified gaps. Information presented below is provided as collected by the OSCE Mission in Kosovo field teams and thus covers only cases to which these field teams had access. The data provided in this edition covers the period from the beginning of July 2019 until the end of July 2020.

EDITION 2: JULY 2019 - JULY 2020

THEMES

Expropriation represents an intervention of authorities into private and public properties, removing ownership rights, with the purpose of achieving certain public interest. It is subject to the conditions provided by the law, envisaging also compensation for the affected owners. This edition of the Monitor presents the number of interventions 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 the individuals and families that cannot afford appropriate living conditions. This edition of the Monitor presents the number of cases of vulnerable groups, such as women and non-majority communities that have benefited from the provision of social housing.

Treatment of constructions without permit is a process led by authorities to legalize constructions built without permit. This edition includes the number of cases of unpermitted constructions 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 a 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.

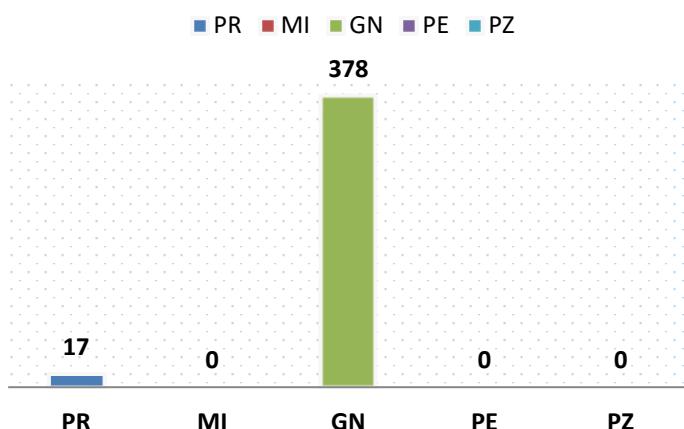
Immovable property tax is a compulsory charge envisaged and applied by authorities for the ownership of the residential, agricultural and commercial properties. However, there are cases, when properties of non-majority communities were/are illegally occupied, and as a result the owner continues to carry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

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

EXPROPRIATION	395
ILLEGAL OCCUPATION	32
SOCIAL HOUSING	0
TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT	0
SPATIAL PLANNING	6
LAND ALLOCATION	0
IMMOVABLE PROPERTY TAX	2

DEVELOPMENTS

EXPROPRIATION CASES PER REGION



Illegal occupation

There were in total 3 **illegal occupation cases** affecting properties belonging to non-majority community members and/or DPs. The illegal occupations took place in Mitrovicë/Mitrovica, Pejë/Peć and Prizren regions. All three cases of illegal occupation are being reviewed by the respective prosecution offices and the basic courts, however, none of the cases is resolved so far.

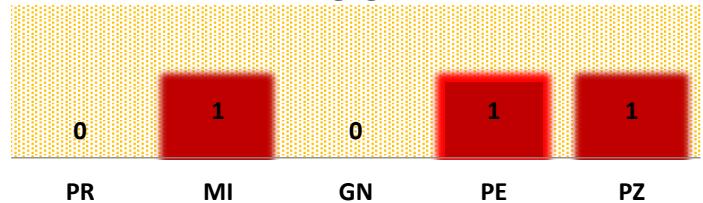
Social housing

During the reporting period, no women or non-majority community members benefitted from the social housing scheme in Kosovo. Nevertheless, an ongoing project (at an initial phase) in Gjilanë/Gnjilane region foresees allocation of 35 houses to vulnerable communities (31 Kosovo Ashkali, 3 Kosovo Egyptians and 1 Kosovo Roma).

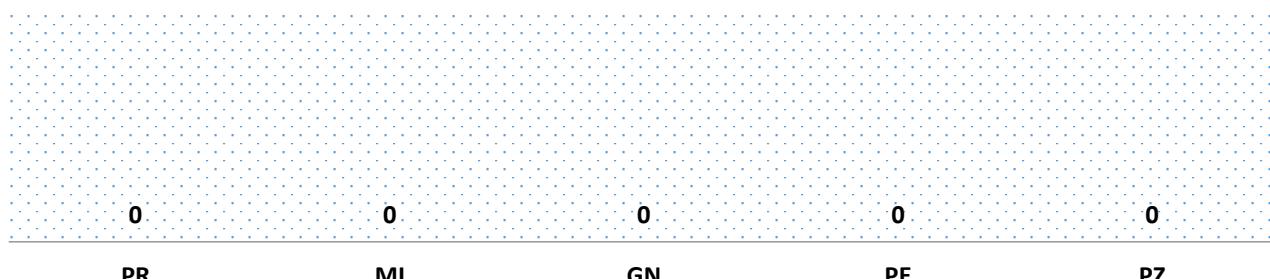
Expropriation

During the reporting period, we recorded **395 cases**, in which the expropriation process affected the properties of non-majority community members and/or DPs. In Gjilan/Gnjilane region, the construction of the Prishtinë/Priština – Gjilan/Gnjilane highway affected **378** properties belonging to non-majority communities and DPs; 190 Kosovo Serb owners challenged in Court the decision on compensation for expropriation; however, so far none of the cases was resolved. In communication with OSCE field teams the affected owners stated that they were offered less compensation than Kosovo Albanian landowners. In Prishtinë/Priština region the construction of a local infrastructure/road affected **17** properties. While in Mitrovicë/Mitrovica, Pejë/Peć, and Prizren regions, there were no cases of expropriation.

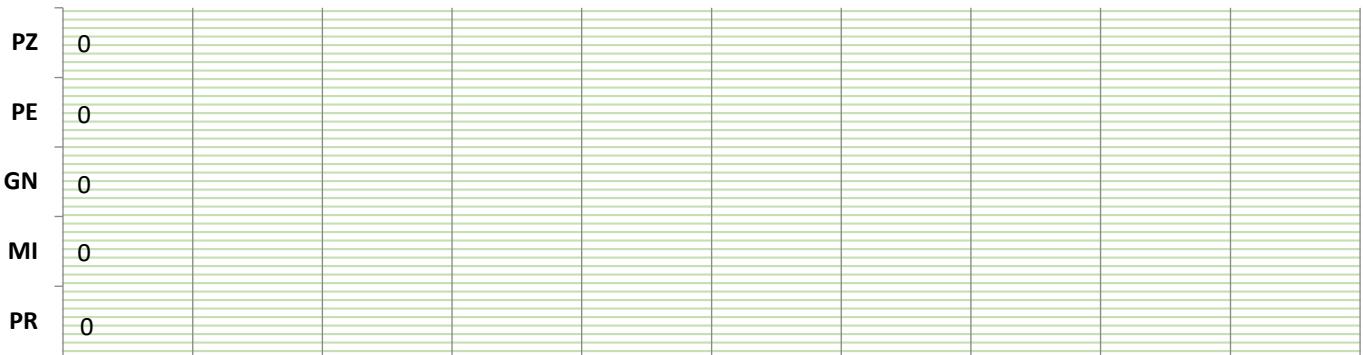
ILLEGAL OCCUPATION CASES PER REGION



PROPERTIES ALLOCATED FOR SOCIAL HOUSING PURPOSES PER REGION



LEGALIZATION CASES PER REGION



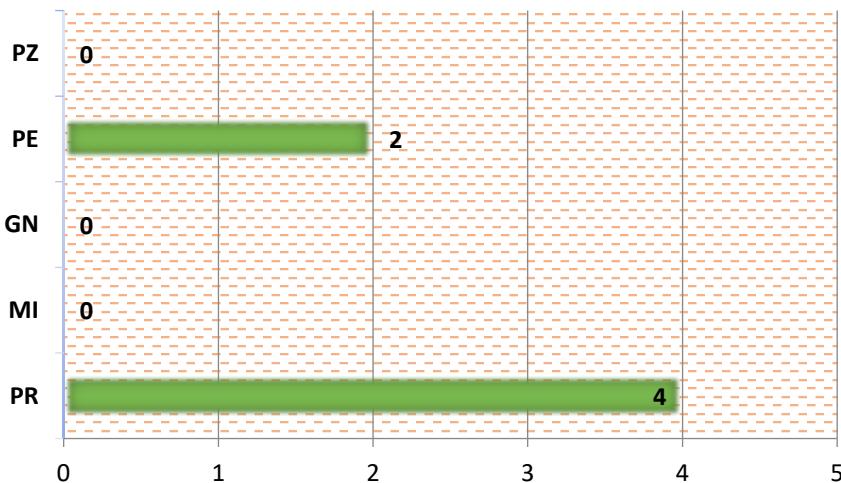
Legalization

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 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, 1,802 applications for legalization of constructions without permit were filed, Kosovo wide, including 6 applications from non-majority communities, Kosovo Ashkali. The municipal authorities have issued 490 legalization decisions, of which 4 for properties belonging to non-majority communities, Kosovo Ashkali. 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.

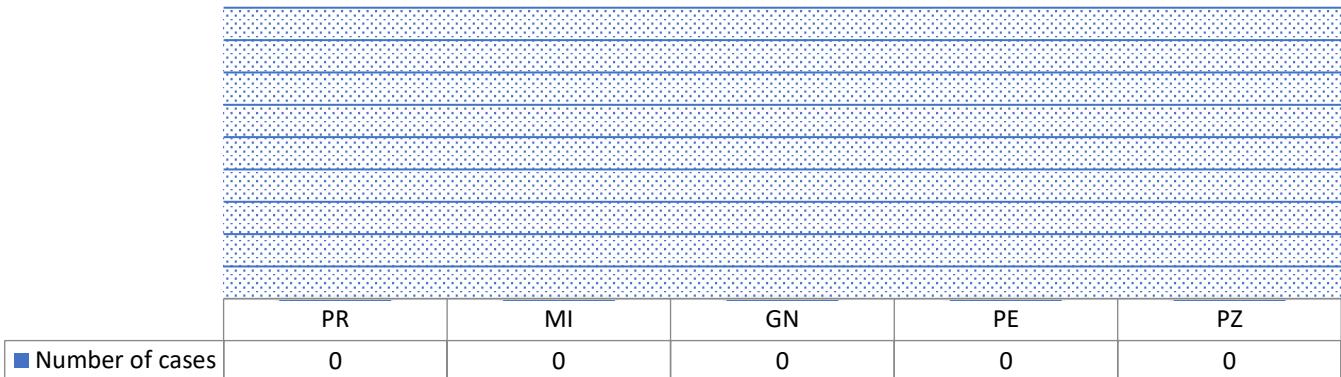
PARTICIPATION OF NON-MAJORITY COMMUNITIES IN SPATIAL PLANNING PROCESSES PER REGION



Spatial Planning

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

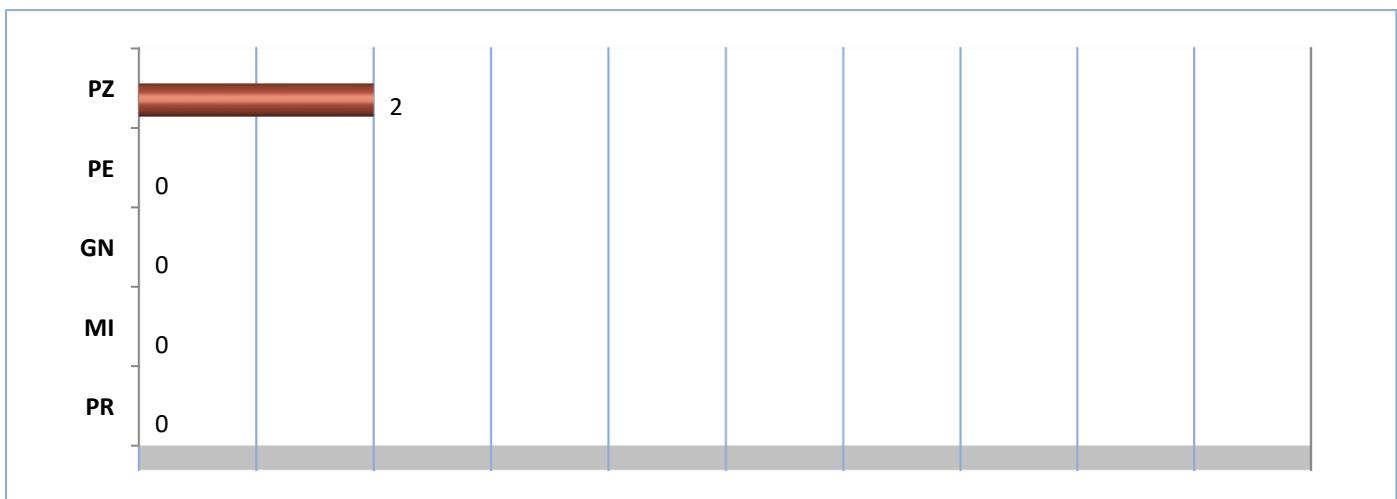
LAND ALLOCATION FOR NON-MAJORITY COMMUNITIES PER REGION



Land allocation

No cases of municipal land allocation for non-majority community members or 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, two Kosovo Serb property owners have been exempted from payment of the immovable property tax.