

# 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 vulnerable communities. To assist 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 for non-majority communities' members, displaced persons (DPs), and majority community members living in areas where they are in a numerical minority. 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 and to close any identified gaps. The information presented below was collected by the OSCE's field teams and covers only cases where the field teams had access to information in the period from July to December 2023.

## EDITION 9: JULY 2023 - DECEMBER 2023

### THEMES

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

**Illegal occupation** of immovable property is a criminal offence according to Article 320 of the Criminal Code. Properties of vulnerable groups, especially non-majority communities and DPs have frequently been subject to illegal occupation. This edition of the Monitor reflects the number of illegal property occupations that 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, youth, and non-majority communities that have benefited from social housing.

**Legalization** is a process led by authorities to legalize unpermitted constructions. This edition includes the number of applications and certificates of legalization issued for unpermitted constructions.

**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 to ensure protection of individual property rights. This edition reflects the number of spatial planning processes in which the needs of vulnerable groups, non-majority communities, women and/or youth were 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 cases where municipalities 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/right to use of residential, agricultural, and commercial properties. However, there are cases when properties of non-majority communities' members were/are illegally occupied, and the owner continues to carry tax liabilities despite not being physically in possession of such property. This edition shows the number of non-majority communities' 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	~252
ILLEGAL OCCUPATION	1
SOCIAL HOUSING	89
LEGALIZATION OF UNPERMITTED CONSTRUCTIONS	3402
SPATIAL PLANNING	6
LAND ALLOCATION FOR DPs RELATED PROJECTS	0
IMMOVABLE PROPERTY TAX	0

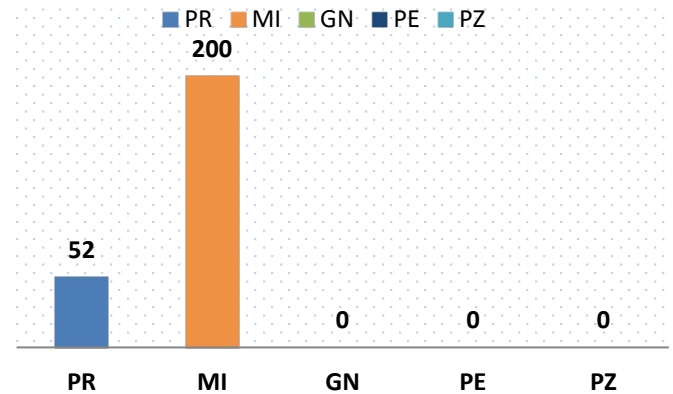
## DEVELOPMENTS

### Expropriation

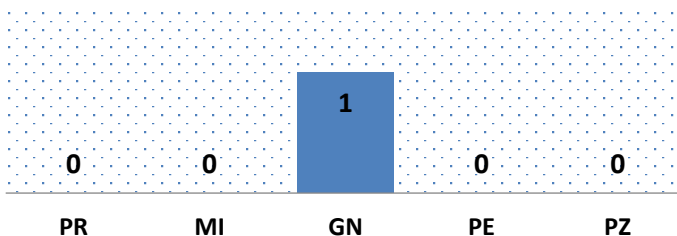
During the reporting period, around **200\*** private properties (parcels) belonging to members of the Kosovo Serb community were affected by the planned expropriations initiated in Mitrovicë/Mitrovica region. The properties are affected by the preparatory works on expropriation and no preliminary decision on expropriation is issued yet. In Prishtinë/Priština region **52** private properties (parcels) were affected by expropriation process **41** parcels belonging to Kosovo Serbs, **three** parcels of Kosovo Albanian and **eight** parcels of Kosovo Ashkali.

*\* The estimated number of 200 affected parcels, subject to expropriation proceeding, is an estimate of the OSCE filed teams since there is no decision issued by relevant institution at the time of reporting.*

### EXPROPRIATION CASES PER REGION



### ILLEGAL OCCUPATION CASES PER REGION



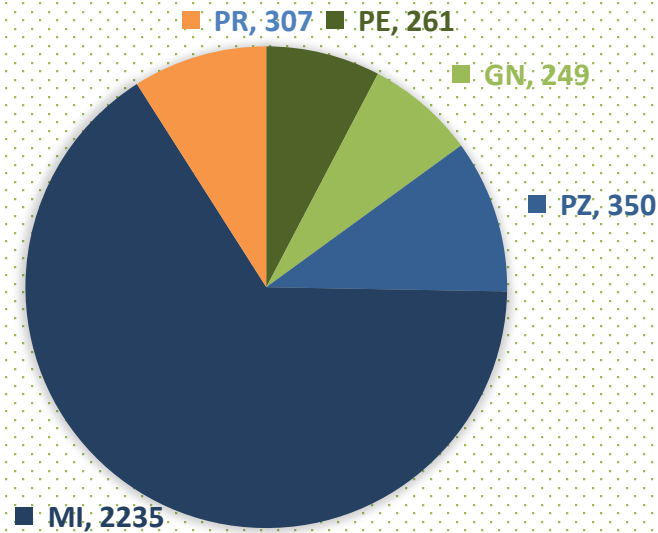
### Illegal occupation

In the reporting period, one case of illegal occupation of property was recorded in Gjilan/Gnjilane region. The property belongs to a Kosovo Serb.

## Social housing

During the reporting period, in Prishtinë/Priština region, a number of 88 social housing apartments were allocated to Kosovo Serb socially vulnerable families, and one to a Kosovo Roma family.

## LEGALIZATION CASES PER REGION



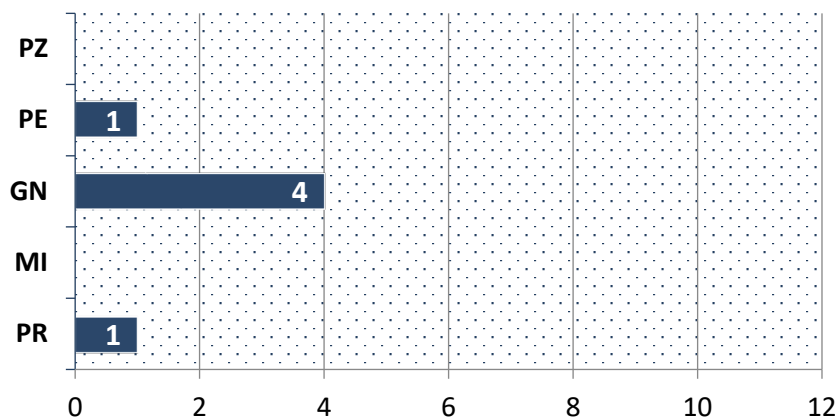
## Legalization

According to the Law on Treatment of Constructions without Permit, 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 legislation aims to protect vulnerable groups such as non-majority communities and/or DPs from cases of illegal occupation of their land parcel.

During the reporting period, 2,573 applications for the legalization of constructions without permits were filed Kosovo-wide. The municipal authorities have issued 828 legalization certificates, ten of which were for properties belonging to non-majority communities (eight Kosovo Serb, two Kosovo Ashkali). However, no case of unlawful construction over illegally occupied land parcels of non-majority communities and/or DPs was recorded. While this fact is important to be noted, regular monitoring is still needed to ensure that no such construction is legalized, particularly considering the fact that the illegal construction continues.

**Of note:** The majority of 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, women and/or youth participated in six **spatial planning processes** – in Pejë/Peć, Gjilan/Gnjilane and Prishtinë/Priština regions.

### Land allocation

**No cases of municipal land allocation** for DPs' return-related projects or non-majority communities' members took place during the reporting period.

### Immovable Property Tax

On 1 October 2018, the Law No. 06/L-005 on Immovable Property Tax (Law) 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 in Kosovo.

During the reporting period, no member of non-majority communities and/or DPs was exempted from payment of the immovable property tax.