

PROPERTY RIGHTS MONITOR

The OSCE Mission in Kosovo (OSCE) works with relevant Kosovo institutions in support to 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 in 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, otherwise not available, on property and housing rights of non-majority community members and DPs, which would assist responsible institutions to address issues of concern, non-implementation of the legislation and/or non-enforcement of decisions, as a mechanism to track the progress achieved and close the identified gaps. Information presented below is provided as collected by OSCE field teams and does not include other cases, which might have been reported to responsible Kosovo institutions or specialized agencies and to which OSCE had no access. The data provided in this edition covers the period from the beginning of January until the end of June 2019.

EDITION 1: JANUARY – JUNE 2019

THEMES

Expropriation represents an intervention of authorities into private and public properties with the purpose of achieving certain public interest. It is subject to the conditions provided for 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 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 occupation 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 themselves appropriate living conditions. This edition of the Monitor presents the number of cases of vulnerable groups, such as woman 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 the territory 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.

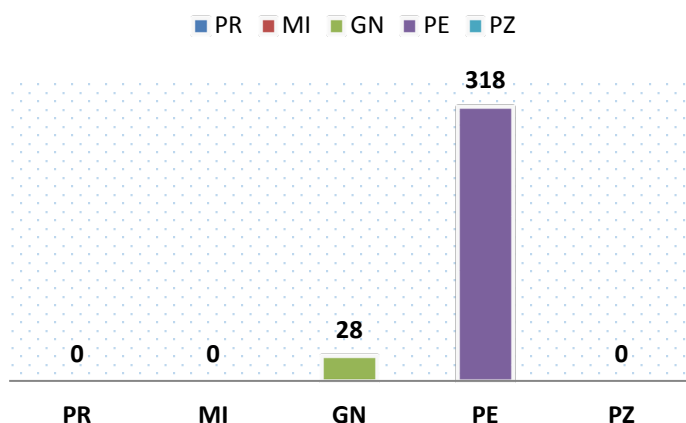
Immovable property tax is a compulsory charge envisaged and applied by authorities for the ownership of the residential, agricultural and commercial properties. However, there are cases, when properties of non-majority communities were/are illegally occupied, and as a result the owner continues to carry 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	346
ILLEGAL OCCUPATION	6
SOCIAL HOUSING	33
TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT	0
SPATIAL PLANNING	5
LAND ALLOCATION	0
IMMOVABLE PROPERTY TAX	0

DEVELOPMENTS

Expropriation cases per region



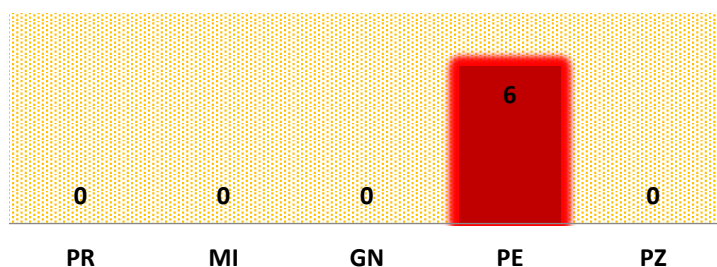
Expropriation

During the reporting period, we have recorded **346 cases**, in which the expropriation process affected the properties of non-majority community members and/or DPs. In Pejë/Peć region, the construction of the local portion of the Klinë/Klina - Pejë/Peć highway affected **318** properties belonging to non-majority communities and DPs, while in Gjilan/Gnjilane region, the construction of the Prishtinë/Priština – Skopje highway affected **28** properties. In Prishtinë/Priština, Mitrovicë/Mitrovica, and Prizren regions, there were no cases of expropriation.

Illegal occupation

There were in total **6 illegal occupation cases** affecting properties belonging to non-majority community members and/or DPs. All illegal occupations took place in Pejë/Peć region. The authorities, during the reporting period, have brought criminal charges in two cases, while an illegal usurper released one property.

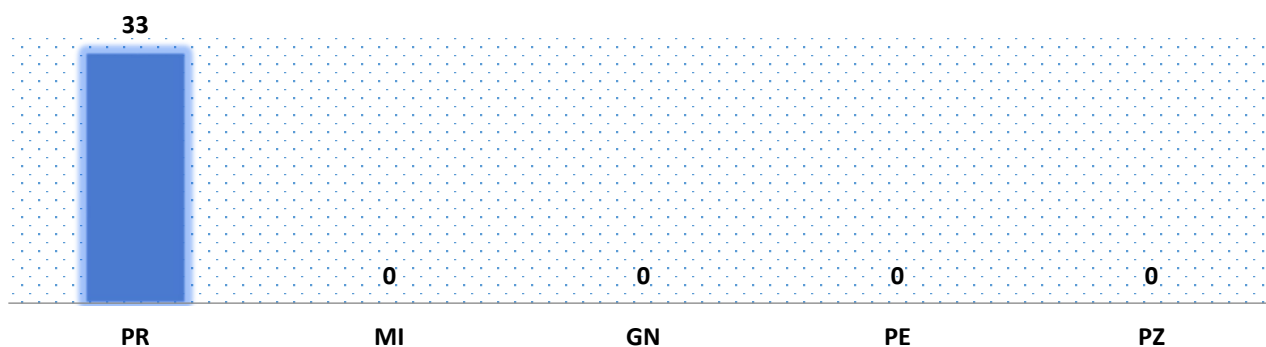
Illegal occupation cases per region



Social housing

During the reporting period, in Prishtinë/Priština region, in Gračanica/Graçanicë municipality, **33 properties** (apartments) were allocated to non-majority community members and women for social housing purposes. All of the beneficiaries belong to Kosovo Serb community.

Properties allocated for social housing purposes per region



Legalization cases per region

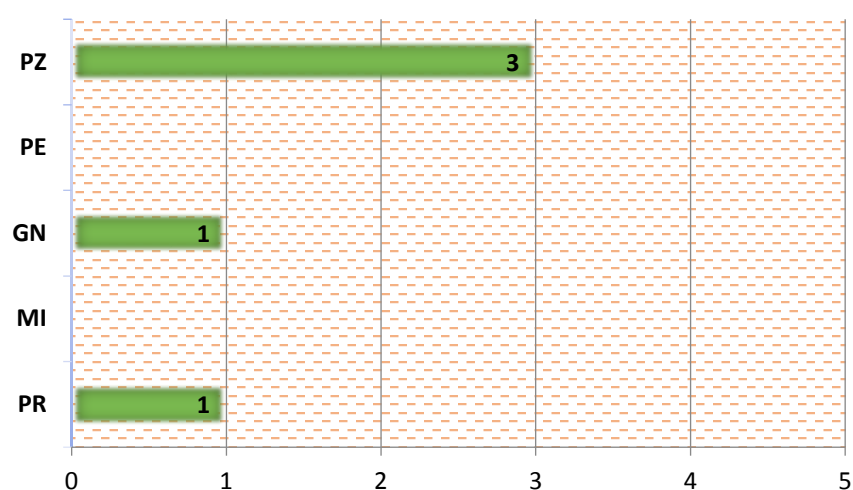


Legalization

Due to on-going legislative reforms **the process of legalization of constructions without permit has not started.**

The new Law No. 06/L-024 on Treatment of Constructions without Permit entered into force on 5 September 2018. However, its implementation could not start until the required Administrative Instructions (AIs) were in place. These AIs were signed by the Minister of Environment and Spatial Planning (MESP) and entered into force on 15 July 2019. The second edition of the Property Rights Monitor will elaborate more on this topic.

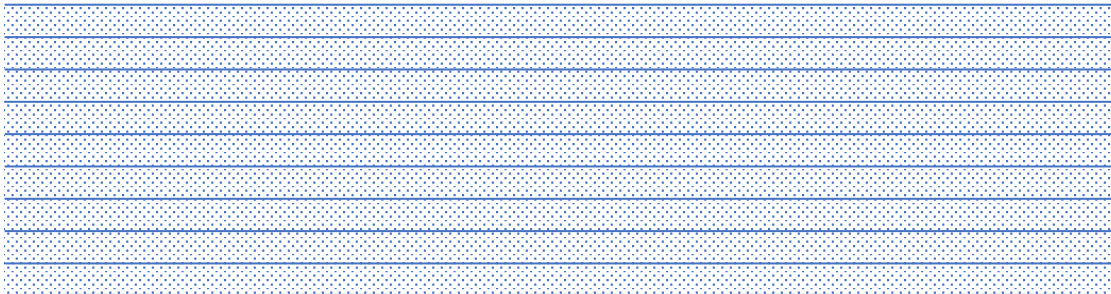
Participation of non-majority communities in spatial planning processes per region



Spatial Planning

During the reporting period, members of non-majority communities participated in **5 spatial planning processes** – three in Prizren, one in Prishtinë/Priština and one in Gjilan/Gnjilane region.

Land allocation for non-majority communities per region

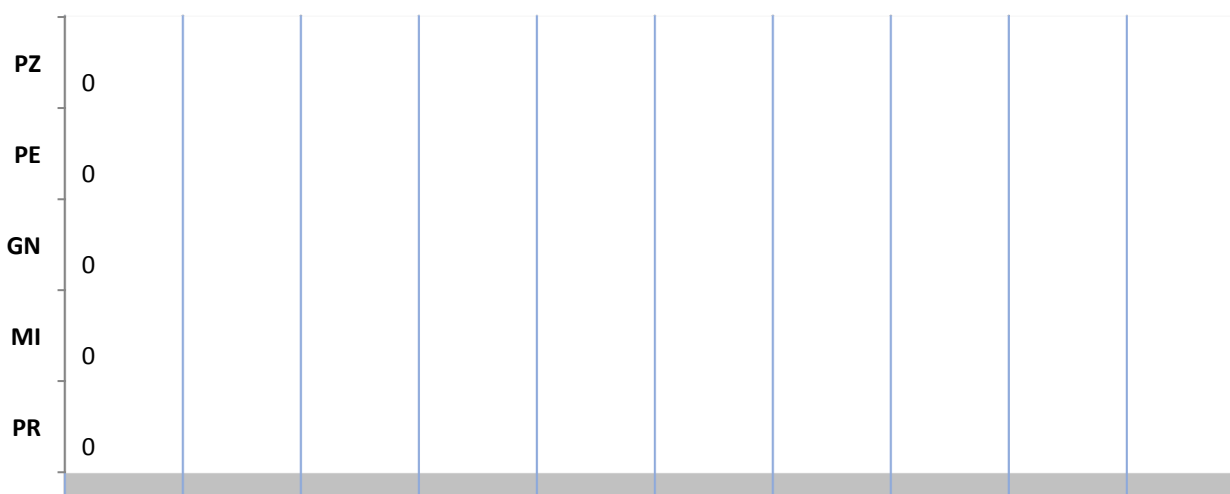


	PR	MI	GN	PE	PZ
■ Number of cases	0	0	0	0	0

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

Despite the fact that the new Law No. 06/L-005 on Immovable Property Tax entered into force on 1 October 2018, **none of the municipalities have started to enforce Article 39** of this Law, which releases from tax liabilities those persons whose property has been or is illegally occupied, based on the final decision issued by a competent public authority in reviewing illegal occupation cases.