

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 communities' 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 is collected by the OSCE field teams and covers only cases where the field teams had access to information in the period from January 2021 to June 2021.

EDITION 4: JANUARY 2021 - JUNE 2021

Themes

Expropriation represents a legally authorised 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 and DPs have frequently 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 communities' members and DPs, 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' and vulnerable groups' 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 cases where municipalities that have allocated municipal land for returns-related projects and/or for members of non-majority communities within the reporting period.

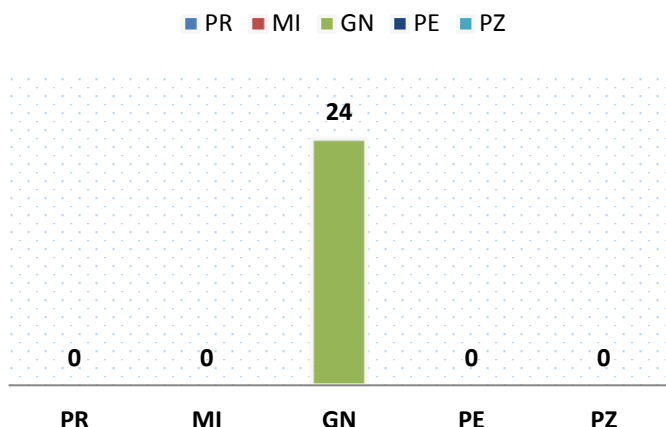
Immovable property tax is a compulsory charge envisaged and applied by authorities for the ownership/right to use of the residential, agricultural, and commercial properties. However, there are cases when properties of non-majority communities' members were/are illegally occupied and the owner continues to carry tax liabilities despite not 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	25
ILLEGAL OCCUPATION	2
SOCIAL HOUSING	0
TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT	2272
SPATIAL PLANNING	16
LAND ALLOCATION FOR DPs RELATED PROJECTS	0
IMMOVABLE PROPERTY TAX	0

DEVELOPMENTS

EXPROPRIATION CASES PER REGION



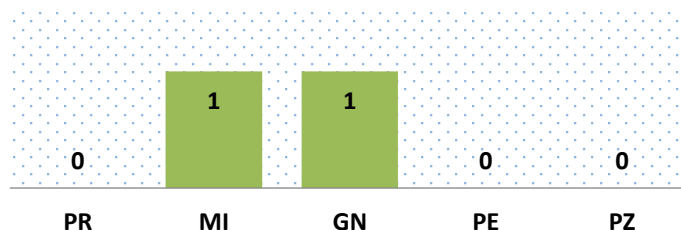
Expropriation

During the reporting period, **24** properties (parcels) of land belonging to non-majority communities' members and/or DPs were affected by the expropriation process. In Gjilan/Gnjilane region, expropriation was undertaken for the opening of a road according to the urban regulatory plan "Kodra e Thate" affecting 24 properties of Kosovo Serb community members. However, no complaints were reported from the owners of the properties concerning the due process or compensation.

Illegal occupation

Illegal occupation of properties of non-majority communities' members and/or DPs still continue to affect property rights of these vulnerable groups. In the reporting period, **2** illegal occupations of properties took place, **1** in Mitrovicë/Mitrovica region and **1** in Gjilan/Gnjilane region.

ILLEGAL OCCUPATION CASES PER REGION

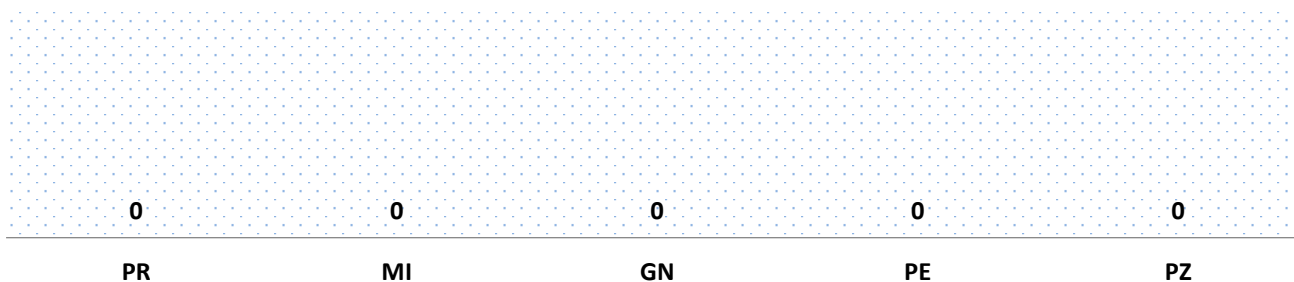


Social housing

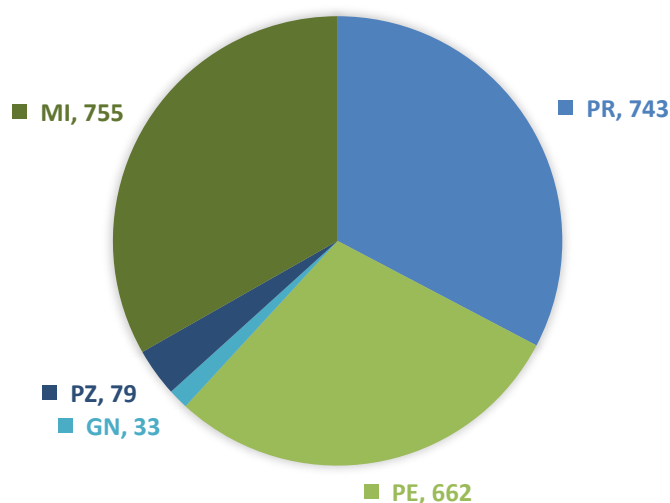
During the reporting period, no social housing project was implemented, thus no women or non-majority communities' members benefitted from the social housing scheme in Kosovo as foreseen with Law No. 03/L-164 on Housing Financing Specific Programs.

Of note: During the reporting period, the Government of Serbia has allocated 36 apartments to homeless citizens and young married couples in Mitrovica/Mitrovicë North municipality; 16 apartments to professors of the Serbian-language university in Mitrovica/Mitrovicë North, and 11 apartments for families belonging to non-majority communities and living in dire housing conditions in Zvečan/Zvečan municipality.

PROPERTIES ALLOCATED FOR SOCIAL HOUSING PURPOSES PER REGION



LEGALIZATION CASES PER REGION



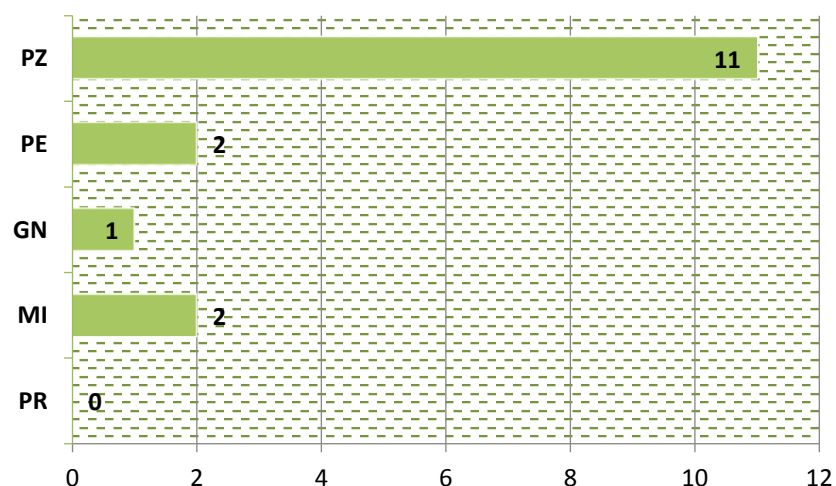
Legalization

The Law No. 06/L-024 on Treatment of Constructions without Permit (hereby Law) 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 2,272 applications for legalization of constructions without permit were filed Kosovo-wide, including 18 applications from non-majority communities (3 by Kosovo Serbs and 15 by Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' members). The municipal authorities have issued 1,117 legalization decisions, of which 16 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.

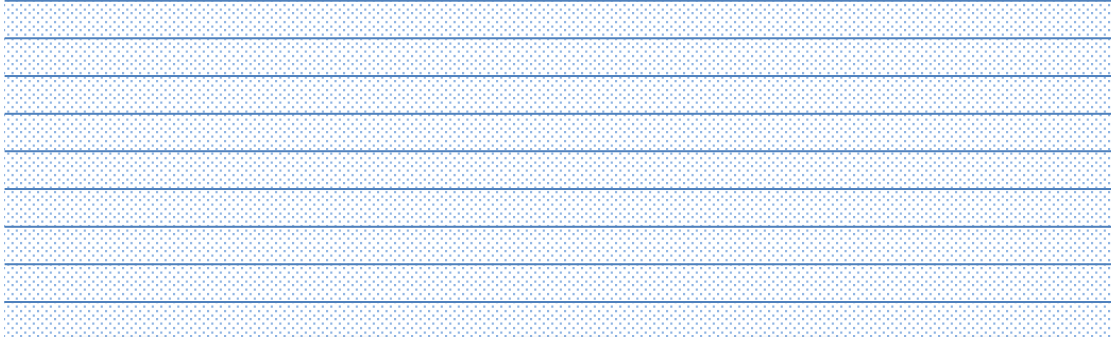
PARTICIPATION OF NON-MAJORITY COMMUNITIES IN SPATIAL PLANNING PROCESSES PER REGION



Spatial Planning

During the reporting period, members of non-majority communities and/or women participated in **16 spatial planning processes** – in Gjilan/Gnjilane, Mitrovicë/Mitrovica, Pejë/Peć and Prizren regions.

LAND ALLOCATION FOR DPs RELATED PROJECTS PER REGION

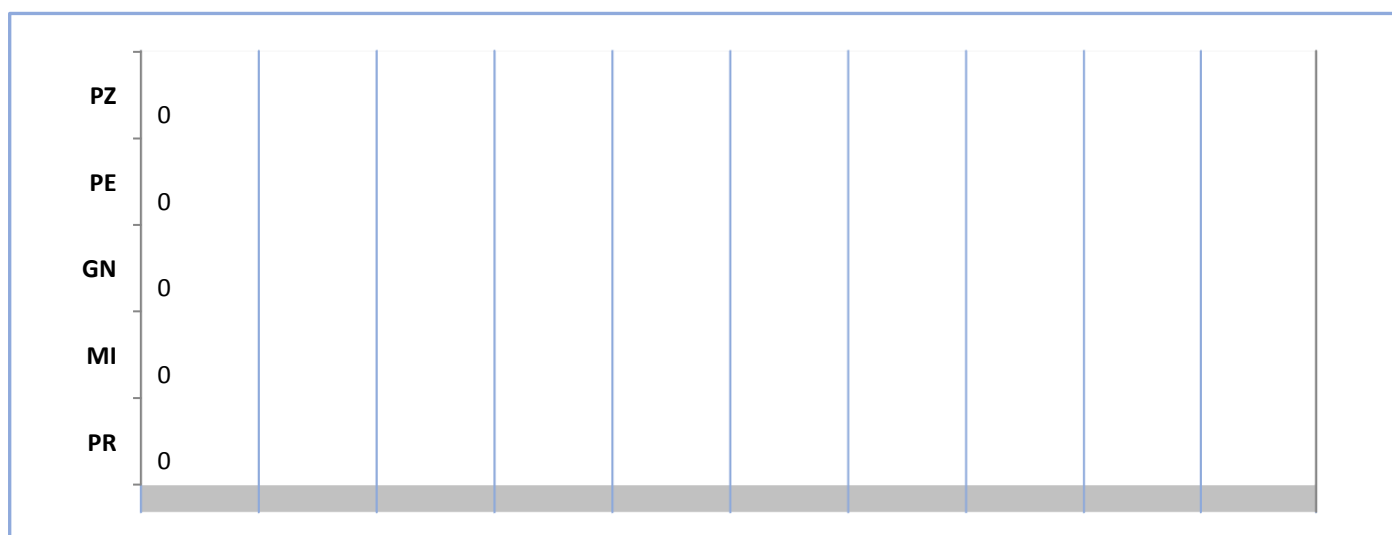


	PR	MI	GN	PE	PZ
■ Number of cases	0	0	0	0	0

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



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.