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## QUARTERLY REPORT NO. 17

Property Rights Program (PRP)  
FY 2018  
(April 1 – June 30, 2018)

JULY 2018

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



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**Cover Photo:** USAID/Washington Kosovo Desk Officer Ms. Ana Luisa Pinto, USAID/Kosovo Democracy and Governance Office Director Ms. Christina Davis, Viti/Vitina Mayor Mr. Sokol Haliti, PRP Chief of Party Brian Kemple, and PRP staff pose in front of Kosovo's first next-generation e-kiosk which is now able for the first time to issue documents required for property rights registration.



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## ACRONYMS AND ABBREVIATIONS

AI	Administrative Instruction
ATRC	Advocacy Training & Resource Center
BIRN	Balkan Investigative Reporting Network
CCP2	Civil Code Project 2
CDCS	Country Development Cooperation Strategy
CFM	Casflow Management
CoM	Court of Merit
CSO	Civil Society Organization
DO	Development Objective
ECHR	European Court of Human Rights
E4E	Engagement for Equity
EU	European Union
EUSR	European Union Special Representative (in Kosovo)
GCG	Gender Coordination Group
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (“German Corporation for International Cooperation GmbH)
GoK	Government of Kosovo
IQC	Indefinite Quantity Contract
IR	Intermediate Result
ISBN	International Standard Book Number
JSSP	Justice System Strengthening Program
KCA	Kosovo Cadastral Agency
KCLIS	Kosovo Cadastre and Land Information System
KJA	Kosovo Judicial Academy
KJC	Kosovo Judicial Council
KPA	Kosovo Property Agency
KPCVA	Kosovo Property Comparison and Verification Agency
LA	Legal Associate
MCO	Municipal Cadastral Office
MESP	Ministry of Environment and Spatial Planning
MGO	Municipal Gender Officer
MLGA	Ministry of Local Government Administration
Moj	Ministry of Justice
NDS	National Development Strategy
NSPR	National Strategy on Property Rights
OPM	Office of the Prime Minister

OSCE	Organization for Security and Cooperation in Europe
PRP	Property Rights Program
PSA	Public Service Announcement
SAA	Stabilization and Association Agreement
SPO	Strategic Planning Office
STARR	Strengthening Tenure and Resource Rights
USAID	United States Agency for International Development

## INTRODUCTION AND BACKGROUND

The absence of an effective property rights framework in Kosovo weakens democratic governance, impacts human rights, disempowers women and impedes sustainable economic growth. The USAID/Kosovo Property Rights Program (PRP) assists the Government of Kosovo (GoK) to develop and implement its National Strategy on Property Rights (NSPR) and strengthen property rights legislation; supports the development of improved court procedures and practice to efficiently adjudicate property claims and disputes; conducts public outreach campaigns to prompt changes in social attitudes and behavior concerning the ability of women to exercise their property rights and works closely with civil society organizations to support related activities; and improves service delivery in municipalities to increase the general public's understanding of property rights and make it easier for citizens to exercise their property rights.

With the GoK adopting the NSPR in January 2017, PRP is now working closely with all relevant GoK bodies to implement the strategy's recommendations. This includes assistance to strengthen the property rights legal framework by ensuring it is modern, clear, harmonized and well-integrated and implementation of activities to help citizens to formalize their property rights.

PRP has been working closely with the Kosovo Judicial Council (KJC) and three Courts of Merit (CoMs) to develop and pilot improved court procedures related to property claims. The piloting initiative has produced significant and demonstrable improvements in the CoM's efficiency and effectiveness in adjudicating property rights cases and offers a roadmap for institutionalizing these reforms throughout the judicial system. PRP assistance to improve court performance also informs the development of more consistent judicial practice in adjudicating property claims. Results produced by PRP in these areas contribute to achieving USAID/Kosovo's Country Development Cooperation Strategy Development (CDCS) Objective 1 "Improved Rule of Law and Governance that Meets Citizens' Needs." Improved legislation and court procedures also support creation of an Improved Economic Governance and Business Environment under the CDCS Development Objective 2 "Increased Investment and Private Sector Employment."

PRP's most recent National Survey on Property Rights demonstrates that PRP's media campaign has sparked debate and discussion in Kosovo concerning women's property rights (which was reportedly a taboo subject previously) and is producing positive changes in social attitudes and behaviors. PRP is continuing its national media campaign and grassroots public outreach activities on women's property rights to reinforce these trends. PRP also provides technical assistance to USAID's E4E partner and E4E sub-grantees (Civil Society Organizations (CSOs)) to develop and implement activities aimed at supporting women's property rights and to complement PRP's public outreach activities.

At the municipal level, PRP is working with local administrations to improve their own practices and procedures and services to citizens related to property rights; provide useful legal information to their citizens to enable them to more efficiently transact their rights to property; and engage more effectively with their communities on property rights issues.



## EXECUTIVE SUMMARY

### SUMMARY OF RESULTS FOR THE REPORTING PERIOD AND KEY ACHIEVEMENTS

This Quarter saw PRP advance its initiatives significantly under all four Objectives. Under Objective 1, PRP has continued to support the timely development of legislation to implement the National Strategy on Property Rights (NSPR). Under Objective 2, the Caseflow Management (CFM) reforms introduced by PRP in its partner courts have continued to register demonstrable improvements in the courts' efficiency and effectiveness in adjudicating property rights cases; and Kosovo courts have launched hiring procedures for legal associates in response. Under Objective 3, PRP continued its public outreach on women's equal property rights with a range of activities, with an emphasis on reaching children and youth. Under Objective 4, PRP has moved forward a number of initiatives that are designed to improve municipal governments' services to their citizens.

#### OBJECTIVE 1: BETTER COORDINATION AND POLICY PRIORITIES

PRP supported Government of Kosovo (GoK) stakeholders to develop draft legislation foreseen under the National Strategy on Property Rights (NSPR) to strengthen the property rights legal framework including: the Law on Public Property; the Law on Construction Land; the Law on Sale of the Apartments in which a Tenure Right Exists; the draft Law on Cadastre; the Draft Law on Allocation for the Use and Exchange of Immovable Property of the Municipality; the Concept Document on the Expropriation of Immovable Property; and an Administrative Instruction on Construction Permitting. Additionally, the "Inheritance Package" of legislation developed with PRP support to create more efficient inheritance procedures and safeguard the rights of women to inherit property has been reviewed by the legislations' working group and it is anticipated the next iteration of the legislation will be produced in the next quarter.

PRP delivers its legislative support through coordinated efforts with the European Union (EU) Civil Code Project 2 (CCP2) to assist the GoK ensure consistency between property rights legislation supported by both projects. PRP also assists the Ministry of Justice (MoJ) to coordinate its property reform activities with other GoK institutions and assists the MoJ to report on its progress to implement property rights reforms to help the GoK meet its obligations under the Stabilization and Association Agreement (SAA) with the EU; to support economic development as foreseen in the GoK's National Development Strategy (NDS); and to protect the property rights of women as part of the GoK's Inter-Ministerial Coordination Group on Human Rights.

PRP assisted the Kosovo Property Comparison and Verification Agency (KPCVA) to finalize its draft three-year Strategy and related Action Plan. The Strategy identifies and prioritizes 54 KPCVA activities for the next three years, including the implementation of KPCVA's new mandate to compare and verify cadastral records upon their return from Serbia; and, as foreseen in the NSPR and the GoK's Concept Document to amend the KPCVA Law, proposes that the KPCVA serve as an adjudicatory body for addressing large-scale informality.

#### OBJECTIVE 2: IMPROVED COURT PROCEDURES RELATED TO PROPERTY CLAIMS

PRP's caseflow management (CFM) assistance to the three Courts of Merit (CoM) has continued to achieve efficiency and help address property rights case backlog. Thus far, a total of 9,696 decisions had been issued with the assistance of PRP's Legal Assistants (LAs) since mid-December 2016. The increased number of decisions promoted greater efficiencies in the courts that have allowed judges to focus efforts on resolving backlogged cases. In the short-term, the focus on backlogged cases has served to increase the average number of days it takes the court to dispose of a case because the

courts' focus is on the oldest cases. Once these cases are disposed, the average time to disposition should fall significantly. Delivery of CFM assistance through LAs is proving to be a sustainable approach to improving court performance. The Pejë/Peć Basic Court initiated the process to recruit and permanently hire LAs. The Court informed PRP that its two LAs received the highest scores on the competency exam and will be hired in early July 2018.

PRP has collaborated closely with the KPCVA to amend the law establishing the agency and expand its mandate to resolve uncontested property rights requests through expedited, administrative procedures. Adoption of the legislation will help remove uncontested claims from the courts' dockets, thereby further reducing the backlog of property rights cases. The draft legislation was recently published for public consultation and feedback.

PRP secured agreement with the Supreme Court to collaborate on an initiative under which the Supreme Court will produce guidelines to help achieve consistent judicial practice in the area of property rights. PRP and the Court have agreed on the methodology for developing the guidelines, which begins with the assessment of the approximately 900 decisions the Court has issued on points of law pertaining to property rights.

PRP also secured an agreement with the Kosovo Judicial Academy (KJA) to develop training modules to strengthen judicial capacity and reinforce consistent judicial practice to resolve property disputes. PRP has submitted concept notes for each training module, which are being reviewed by the KJA.

PRP continued to effectively coordinate with USAID's Justice System Strengthening Project (JSSP). PRP translated its Practical Guide for improving CFM efficiency and shared it with JSSP's sub-contractor who provided a memorandum describing recommendations for incorporating the Practical Guide into JSSP's Bench Book. PRP will continue discussions on the most effective way to produce a joint product to help further institute CFM reforms.

### **OBJECTIVE 3: ENHANCED WOMEN'S RIGHTS TO USE PROPERTY IN PRACTICE**

PRP and the Mitrovica Municipal Gender Officer (MGO) organized a training on gender equality for the newly established Women's Caucus and Committee on Gender Equality in Mitrovica. The training consisted of a session led by the MGO informing participants on Kosovo's policies on gender equality and their implications at the municipal level; and PRP's analysis on issues preventing women from exercising their property rights freely and equally in Kosovo. Additional information and outreach events included a PRP sponsored lecture at the Ukshin Hoti University in Prizren on Constitutional Rights, with emphasis on the provisions on equality before the law and protection of property, and a presentation by PRP on current issues in women's property rights; and a joint PRP/MGO presentation for high school students in Suharekë/Suva Reka. PRP will assist the MGO to implement the MGO's activity plan to raise youth awareness on equal rights to property inheritance. PRP also supported the visit of a female judge with Dragash/Dragaš elementary school children to discuss the important questions around the feeling that parents and families often do not treat each of their children equally in matters of property inheritance.

PRP continues its tradition in participating in USAID Engagement for Equity (E4E) new grantee orientations, including its most recent one. The session focused on project implementation rules and procedures. And PRP used the opportunity to inform the new grantees about its work and recommended opportunities for future collaboration with them. PRP will continue to monitor grantee activities to ensure consistency of (and avoid duplication with) USAID technical direction in the property rights space with the E4E implementing partner, ATRC.

PRP and ATRC facilitated a meeting between E4E grantee "Gruaja Hyjnore" from Gjiilan/Gnjilane, and Ms. Ana Luisa Pinto, the USAID Desk Officer, Bureau for Europe and Eurasia, to acquaint Ms.

Pinto with PRP's long history of successful grassroots activities to raise awareness and understanding of women's equal property rights in Kosovo.

#### **OBJECTIVE 4: IMPROVED COMMUNICATION, ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS**

PRP concluded four of its five planned regional workshops designed to focus attention and foster constructive discussion on specific challenges and problematic issues constraining Municipal Cadastral Offices (MCOs) from efficiently delivering service to citizens. The results from questionnaires distributed at the workshops and the lively discussions at the workshops are bringing to light a rich panoply of practice issues that need to be addressed in order to improve MCOs' service delivery.

PRP assisted the Viti/Vitina Municipality in conducting a visibility event to unveil its new e-kiosk constructed and installed with PRP assistance. The e-kiosk provides citizens the ability to obtain copies of MCO certificates evidencing their property rights, and property tax documents, in addition to civil status documents. The event took place in Pozhoran, where the e-kiosk has been placed to provide easy access to a number of other population centers. Deputy USAID Mission Director Lisa Magno spoke at the event, which was also attended by Ms. Ana Luisa Pinto, USAID's Desk Officer for Kosovo in Washington, DC. Viti/Vitina municipal authorities expressed their appreciation for USAID's support and report that citizens are using the e-kiosk very frequently. PRP has issued a request for proposals to upgrade an additional six existing e-kiosks in Pristina, Pejë/Peć, Vushtrri/Vučitrn and Gračanica/Gracanice municipalities. This will be another step to improve citizens' ability to obtain official documents and facilitate property registration.

PRP produced a new public information brochure for citizens "How to Register Property Received as a Gift" in the Albanian, Serbian and English languages. The brochure addresses an increasingly common property transaction where immovable property is gifted within families to take advantage of lower registration fees for such transactions.

PRP continued its support to Štrpce/Shtërpce MCO to register its backlog of around 5,000 unregistered property transactions. To date, over 3,500 cadastral files have been scanned, of which approximately 2,200 have been entered into the Kosovo Cadastral Land Information System.

## PROJECT ACTIVITIES

### OBJECTIVE I: BETTER COORDINATION AND POLICY PRIORITIES

#### SUB-OBJECTIVE I.1: NSPR REFORMS COORDINATED WITH AND BETWEEN GOK INSTITUTIONS

##### FINAL DRAFTS OF KPCVA STRATEGY AND ACTION PLAN PRODUCED

PRP worked closely with the KPCVA to finalize its draft three-year Strategy and related Action Plan. PRP helped the KPCVA to develop the initial draft and to incorporate comments received internally and through public consultation. The Strategy identifies and prioritizes 54 KPCVA activities to carry out its mandate for the next three years, including implementation of decisions providing remedy to persons displaced by the armed conflict in 1999, its new mandate to compare and verify cadastral records upon their return from Serbia; and, as foreseen in the NSPR and government's Concept Document to amend the KPCVA Law, steps the agency will follow to serve as an adjudicatory body to help resolve large-scale informality. PRP's support to the KPCVA followed a request from the KPCVA to support the agency's strategy drafting process.

##### ASSISTANCE TO THE MOJ IN REPORTING FOR NATIONAL DEVELOPMENT STRATEGY

PRP supported the MoJ in preparing their report on the National Development Strategy (NDS) as requested by the Government Office for Strategic Planning, which is mandated to coordinate and oversee the implementation of the NDS. The NDS includes, among others, the measure for strengthening the Property Rights System (Measure 13). The report focused on implementation of activities foreseen under this measure, including updating performance indicators.

##### ASSISTING THE MOJ IN REPORTING ON THE PROGRESS IN IMPLEMENTING THE NSPR

PRP assisted the MoJ to prepare its summary report to the GoK's Inter-Ministerial Coordination Group on Human Rights, a high-level political mechanism mandated to monitor the implementation of human rights-related policies and strategies in the Republic of Kosovo. The report focused on the progress made by the MoJ to implement NSPR recommendations specific to the ministry including strengthening the property rights legal framework to protect women's rights to property, removing any barriers faced by women to exercise their rights and measures to increase women's awareness about their rights under the law.

##### SPO REQUESTS PRP ASSISTANCE IN RESPONDING TO CALL BY PRIME MINISTER ON PROPERTY RIGHTS

Kosovo's Prime Minister (PM) launched a consultative forum comprising government ministers and municipal mayors to improve coordination between central and local government bodies. During the inaugural meeting on April 10, the PM placed property rights challenges at the top of the forum's agenda, along with budgetary issues and public corruption. The Strategic Planning Office at the Office of the Prime Minister (SPO/OPM) then contacted PRP to provide a report that identified property rights challenges that municipalities face and initiatives that have been undertaken to date to address

them. PRP's report described legislative initiatives recommended in the NSPR particularly relevant to municipalities including legislative initiatives to clearly define municipal property, promote consistent practices to register property rights in Municipal Cadastral Offices (MCOs) and to implement legislation absolving Displaced Persons (DPs) from liability to pay back property taxes and utility bills during the period of displacement. The report also discussed recommendations pertinent to monitoring and enforcing spatial plans and challenges that arise with generating own source revenues for municipalities.

**The Government released a statement on the forum proceedings, which can be found here:**

<http://kryeministri-ks.net/prime-minister-haradinaj-with-the-municipalities-a-new-partnership-must-be-created-to-overcome-the-challenges-and-their-development/?lang=en>

## **ASSISTANCE TO THE MOJ IN REPORTING ON IMPLEMENTATION OF SAA**

The GoK meets on an annual basis with European Commission representatives to assess implementation of the Stabilization and Association Agreement (SAA). As a member of the sub-committee on justice, freedom and security, the MoJ was requested to produce a report describing progress to implement the NSPR. PRP assisted the MoJ in preparing this report.

### **SUB-OBJECTIVE 1.2: REFORM LEGISLATION TO ACHIEVE NSPR REFORM OBJECTIVES DEVELOPED AND IMPLEMENTED**

#### **INITIATIVES TO DEVELOP NSPR IMPLEMENTING LEGISLATION**

**Draft Law on Public Property.** PRP submitted this draft law to the MoJ during the previous quarter. The draft has been shared with members of the working group. The first meeting of the Working Group is scheduled for July 5. PRP will provide ongoing support to the Working Group.

**Draft Law on Construction Land.** PRP has finalized the first draft of the draft Law on Construction Land and has provided it to the MoJ. The MoJ has established a working group which will convene in July.

**Draft Concept Document for the Law on Contested Procedure Published for Public Notice and Comment.** The preliminary consultation with other GoK bodies concluded. PRP finalized the Consultation Document, which is published together with the Concept Document on the Government Platform for Public Consultations. PRP also supported the translation into English and Serbian languages.

**Drafting the Law on Amending Law No.04/I-061 on the Sale of Apartments in which a Tenure Right Exists.** Following approving of Concept Document by GoK, the Ministry of Environment and Spatial Planning (MESP) established a working group for drafting amendments to this law for the purpose of extending the deadline for applications to privatize apartments. PRP participated in the first meeting of the Working Group, where it was decided to await the legal opinion from the Legal Office of the OPM on whether the law should be re-drafted or whether the current law should be amended, owing to the gap in time from the date when the old law expired. PRP is supporting MESP on drafting the Concept Document and will continue to support the working group in drafting the Law.

**Draft Law on Cadastre of Immovable Property.** PRP participated in the second meeting of the Working Group to draft the legislation where it presented and discussed its comments with members of the working group.

**Concept Document on Expropriation of Immovable Property.** MESP requested PRP to support the process of amending the law and incorporating into the legislation recommendations from the NSPR. PRP met with the Director of the MESP Department of Expropriation and was informed that he expects the GoK to approve the Concept Document in the near future.

**Administrative Instruction (AI) on Construction Permitting.** PRP submitted its comments to the draft AI that establishes the procedures for submitting and reviewing applications seeking approval of construction projects, construction permits and demolition permits for Category III constructions. It is expected that the Construction Division of MESP will post the draft AI for public consultation. Additionally, PRP assisted MESP to produce a legal opinion related to approval of construction projects and provided the ministry guidance on the applicable legal requirements for reviewing and approving construction projects.

**Draft Law on Allocation for the Use and Exchange of Immovable Property of the Municipality.** PRP assisted the MLGA to make final revisions to the draft law that accurately reflects the consensus reached by the working group. PRP then met with representatives from the Legal Office of the OPM and Legal Department of the MLGA to brief them on the legal implications of the law and its relationship with the broader legal framework.

## **PARLIAMENTARY WORKING GROUP COMPLETES REVIEW OF DRAFT LAWS IN THE 'INHERITANCE PACKAGE'**

The working group established by the Committee for Legislation of the Kosovo Assembly has completed its review of the draft Law on Notary, the draft law to amend the Law on Non-Contested Procedure, and the draft law to amend the Law on Inheritance. It will now submit its report with recommendations to the Committee.

PRP attended all public sessions convened by the working group and held side-bar conferences with working group members. PRP also briefed MoJ officials in advance of Assembly hearings to discuss the legislation. During these meetings PRP advocated, with MoJ support, including amendments in the Law on Inheritance to protect the rights of surviving spouses. This was included and then later omitted from previous versions of the draft law.

## **COORDINATING WITH MOJ POLITICAL ADVISOR AND MOJ OFFICIALS ON NSPR LEGISLATION**

PRP met with Chief Political Advisor to the Minister of Justice, Mr. Altin Ademi, to discuss two areas of concern for PRP: (1) the slow progress of the Parliamentary working group responsible for reviewing the inheritance package of draft legislation; and (2) the desirability of moving forward more expeditiously the work of the various MoJ working groups responsible for developing legislation to implement the NSPR. Mr. Ademi arranged follow-up meetings between PRP and individual MoJ officials. As a result of these meetings, MoJ convened the working group for drafting the Law on Public Property, and it is expected it will also convene the working group for the Law on Urban Construction Land in the near future.

## **ONE-DAY WORKSHOP ON DRAFT LAW ON PRIVATE INTERNATIONAL LAW**



PRP participated in this MoJ workshop organized with support of the European Union (EU) project assisting development and harmonization of Kosovo's legislation. PRP's inputs helped to ensure the Law on Private International Law was consistent with legislation developed to strengthen Kosovo's property rights legal framework. Following the workshop, the MoJ proposed to regulate the rights of foreign citizens to own property in Kosovo through this law. The MoJ's recommendation are consistent with the recommendations made by PRP and the EU's Civil Code Project 2 (CCP2) to suspend work on the draft Law on Property and Other Real Rights and, instead, regulate acquisition of ownership and other real rights through the Civil Code.

## **MONITORING THE DRAFTING OF THE LAW ON CADASTRE**

PRP met with Mr. Arben Çitaku, General Secretary of MESP, to discuss the current status of the draft Law on Cadastre and the incorporation of PRP comments. Mr. Çitaku has committed to ensuring that PRP will be invited to all working group meetings called to finalize the Draft Law on Cadastre, and has further committed that PRP's comments will be incorporated. MESP is interested to harmonize the law with the NSPR. PRP also met with the working group to discuss these matters. The working group has not yet produced a new draft.

PRP also urged Mr. Çitaku to ensure that MESP is well represented in relevant cross-institutional working groups, such as those for the Draft Law on Amending the Law on Property and Real Rights, the Draft Law on Public Property, and the Draft Law on Construction Land. Mr. Çitaku responded affirmatively.

## **SUPPORTING KPCVA WITH ADMINISTRATIVE INSTRUCTION FOR IMPLEMENTING HPD “A” AND “C” CATEGORY DECISIONS**

The EU's 2018 Country Report on Kosovo noted the delayed implementation of the Compensation Scheme (and mistakenly cited the NSPR, which does not address this issue). To ensure implementation of the Compensation Scheme in relation to “A” and “C” category decisions, PRP attended a workshop held in Albania sponsored by the Organization for Security and Cooperation in Europe (OSCE) to draft an AI that would set procedures and criteria for implementation of these decisions. The so-called “A” category claims pertain to Kosovo Albanians who were terminated from employment owing to discriminatory legislation enacted under the former regime. When their employment was terminated, they also lost their rights to socially owned apartments. Typically, the apartment was then allocated to a Kosovo Serb who was subsequently displaced and then filed a category “C” claim. The AI will regulate the process of restituting the property to the “A” claimant and paying compensation to the “C” claimant.

## **COOPERATION AND COORDINATION WITH OTHER STAKEHOLDERS**

PRP and the CCP2 met several times during the quarter to discuss coordination between PRP's assistance to strengthening the property rights legal framework envisioned in the NSPR and development of the Civil Code to help ensure that all legislative efforts are harmonious and mutually consistent.

PRP and CCP2 agreed in principle on the allocation of substantive issues across the legislation being drafted by the two projects. PRP produced a draft memo it shared with the CCP2 setting forth the two projects' joint recommendations for effective coordination. Once agreed with the CCP2, the memo will be sent to the MoJ. (PRP has also provided the draft memo to USAID.)

PRP and the CCP2 also met with the MoJ to discuss their respective support to the ministry. The projects jointly recommended that the draft Law on Ownership and Other Real Rights be discontinued as a separate initiative and its provisions be incorporated into the Civil Code and other special laws. PRP notes it initiated its support to develop this law when it was unclear whether and when the CCP2 would begin to deliver its support to the MoJ.

PRP regularly participates as a member of the CCP2 Steering Committee. CCP2 reported that a full draft of the Civil Code will be produced by the end of the summer and a final draft by the end of the calendar year. PRP will continue its coordination with CCP2 through informal meetings with the project and as a formal member of its Steering Committee.

Additionally, PRP has participated in several CCP2 events including its joint workshops with the MoJ. These included the “Family Law and Inheritance Law through a Modern Civil Code,” where PRP discussed recommendations in the NSPR and included in the “Inheritance Package” to protect the rights of women to inherit family property. PRP also participated in the workshop “Will a Modern Civil Code Bring New Challenges for Legal Professionals?” and the workshop “The Civil Code and Its Impact on the Economy: Contracts and Property Law” where the organizers publicly cited the close cooperation between PRP and CCP2.

## **PUBLISHING EUROPEAN VALUATION STANDARDS IN ALBANIAN**

PRP has completed all work on the manuscript, provided a sample copy of the proposed volume to USAID, and has received final comments. PRP will commence printing in the next quarter.

## **ENCOURAGING MEDIA COVERAGE AND PUBLIC OUTREACH ON PROPERTY RIGHTS ISSUES**

**Animated Video on NSPR.** PRP has produced a video animation on the NSPR. The five-and-a-half minute video shows what has been done to implement the NSPR in the first year following its adoption, and what remains to be done. The video was first shown at the event held to mark the one-year anniversary of the NSPR; it is also posted on PRP’s campaign Facebook page, *Për të Mirën Tonë*. The video provides a graphic and depiction of NSPR implementation designed to reach a wide audience beyond government stakeholders. PRP will feature the video in technical workshops and publicity events to increase the populations’ understanding about the property rights reforms PRP supports.



## Participation in a Live-Streamed BIRN Workshop on the Draft Law on Inheritance. PRP was among the

panelists featured at the event hosted by the Balkan Investigative Reporting Network (BIRN), and used the opportunity to inform the audience about the provisions in the draft Law on Inheritance designed to facilitate the efficient resolution of instances of delayed inheritance (which the draft law defines as inheritance proceedings where the decedent passed away more than ten years prior to the commencement of the inheritance proceedings). PRP stressed the importance of retaining in the law for

delayed inheritance proceedings the principle of constructive notice – otherwise many land parcels will be co-registered to large numbers of heirs, many of whom have no interest in the parcel, but whose status as co-owner will make it impractical to use the land effectively. PRP has concerns that the importance of applying constructive notice for proceedings in delayed inheritance is still poorly understood by Parliamentary Deputies and stakeholders, despite the many discussions that have occurred.



USAID/Kosovo Deputy Mission Director, Ms. Lisa Magno participates in a civil society-led workshop to encourage the Government passage of the PRP-supported “Inheritance Package” of legislation.

BIRN

## OBJECTIVE 2: IMPROVED COURT PROCESS RELATED TO PROPERTY CLAIMS

### SUB-OBJECTIVE 2.1: CASE FLOW MANAGEMENT REFORMS INSTITUTIONALIZED

#### PILOTED CASEFLOW MANAGEMENT PRACTICES SHARPLY INCREASE NUMBER OF DECISIONS ISSUED

PRP’s nine Legal Associates (LAs) in all three Courts of Merit (Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peć Basic Courts) continued assisting civil judges with various procedural actions to expedite case flow and adjudication. By the end of this Quarter a total of 9,696 decisions had been issued with the assistance of PRP’s LAs since mid-December 2016. These include 1,742 decisions to dispose the case, and 7,954 procedural actions related to the first and second stage of a case (answering the claim, correcting the claim, exempting from court fees, etc.).

#### INCREASED EFFICIENCY PRODUCED BY CFM REFORMS ENABLES COURTS TO ADDRESS THEIR BACKLOGGED CASES ON THEIR OWN

The increased number of decisions promoted greater efficiencies in the courts that have allowed judges to focus efforts on resolving backlogged cases. These are cases that have been on the docket for over two years due to delay or neglect.

In the short-term, the focus on backlogged cases has served to increase the average number of days it takes the court to dispose of a case. This is because the courts are now able to concentrate on clearing the oldest cases in their dockets which increases the statistical average.

During this quarter, PRP assisted the CoM to dispose 812 backlogged property cases: 108 cases that ranged in age from 2,000 to 5,000 days; 302 cases that ranged in age from 730 to 2000 days; and 402

cases that ranged in age from 7 to 703 days. Once these older cases are disposed, the average time to disposition should fall significantly.

NON-PROPERTY CASES							
PRE-INTERVENTION (1,120 PENDING NON-PROPERTY CASES)	WITH PRP INTERVENTION AS OF DECEMBER 2017 (3,120 PENDING NON-PROPERTY CASES) QUARTERLY OCT - DEC 2017			WITH PRP INTERVENTION AS OF JANUARY 2018 (2,988 PENDING NON-PROPERTY CASES) QUARTERLY JAN - MAR 2018		WITH PRP INTERVENTION AS OF JANUARY 2018 (3,151 PENDING NON-PROPERTY CASES) QUARTERLY APR - JUN 2018	
Average age	1171	Average age	566	Average age	594	Average Age	615
Number of days at screening stage	944	Number of days at screening stage	Average days 263 Max. days 4,928 Min. days 1	Number of days at screening stage	Average days 243 Max. days 3,321 Min. days 1	Number of days at screening stage	Average days 227 Max. days 2,785 Min. days 1
Number of days at preparatory hearing stage	1556	Number of days at preparatory hearing stage	654	Number of days at preparatory hearing stage	643	Number of days at preparatory hearing stage	558
Number of days at main hearing stage	1244	Number of days at main hearing stage	716	Number of days at main hearing stage	700	Number of days at main hearing stage	587
Number of cases ready for disposition	93	Number of cases ready for disposition	1444	Number of cases ready for disposition	1900	Number of cases ready for disposition	1997
		Number of days to disposition (Average)	619	Number of days to disposition (Average)	600	Number of days to disposition (Average)	534

PROPERTY CASES							
PRE-INTERVENTION (851 PENDING PROPERTY CASES)	WITH PRP INTERVENTION AS OF DECEMBER 2017 (2,397 PENDING PROPERTY CASES) QUARTERLY OCT - DEC 2017			WITH PRP INTERVENTION AS OF JANUARY 2018 (2,289 PENDING PROPERTY CASES) QUARTERLY JAN - MAR 2018		WITH PRP INTERVENTION AS OF JANUARY 2018 (2,380 PENDING PROPERTY CASES) QUARTERLY APR - JUN 2018	
Average age	1220	Average age	815	Average age	823	Average Age	854

Number of days at screening stage	1058	Number of days at screening stage	Average days 372 Maximum days 3,957 Minimum days 1	Number of days at screening stage	Average days 343 Maximum days 3,957 Minimum days 1	Number of days at screening stage	Average days 331 Max. days 3,957 Min. days 1
Number of days at preparatory hearing stage	1790	Number of days at preparatory hearing stage	590	Number of days at preparatory hearing stage	580	Number of days at preparatory hearing stage	609
Number of days at main hearing stage	1453	Number of days at main hearing stage	893	Number of days at main hearing stage	883	Number of days at main hearing stage	880
Number of cases ready for disposition	28	Number of cases ready for disposition	402	Number of cases ready for disposition	580	Number of cases ready for disposition	812
		Number of days to disposition (Average)	853	Number of days to disposition (Average)	890	Number of days to disposition (Average)	943

## LEGAL ASSOCIATES TRAINED BY PRP AND EMBEDDED IN THE COURTS OF MERIT WILL BE PERMANENTLY EMPLOYED IN THE COURTS

The CFM reforms successfully piloted in the CoM can be largely attributed to the roles played by Legal Associates (LAs) that were trained by PRP and embedded in the CoM in close cooperation with President Judges and the KJC. The LA positions developed with PRP support have demonstrated to be both an effective and sustainable solution to improving CFM.

The Pejë/Peć Basic Court recently completed recruitment of four LAs. Two of the hired LAs were trained and employed by PRP and received the highest oral and written test scores of all the candidates. It is expected they will receive employment contracts with the Court soon.

The Ferizaj/Uroševac Basic Court, has begun the process to recruit 4 LAs and it is expected the process will be completed in the next quarter. Recruitment of LAs is still pending in the Gjilan/Gnjilane Basic Court, though the process is expected to begin in the next quarter.

## COORDINATION WITH USAID JSSP

PRP translated its Practical Guide into the Albanian language and provided it to JSSP, who has shared it with JSSP's sub-contractor. The sub-contractor met with JSSP and PRP and has provided a memorandum indicating how it will approach the task of incorporating the Practical Guide into JSSP's Bench Book. PRP agrees with the proposed approach, and, in consultation with USAID, is determining how PRP could share with JSSP costs related to the preparation and publication of the resulting combined product.

## SUB-OBJECTIVE 2.2: UNIFORM JUDICIAL PRACTICES TO RESOLVE PROPERTY DISPUTES DEVELOPED

## **INITIATIVE WITH SUPREME COURT TO UNIFY SUBSTANTIVE LAW AND PRACTICE IN ADJUDICATION OF PROPERTY RIGHTS CLAIMS**

PRP met with Enver Peci President of the Kosovo Supreme Court, and Nehat Idrizi Chairman of the Kosovo Judicial Council (KJC), to discuss PRP's proposed initiative to assist the Supreme Court develop guidelines and commentary to achieve uniform and consistent practices to resolve property disputes. The proposed initiative received full support and viewed as meeting a real need in the courts. As requested by Mr. Peci, PRP submitted its formal proposal to implement the initiative. The proposal was then discussed with Mr. Peci over the course of several meetings as well as with several other Supreme Court judges. The result of these meetings was consensus and agreement on the methodology to assess and identify guidance in Supreme Court case decisions to inform development of consistent judicial practice. PRP will review approximately 900 case decisions to obtain and compile guidance on the most common types of property disputes identified through PRP's work in the CoM. It will then collaborate closely with three civil court judges identified in consultation with the Supreme Court who will serve as a Steering Committee to oversee development of legal commentary and guidelines to serve as the foundation for developing consistent practices.

## **COLLABORATION WITH KJA DEVELOP TRAINING MODULES FOR JUDGES ON PROPERTY RIGHTS**

PRP had a lengthy and very productive meeting with Mr. Besim Morina, Program Coordinator at the Kosovo Judicial Academy (KJA), who was very receptive toward PRP's proposals on the subjects and modality for delivering training on property rights. PRP subsequently developed concept notes, combined into a single memo, for each of the proposed training modules and submitted the memo to the KJA. PRP will focus on developing comprehensive training modules that can be easily replicated.

PRP has proposed supporting training on the following topics:

- 1) Gender Sensitivity and the Impact of Cultural Attitudes toward Women on the Adjudication of Property Rights Claims.
- 2) The Practice of the European Court of Human Rights in the area of Property Rights.
- 3) Current Property Law and Practice. These modules will address the eight main property case types identified by PRP: positive prescription; annulling a sales contract and applying the doctrine of positive prescription; affirming property rights arising from inheritance; division of family and marital property; affirming property rights based on co-ownership; obstruction of possession; easements and servitudes; and, Illegal occupation.
- 4) New property rights legislation as they are adopted.
- 5) Improving caseload management in close coordination with the JSSP project.

## **COORDINATION WITH GIZ CONCERNING JUDICIAL TRAINING**

Prior to finalizing its concept notes for training modules, PRP met with GIZ to discuss its support to the KJA and explore the prospects for collaboration. It was agreed that PRP would proceed with developing its planned training modules, including one on gender sensitivity, which will complement the module that GIZ has developed that focuses on the black-letter law in force with relevance for gender equality.

## **SUB-OBJECTIVE 2.3: EXPEDITED PROCEDURES DEVELOPED**

## DEVELOPING EXPEDITED PROCEDURES -- SUPPORTING AMENDMENTS TO THE LAW ON THE KPCVA TO INCLUDE A MANDATE TO ADDRESS INFORMALITY

The Kosovo Ombudsman called for amending the KPCVA law to extend the time the agency is mandated to administer properties belonging to Displaced Persons (DPs). The Ombudsperson's position is that it would be premature for the KPCVA to cease to administer properties claimed by DPs. PRP had recently completed its research on the current law and practice in Kosovo courts in hearing claims to formalize informal property rights and identified the initiative to amend the KPCVA law as a great opportunity to expand KPCVA's mandate to formalize rights in property through expedited procedures as well as advance implementation of a key NSPR recommendation.

PRP sought and gained the support of the KPCVA and the OPM's Legal Office to develop amendments expanding the KPCVA's mandate. PRP then worked closely with the KPCVA to draft amendments that were vetted at a workshop convened by the OSCE. The amendments were also discussed with representatives of the European Union Special Representatives office and other stakeholders to identify the appropriate balance between due process and efficient adjudication of rights.

The draft amended Law on the KPCVA has been posted for public consultation and comment. After completion of the public consultation process, PRP will assist the KPCVA to review the comments and ensure the final draft is compliant with applicable due process requirements.

## INITIATIVE TO MAKE EUROPEAN COURT OF HUMAN RIGHTS JUDICIAL PRACTICE AVAILABLE TO KOSOVO COURTS AND POLICYMAKERS NEARING COMPLETION

PRP has finalized the volumes for publication; has received final guidance from USAID; and has submitted a request to the National Library for an ISBN number. Upon receiving the ISBN (expected in early July) PRP will commence publication of the Case Summaries. PRP is planning to hold an event in July to unveil the summaries, tentatively at the National Library, and will set a final date in coordination with USAID.

### PRP Products to Assist Judges

- *A Practical Guide for Improving Caseflow Management of Property Rights Cases and Other Civil Cases*
- *Collection of ECHR Case Summaries on Property Rights Issues*

Kosovo's courts are bound to follow European Court of Human Rights (ECHR) standards to adjudicate property rights cases. PRP produced summaries of 144 ECHR case decisions in the Albanian and Serbian languages. These summaries represent "land mark" decisions that Kosovo's judges and legal professionals must understand to fully comply with ECHR standards. These decisions constitute the seminal case law upon which ECHR jurisprudence on the human rights to property are based. The summaries were produced by three local experts who worked with 16 law student interns. The case summaries are organized around the following categories:

- Expropriation; Nationalization; Compensation
- Restoration of Ownership Rights; Compensation
- Regulation of Property; Interference with Quiet Enjoyment; State Action

- Pension Rights; Employment Benefits; War Reparations
- Contractual Relations; Rent
- Discrimination; Inheritance; Marital Property; Family Matters
- Respect for Property; Family Life
- Currency and Deposits
- Failure to Enforce Judgments; Protracted Procedures; Access to Justice; Judicial Process
- Joint Stock Companies; Reorganization; Employee Rights

It is expected that the case summaries will be made available in digital form by posting them on relevant websites (such as of the KJC and KJA). In addition, PRP plans to produce hard copies and USB's with digital versions for distribution to relevant institutions.

### **OBJECTIVE 3: ENHANCED WOMEN'S RIGHTS TO USE PROPERTY IN PRACTICE**

**SUB-OBJECTIVE 3.1: PUBLIC OUTREACH ON EQUAL PROPERTY RIGHTS FOR WOMEN CONDUCTED, WITH ACTIVITIES TARGETING HIGH SCHOOL STUDENTS AND YOUTH**

#### **GOVERNMENT OF KOSOVO EXTENDS AI ON JOINT REGISTRATION OF MARITAL PROPERTY**

On April 2018, the Government of Kosovo extended the administrative instruction (AI) for one year, until April 2019. (The AI was extended without any changes to its content.) As noted below, PRP has commenced a series of regional workshops for Municipal Cadastral Offices under Objective 4 and has included a discussion of the AI in the workshop agenda.

#### **TRAINING HELD FOR NEWLY ESTABLISHED WOMEN'S CAUCUS AND COMMITTEE ON GENDER EQUALITY IN MITROVICA**

The MGO in Mitrovica has a mandate to support the establishment of the Women's Caucus and the Committee on Gender Equality and to build their capacity for dealing with gender related issues. Having heard of the work PRP has been doing on equal property rights for the last four years, she, like many other MGOs, reached out to PRP for collaboration.

The training consisted of two parts: (i) a session on Kosovo's policies on gender equality and their implications at the municipal level; and (ii) a presentation on PRP's analysis of challenges women face to exercise their property rights freely and equally in Kosovo. Participants provided their suggestions on how the MGO and PRP can support women's property rights at the local level. The MGO will develop conclusions and recommendations derived from this training for inclusion into her Work





Plan for Mitrovica South. It is hoped that this will lead to more significant awareness activities about property rights in this area of Kosovo.

## **COMMEMORATING APRIL 9 (KOSOVO'S CONSTITUTION DAY) WITH LECTURE AT UNIVERSITY OF PRIZREN**



PRP and Dr. Kadri Kryeziu, a law professor from the University of Prizren, organized a special constitutional lecture about equality and property at Ukshin Hoti University in Prizren. Dr. Kryeziu focused on Kosovo Constitution Articles 3 and 24 (Equality before the Law) and Article 46 (Protection of Property). PRP's Gender and Property Rights Specialist, Merita Limani, discussed equal rights to property for women in Kosovo. The lectures were followed by lively discussion where students shared

their views on a rather taboo subject in an open forum. PRP has an established track record now of conducting joint lecturing events to the youth (and more specifically, law students) because it has discovered that there is quite an appetite from the youth to use the law to support their individual initiatives in their homes to push for an attitude change with respect to treating daughters equally in matters of property inheritance.

## **INFORMATION SESSION/LECTURE FOR HIGH SCHOOL STUDENTS IN SUHAREKË/SUVA REKA**

PRP and the MGO from Suharekë/Suva Reka Municipality held a joint information session/lecture with high school students on gender equality and property rights. About 30 students studying the legal professions attended. Students discussed the legal and social barriers that women face in exercising their property rights and shared their views on how to improve the situation. Students voiced the opinion that there is a need for greater advocacy within the family and see themselves as well positioned to do this.



## **MEETING WITH MGO AND NOTARIES IN SUHAREKË/SUVA REKA**

PRP met with the MGO and two notaries in the municipality to explore opportunities to increase the number of joint registrations of marital property within the municipality. The MGO reports a rather small number of joint registrations to date and is seeking support to increase the number by requesting notaries to encourage married couples to jointly register their marital property. The MGO has also developed a plan of activities aimed at raising youth awareness on equal rights to property inheritance. In addition, PRP plans to collaborate with the MGO on public outreach activities to raise awareness about gender equality and property rights.

## **SUPPORTING STUDY VISIT TO COURT BY ELEMENTARY SCHOOL STUDENTS IN DRAGASH/DRAGAŠ**



Judge Sebahate Kurteshi invited local elementary school students into the courtroom and spoke with them about the role of the courts in protecting equal rights to property for girls and boys (men and women) in Kosovo. The young students were very excited about the opportunity to visit their first courtroom and posed many questions about property rights to Judge Kurteshi and PRP. In particular, they inquired about why parents and families often fail to treat children equally in inheritance. PRP presented a selection of

its *Për të Mirën Tonë* PSA products featuring young children talking about equality in the home, with which the students were able to relate. Many of the girls were inspired by meeting a female judge and took turns taking pictures of each other while sitting in the judge's bench.



## **REGULAR QUARTERLY MEETING OF GENDER COORDINATION GROUP (GCG)**

PRP organized the regular quarterly meeting to coordinate activities related to women's property rights. Two recently added USAID E4E sub-grantees, Gruaja Hynore and BIRN, presented their projects. Also, a gender officer from the UN Office in Kosovo and a GCG member screened a draft of their documentary on domestic violence and property rights. Participants provided feedback and recommendations to finalize the documentary for release later this summer.

## **ACTIVITIES IN SUPPORT OF ATRC AND E4E SUB-GRANTEES**

PRP participated in ATRC's orientation workshop for newly awarded sub-grantees. The workshop focused on project implementation rules and procedures, and PRP used this opportunity to inform the sub-grantees about PRP's work and recommendations for future collaboration.

Sub-grantee BIRN will continue its work from previous E4E grants to produce objective reporting on women's inheritance rights through television, online and print media; monitor joint registration of marital property; and positively influence policies related to women's inheritance rights by initiating public discussions and providing concrete policy recommendations. BIRN's activities will target women from ages 18-65, who have either given up on their rights to inherit property; or were influenced by family to take less than their fair share of family property; or who have failed to exert their right to inheritance because of a lack of legal information. BIRN will conduct outreach in all municipalities of Kosovo, including the non-majority municipalities and rural areas. Gruaja Hynore will conduct activities to raise citizens' awareness of women's property rights and inheritance rights in the municipalities of Gjilan/Gnjilane, Kamenica and Viti/Vitina, by targeting 560 young women and men and their families and engaging with the municipal authority. PRP will coordinate delivery of technical assistance to the sub-grantees through ATRC.

PRP and ATRC facilitated a meeting between Gruaja Hynore and Ms. Ana Luisa Pinto, the USAID Desk Officer, Bureau for Europe and Eurasia, to acquaint Ms. Pinto with USAID's long history of successful grassroots activities to raise awareness and understanding of women's equal property rights in Kosovo. After the briefing PRP discussed the demonstrable impact of PRP's and the E4E's activities to promote gender equality as reported by the most recent National Survey on Property Rights. PRP also advocated for continued USAID support for such activities because it takes time for legal reforms and actions to change public attitudes to produce tangible results.

## **INTERVIEW FOR TV TEMA, A LOCAL TV STATION IN FERIZAJ/UROSHEVAC MUNICIPALITY**

PRP's Special Advisor on Rule of Law and Civil Society, Vjosa Shkodra, described PRP's legislative initiatives, media campaigns and public outreach to help promote gender equality and women's rights to property. Ms. Shkodra also provided data indicating the positive trends in social attitudes PRP is helping to affect. The interview will be aired as part of feature on women's property rights that will also include interviews with judges and notaries.

## **SUB-OBJECTIVE 3.2: CONDUCT TRAINING FOR JUDGES ON WOMEN'S PROPERTY RIGHTS ISSUES AND GENDER SENSITIVITY**

Development of the training program for judges on women's property rights issues and gender sensitivity is discussed under Sub-Objective 2.2 above.

## OBJECTIVE 4: IMPROVED COMMUNICATION, ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS

### SUB-OBJECTIVE 4.1: IMPROVED MUNICIPAL SERVICE DELIVERY AND DISSEMINATION OF LEGAL INFORMATION TO ASSIST CITIZENS TO EFFECTIVELY EXERCISE THEIR RIGHTS TO PROPERTY

#### ADDRESSING THE BACKLOG OF UNREGISTERED TRANSACTIONS IN ŠTRPCE/SHTËRPECË MUNICIPALITY

PRP continued to provide technical assistance by way of a Cadastral Data Entry Expert and intern to support the Municipal Cadastral Office (MCO) to eliminate its large backlog of unregistered property transactions estimated to be approximately 5,000. The backlog arose when the Municipal Assembly issued an order prohibiting registration of inter-ethnic transactions. The order was subsequently nullified. To date over 3,500 cadastral files have been scanned and around 2,200 of those have been entered into the Kosovo Cadastre and Land Information System (KCLIS). Among those entered into the KCLIS are registrations that require graphical (survey) changes in addition to textual changes. The KCLIS notes such registrations as “cases in progress,” pending the entry of the corresponding graphical changes. PRP is urging the MCO to complete the graphical work. This activity is in direct support of PRP’s support to formalize rights in property.

#### SERIES OF REGIONAL WORKSHOPS WITH MCO’S COMMENCED



PRP Regional Workshop for MCOs in the Gjilan/Gnjilane region.

USAID PRP

PRP held four of the five planned regional workshops during this Quarter. The workshops are designed to focus attention and foster constructive discussion on specific challenges and problematic issues confronting MCOs that PRP has identified through its work with MCOs in Viti/Vitina and Štrpce/Shtërpecë municipalities with the ultimate outcome of eliciting recommendations that will foster better and more unified practice within the MCOs. PRP also distributed questionnaires among the participants in advance of each workshop, and the results from those surveys, along with the

issues raised during discussions at the workshops, have provided a rich panoply of practice issues that need to be addressed in order to improve MCOs services to citizens and make it easier for them to register property.

PRP met with most of the MCO Directors beforehand to acquaint them with the scope and purpose of the workshops and encourage them to attend. Attendance has been good; participation has been very active; and the MCO officials very much welcome the opportunity to meet with their colleagues and share experience.

Following the completion of these workshops, PRP will prepare and distribute to all participants a memorandum that details main challenges to unified MCO practice identified during the workshops and recommendations on how to address them. PRP will then discuss its recommendations with MCO Directors to inform next steps for PRP support to assist them institute more unified practices.

The issues at the root of inconsistent practices identified during the workshops thus far include:

1. Imposition of a Transaction Tax as part of the registration process. This tax has no legal basis.
2. Requiring citizens to present proof of payment of property tax in order to receive a property certificate. This is not consistent with applicable law.
3. Requiring that all transactions in a value of over 10,000 Euros be conducted by bank transfer, even when the transaction occurred at a time when it was not legally obligatory to do so. The general application of this requirement discourages citizens from formalizing informal purchases that occurred several years ago. They are forced to “re-enact” the transaction, which may not be possible or may pose risks.
4. Requiring as a condition for registration that citizens obtain a document from the municipal authorities stating that the municipality has no interest in purchasing the land in question. This is not consistent with applicable law.
5. A lack of uniformity across MCO’s when registering transfers of rights under 99-year leases. Some municipalities register the transfer as a creation of a sub-lease, and others as the transfer of the leasehold.
6. Procedures to register judicial decisions.
7. Registration of rights where a structure has been privatized while the underlying land has not.
8. Registration of rights in areas where land consolidation initiatives were begun in the 1980s and not completed.
9. Application of laws enacted by the former regime that still have legal but unclear practical effect.
10. Registering structures under a 99-year lease.
11. Unduly high costs of MCO services and products.

## SECOND-GENERATION E-KIOSK IN VITI/VITINA LAUNCHED SUCCESSFULLY AND IN DEMAND

Viti/Vitina Municipality organized this event, with PRP support, at the site of the e-kiosk in the town of Pozhoran. The Mayor of Viti, Mr. Sokol Haliti, opened the event, and USAID Deputy Mission Director, Ms. Lisa Magno, along with the Director of the KCA, Mr. Murat Meha, made remarks. The event was well attended by officials of local and central institutions as well as local citizens. The officials from Štrpce/Shtërpçë and Pristina municipalities also attended.

PRP developed for the event a brief, easy-to-understand instructional guide for citizens on how to use the e-kiosk. The guide was published in Albanian, Serbian and English versions. PRP also distributed its public information brochures for citizens on how to register property in four different scenarios; purchase and sale; inheritance; court decision; and (recently developed) property received as a gift.



(top) Viti/Vitina Mayor and municipal staff with USAID/Kosovo Deputy Mission Director, Lisa Magno and PRP's Chief of Party

(bottom) Viti/Vitina Mayor and municipal staff with Ms. Ana Luisa Pinto, USAID/Washington Desk Officer, Ms. Christina Davis, USAID/Kosovo Democracy and Governance Office Director, PRP COP, and staff.

USAID PRP  
GAZETA ONLINE KRYELAJMI

## UPGRADE OF EXISTING E-KIOSKS IN FOUR MUNICIPALITIES

PRP has issued an RFP for soliciting bids for the upgrade of six existing e-kiosks previously installed by USAID and Municipalities in Pristina, Pejë/Peć, Vushtrri/Vučitrn and Gracanica municipalities. PRP intends to upgrade these e-kiosk to enable them to issue property ownership certificate and property tax certificates, in addition to civil status documents. This will be another step to improve citizens' ability to obtain official documents and facilitate property registration. Bids are due at the end of June, and PRP expects to complete this project by fall of this year.

In advance of developing this initiative PRP met with the MCO directors of four municipalities to discuss PRP's proposal and seek their readiness to support it. The municipalities confirmed their support in formal letters of commitment signed by the respective Mayors. It should be noted that the Pristina officials (from General Administration and from the Pristina MCO) were interested in upgrading their e-kiosks, but were also initially quite skeptical. PRP succeeded in demonstrating PRP's seriousness of purpose and competence, and they attended the launch event and were very positively impressed.

## **PRP DEVELOPS NEW BROCHURE ON REGISTERING GIFTED PROPERTY**

PRP has produced a new public information brochure for citizens to add to PRP's series, "How to Register Property Received as a Gift" in Albanian, Serbian and English. This brochure was developed in response to another, increasingly common scenario encountered in registration, owing to less expensive registration fees (about 30% less, as compared to the fees associated with registering property acquired in a commercial transaction) if the property is gifted to close family members. (Gifting property within the family also removes the property from inheritance proceedings later.)

As noted above, PRP distributed this brochure along with its others at the launch event for its second-generation e-kiosk. The brochure is available in Albanian, Serbian and English. PRP is seeking to have all municipalities post this information on their web pages.

## **USAID DESK OFFICER VISITS PRP'S SECOND GENERATION E-KIOSK**

PRP facilitated and supported the visit of Ms. Ana Luisa Pinto, USAID's Desk Officer for Kosovo in Washington, DC, to Pozhoran to view a demonstration of the first second-generation e-kiosk in Kosovo. The Mayor and former and current MCO Directors were present, along with the Speaker of the Municipal Assembly. The Mayor and his staff expressed gratitude for the support they have received from USAID and from PRP in particular.

### **SUB-OBJECTIVE 4.2: EXPEDITED PROCEDURES PILOTED**

This initiative will be possible when the new law on the KPCVA has been adopted, with the added mandate of having the KPCVA conduct formalization proceedings for holders of informal rights. Once this occurs, it makes logical sense to conduct a pilot exercise of this mandate in a municipality selected according to the criteria agreed with USAID.

## PROJECT SPECIFIC PERFORMANCE INDICATORS

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
<b>OBJECTIVE 1: IMPROVE COORDINATION AND POLICY PRIORITIES</b>				
1.1} Number of strategies drafted and approved by the government	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government	0	1	2
1.2} Number of laws drafted and approved /Accepted by line ministry/government as a result of USG assistance	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government	0	6	8 (Drafted)
1.3} Number of secondary legislation drafted and approved	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government	0	14	26 (4A+22D)
<b>OBJECTIVE 2: IMPROVED COURT PROCESSES RELATED TO PROPERTY CLAIMS</b>				
2.1} Number of court procedures and secondary legislation related to court function and/ or improved	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector	0	12	1



Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
court performance adopted and approved				
2.2} Number [average] of days it takes for courts to resolve a property case reduced.	DO: Improved Rule of Law and Governance that meet Citizen's Needs IR: More Efficient, Transparent, Independent & Accountable Justice Sector	1 249	936	920 <sup>1</sup>
2.3} Percent of property disputes cases resolved in courts [within 2 years]	DO: Improved Rule of Law and Governance that meet Citizen's Needs IR: More Efficient, Transparent, Independent & Accountable Justice Sector	32%	72%	TBD
2.4} Percent of court users satisfied with court services on resolving property disputes	DO: Improved Rule of Law and Governance that meet Citizen's Needs IR: More Efficient, Transparent, Independent & Accountable Justice Sector	22%	52%	28%
2.5} Number of judges, lawyers and court staff trained with USG assistance	DO: Improved Rule of Law and Governance that meet Citizen's Needs IR: More Efficient, Transparent, Independent & Accountable Justice Sector	0	450	118

<sup>1</sup> This is valid only for the Courts of Merit, 3 Basic Courts (Gjilan, Peja, and Ferizaj) and I Branch Court (Strpce)

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
2.6} Number of USG-assisted courts with improved case management related to resolution of property claims and disputes	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector	0	9	4 <sup>2</sup>
2.7} Number of legal courses or curricula developed/upgraded with USG assistance	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector	0	12	0
<b>OBJECTIVE 3: ENHANCED ABILITY FOR WOMEN TO ACCESS THEIR PROPERTY RIGHTS IN PRACTICE</b>				
3.1} Number of people from civil society and "E4E CSO-s" staff trained to implement program activities in support of USAID/ Kosovo program objectives	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government	0	80	55
3.2} Number of communication outreach products, developed and disseminated by PRP and "E4E CSO-s"	DO: Improved Rule of Law and Governance that meet Citizen's Needs  IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government	0	70	111
3.3} Number of communication and outreach campaigns,	DO: Improved Rule of Law and Governance that meet Citizen's Needs	0	1	1

<sup>2</sup> PRP is in the process of assisting 4 Basic Courts (Gjilan, Peja, Ferizaj, and the Branch Court of Strpce) with improved case management related to resolution of property claims and disputes.



Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
developed/supported by USG assistance	<i>IR: More Efficient, Transparent, Independent &amp; Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>			
3.4} Number of communication outreach activities and events developed and implemented by PRP and “E4E CSO-s to change cultural attitudes and behaviors about women’s property rights	<i>DO: Improved Rule of Law and Governance that meet Citizen’s Needs</i>  <i>IR: More Efficient, Transparent, Independent &amp; Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	114	123
3.5} Percentage of citizens who have been reached by PRP and E4E lead social behavior campaign and recognize the PRP and E4E CSO campaign/brand/identity/logo/messages/content	<i>DO: Improved Rule of Law and Governance that meet Citizen’s Needs</i>  <i>IR: More Efficient, Transparent, Independent &amp; Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	40%	76%
3.6} Percentage of citizens [with negative attitude] who report changing their attitude/behavior about women’s rights to inherit property and engage in economic activities after exposure to PRP and/or E4E CSO communication	<i>DO: Improved Rule of Law and Governance that meet Citizen’s Needs</i>  <i>IR: More Efficient, Transparent, Independent &amp; Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	36%	16%	27%

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
and outreach products, activities and events				
3.7} Number [percentage] of women who file inheritance claims in the court	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent &amp; Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0.3%	30%	3%
3.8} Number [percentage] of women inheriting property	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent &amp; Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	3.8%	33.8%	7.5%
<b>OBJECTIVE 4: IMPROVED ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS</b>				
4.1} [Number of] Land administration offices established or upgraded: The number of land administration and service offices or other related facilities that the project physically establishes or upgrades.	<i>DO: Increase Investment and Private Sector Employment</i> <i>IR: Improved Economic Governance &amp; Business Environment</i>	0	4	3 <sup>3</sup>

<sup>3</sup> PRP is in the process of MCO upgrades in Viti/Vitina, Dragash/ Dragaš,, and Shtërpçë/ Štrpce

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
4.2} Number of days to conduct property transactions reduced due to improved information systems [in participating municipalities]	DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment	33	29	29
4.3} Number of parcels corrected or incorporated into land system [in participating municipalities]	DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment	0	440	2207
4.4} Land rights formalized [in participating municipalities]	DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment	0	440	2207
4.5} Percent of citizens with increased knowledge of their property rights	DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment	27%	52%	51%
4.6} Number of municipal officials in participating municipalities trained in property related issues.	DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment	0	40	65

## **SUCCESS STORY**

The PRP project success story is provided on the next page.



## SNAPSHOT

# KOSOVO PROPERTY RIGHTS PROGRAM (PRP)

Informality in Kosovo's property rights sector poses widespread and pernicious challenges to securing the property rights of Kosovo's citizens and developing a robust land market to support the country's economic development. Informality is manifested when citizens legitimately possess immovable property but cannot register their rights in Kosovo's cadastre. This is the case when the rights were acquired through verbal agreements for buying and selling land or during the time when discriminatory legislation prohibited inter-ethnic property transactions. The National Strategy on Property Rights (NSPR) was produced by the Government of Kosovo (GoK) with PRP support and approved in January 2017. The NSPR recommended establishing an adjudicatory body to provide legal recognition of citizens' informal property rights through affordable and efficient administrative procedures to help resolve widespread informality. The NSPR identified the Kosovo Property Comparison and Verification Agency (KPCVA) as a potential government body to perform this adjudicatory function.

Recently, Kosovo's Ombudsperson called for amending the KPCVA law to extend the duration of its mandate to administer properties of Displaced Persons. PRP saw this as an opportunity for assisting the GoK to advance implementation of a key NSPR recommendation. It sought and obtained support from the KPCVA and the Legal Office of the Office of the Prime Minister develop amendments that would also expand the KPCVA's mandate to recognize rights created through informal transactions that took place prior to the armed conflict in 1999. PRP then worked closely with the KPCVA to draft amendments that were vetted at a workshop convened by the Organization for Security and Cooperation in Europe (OSCE). The amendments were also discussed with representatives from the European Union Special Representative's office and other stakeholders to identify the appropriate balance between due process and efficient adjudication of rights.

The amendments have been published for public consultation and comment. After completion of the public consultation process, PRP will assist the KPCVA to review the comments and ensure the final draft is compliant with applicable due process requirements.

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## **PROJECT BRIEF UPDATE**

The PRP project brief update is provided on the next page.



## PROJECT BRIEF UPDATE

### KOSOVO PROPERTY RIGHTS PROGRAM (PRP)

The rule of law in Kosovo is constrained by poorly defined and enforced property rights, especially the property rights of women and members of minority communities. The absence of an effective property rights regime weakens democratic governance, impacts human rights, disempowers women and impedes sustainable economic growth.

The overall goal of the program is to improve the property rights regime in Kosovo, strengthen the rule of law, and increase economic growth and investment. The Property Rights Program (PRP) is implemented under four objectives:

Objective 1: Better Coordination and Policy Priorities

Objective 2: Improved Court Procedures Related to Property Claims

Objective 3: Enhance Women's Rights to Use Property in Practice

Objective 4: Improved Communication, Access to Information and Understanding of Property Rights



## OUR WORK

This Quarter saw PRP advance its initiatives significantly under all four Objectives.

**Objective 1:** PRP has continued to work with GoK partner institutions to develop the legislation necessary to implement the National Strategy on Property Rights, which the GoK developed with PRP support. The GoK adopted the National Strategy in January 2017. A number of pieces of draft legislation are currently under development: the Law on Public Property; the Law on Construction Land; the Law on Sale of the Apartments in which a Tenure Right Exists; the draft Law on Cadastre; and the Draft Law on Allocation for the Use and Exchange of Immovable Property of the Municipality; the Concept Document on the Expropriation of Immovable Property; and an Administrative Instruction on Construction Permitting.

PRP helped the Kosovo Property Comparison and Verification Agency to finalize its draft three-year Strategy and related Action Plan, and has worked closely with the EU-funded Civil Code Project 2 to ensure consistency and complementarity between the Civil Code and the special laws emerging from the National Strategy.

PRP also actively supported with participation, analysis and guidance the Parliament's review of the entire "inheritance package" of legislation (draft Law on Notary; draft law on Inheritance; and draft law on Non-Contested Procedure).

**Objective 2:** The caseload management (CFM) reforms PRP has been piloting in its three Courts of Merit (CoM) continue to increase significantly the number of decisions that the courts are taking and are also enabling them to address cases that have been delayed or neglected (i.e., backlogged cases – cases that have been on the docket for over two years). Thus, the improved CFM practices have increased the courts' ability to deal effectively with their caseloads and prevent significant backlogs from arising.

In addition, PRP has launched an initiative with the Supreme Court to assist the Supreme Court to develop guidelines on judicial practice in the area of property rights, in the key areas identified by PRP in its work with courts of first instance.

Furthermore, PRP has succeeded in using an initiative to extend the general mandate of the Kosovo Property Comparison and Verification Agency (KPCVA) to include draft amendments giving the KPCVA the authority to formalize informal property rights acquired through informal transactions occurring prior to 1999. PRP has vetted its proposed amendments on informality and they have met with general approval. The draft Law on the KPCVA has now been posted for public notice and comment.

**Objective 3:** PRP supported a number of events organized to raise public awareness of the challenges women in Kosovo face in exercising their property rights freely and equally, with an emphasis on activities targeting children and youth. These included presentations given to elementary school children, high school pupils, and university students.

PRP has also continued to work with Municipal Gender Officers in different municipalities to support capacity-building and public outreach activities on women's property rights in their communities. These include activities to fostering collaboration with local notaries and with a women's caucus in a local municipal assembly.

**Objective 4:** PRP supports a number of activities designed to enable municipal governments to improve their services to citizens and increase the performance of Municipal Cadastral Offices (MCO's) within its partner municipalities. In this Quarter PRP continued its support to address a significant backlog of un-registered cadastral files; launched a series of regional seminars with MCOs that are designed to focus their attention and foster constructive discussion on specific challenges and problematic issues affecting property registration, and successfully launched a second-generation e-kiosk that issues property rights documents, and commenced a procurement to upgrade six existing e-kiosks in other municipalities to enable them to provide similar services.

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## MEDIA

### PUBLICATIONS

The following print and digital publications covered PRP Activities this quarter.

#### **Gazeta JNK**

‘Empowering women to seek inheritance’

<https://kallxo.com/gjnk/fuqizimi-i-gruas-per-te-kerkuar-trashegimi/>

June 26, 2018

#### **INDEKSONLINE**

‘Discussion on the rights of women to inheritance’

<http://indeksonline.net/diskutohet-per-te-drejtat-e-gruas-ne-trashegimi/>

June 26, 2018

#### **ILIRIAONLINE**

‘USAID: We hope to adopt legislation on women's property rights’

<http://iliriaonline.com/usaaid-shpresojme-te-miratohet-legjislacioni-per-te-drejtat-e-gruas-ne-prone/h>

June 26, 2018

#### **Gazeta Express**

‘Discussion on the rights of women to inheritance’

<https://www.gazetaexpress.com/lajme/diskutohet-per-te-drejtat-e-gruas-ne-trashegimi-552268/>

June 26, 2018

#### **Lajmi.net**

‘Discussion on the rights of women to inheritance’

<http://lajmi.net/diskutohet-per-te-drejtat-e-gruas-ne-trashegimi/>

June 26, 2018

#### **Kallxo.com**

‘Kemple: An alarming number of parcels are still registered to the grand-father or great-grandfather’

<https://kallxo.com/kemple-shqetesues-perqindja-e-pronave-te-regjistruara-ende-ne-emer-te-gjyshit-stergjyshit/>

June 26, 2018

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