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QUARTERLY REPORT NO. 19

Property Rights Program (PRP)
FY 2018
(October 1 – December 31, 2018)

JANUARY 2019

DISCLAIMER

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: Campaign billboard featuring children from PRP's public information campaign PSA on equal property rights. The slogan reads, "Equal Love Means Equal Rights."

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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
MAFRD	Ministry of Agriculture, Forestry and Rural Development
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 implement its National Strategy on Property Rights (NSPR), developed with PRP support, and strengthen property rights legislation; supports the development of improved court procedures and practices 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 CoMs' efficiency and effectiveness in adjudicating property rights cases and offers a roadmap for institutionalizing these reforms throughout the judicial system. PRP has applied findings from its close collaboration with CoM's to develop an initiative with the Supreme Court to produce guidelines for lower courts to accurately and consistently resolve complex property rights disputes. PRP is also collaborating with the USAID Justice Sector Strengthening Project (JSSP) to produce a civil practice guide. 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. In addition, PRP has completed the field work for its third and final (Endline) National Survey on Property Rights.

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 citizens with useful legal information 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 NSPR and assist the GoK in tracking its implementation. Under Objective 2, all three Courts of Merit (CoMs) have taken steps to institutionalize the Caseload Management (CFM) reforms introduced by PRP, which have resulted in greater efficiency and improved court performance in adjudicating property rights cases. PRP has advanced its initiative with the Supreme Court to produce guidelines for lower courts to improve their substantive practice in property rights law; and its joint publication with USAID JSSP on civil practice. Under Objective 3, PRP continued its public outreach on women's equal property rights with a range of activities. Under Objective 4, PRP has moved forward a number of initiatives that are designed to improve municipal governments' services to their citizens. In addition, PRP has produced and distributed two publications that will help bring Kosovo's property rights regime into line with best international standards and practices: summaries in Albanian and Serbian of 144 key decisions of the European Court of Human Rights that concern property rights; and an Albanian translation of European valuation standards.

OBJECTIVE 1: BETTER COORDINATION AND POLICY PRIORITIES

PARLIAMENT ADOPTS "INHERITANCE PACKAGE" OF LEGISLATION

The "Inheritance Package" consists of the Law on Notary, the Law on Inheritance, and the Law on Non-Contested Procedure. This legislation provides additional protections to enable women to exercise their right to inherit; and provides a mechanism to facilitate the conduct of delayed inheritance cases.

GOK SENDS TO PARLIAMENT AMENDMENTS TO THE LAW ON THE KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY

PRP supported the development of amendments to the Law that give the KPCVA the authority to formalize informal property rights arising from non-formal transactions occurring before 1999. This is designed to create expedited procedures to help address widespread informality in Kosovo's property sector.

DEVELOPMENT OF IMPLEMENTING LEGISLATION FOR NSPR CONTINUES APACE

The Draft Law on Public Property was sent to the GoK for approval; and the Draft Law on Construction Land and the Draft Law Amending the Law on the Sale of Apartments where a Tenure Right Exists were completed and awaiting only the completion of a budgetary impact analysis). In addition, the Concept Document for the Draft Law on the Transformation of Use Rights in Immovable Socially Owned Property has been completed and is ready for submission to the GoK for approval. Furthermore, PRP has prepared the first draft of the Draft Law on Property Rights of Foreign Citizens.

KPCVA SUPERVISORY BOARD ADOPTS STRATEGY FOR THE KPCVA

The Strategy identifies and prioritizes KPCVA's activities for the next three years. PRP identified 47 activities that would support the implementation of KPCVA's new mandate to compare and verify

cadastral records that are expected to be returned from Serbia, and of its previous KPA mandate. In addition, as foreseen in the NSPR the KPCVA Strategy also sets a vision for the KPCVA to serve as an adjudicatory body for addressing large-scale informality.

MOU SIGNED WITH OFFICE OF OFFICIAL GAZETTE ON PROPERTY RIGHTS INFORMATION PORTAL

The MoU describes the activities that PRP and the Office of the Official Gazette (OOG) intend to develop to create the means for effective and timely notification of property rights proceedings through a single, easily accessible platform. The MoU was signed by the PRP and the OOG and witnessed by USAID.

RESEARCH IN SUPPORT OF AN OPEN CADASTRE

PRP produced a legal memorandum to demonstrate that there is a clear legal basis for the draft Law on Cadastre to provide for a fully open Cadastre, including the names of owners of parcels (as recommended in the NSPR); and to urge advocacy to overcome the apparent lack of political will to amend the Law on Cadastre accordingly. PRP sent the Memo to the Office of Ombudsperson and to USAID. The Ombudsperson promised to advocate for an open cadastre.

SUPPORT TO GOK INSTITUTIONS REPORTING RELATED TO THE NSPR

PRP supported the MoJ in reporting to the GoK on the actions taken to implement the NSPR and in addressing the Office of the Prime Minister's (OPM's) comments on the activities to address informality in the property sector under the Economic Reform Programme (2019-2021).

ACTIVE COLLABORATION WITH THE CIVIL CODE PROJECT

PRP reviewed the Draft Civil Code with a focus on inheritance of immovable property and provided extensive comments to the Working Group. PRP also participated in several meetings of the Working Group; one entire session was devoted to comments received from PRP. In its comments, PRP placed emphasis on the recommendations in the NSPR with respect to matters to be covered by the Civil Code. PRP is also a member of the Civil Code Project Phase 2 (CCP2) Steering Committee and participated in the CCP2 planning meeting.

PARTICIPATION IN MINISTRY OF AGRICULTURE / GIZ WORKSHOP ON LAND CONSOLIDATION

The workshop focused on land consolidation practices in Germany and some countries of the region; the practical and legal challenges for implementing agricultural land consolidation projects in Kosovo, drawing on lessons learned from unfinished) land consolidation projects from the 1980s; and recommendations for amending the current legislation on land consolidation. PRP gave a presentation on the recommendations in Objective 5 of the NSPR, which concerns land consolidation.

MEETING WITH EUROPEAN UNION SPECIAL REPRESENTATIVE (EUSR) ON NSPR IMPLEMENTATION AND EU ANNUAL COUNTRY REPORT

The EUSR meet with PRP to explore formulations that would accurately reflect the state of implementation of the NSPR. Concerns had been raised that the previous EU progress report did not accurately reflect the positive progress that had been made by the GoK to implement the NSPR. The EUSR intends to ensure an accurate assessment that fully reflects positive developments.

OBJECTIVE 2: IMPROVED COURT PROCEDURES RELATED TO PROPERTY CLAIMS

IMPROVED CFM PRACTICES CONTINUE TO PRODUCE POSITIVE RESULTS

Since mid-December 2016, judges in the PRP-supported Courts of Merit (CoM) have issued 11,181 decisions, which reflects a much higher rate of activity than before the caseload management reforms were introduced.

PRP LEGAL ASSOCIATES HIRED BY COURTS FOR PERMANENT POSITIONS

Six of PRP's nine Legal Associates (LAs) have been permanently hired, and two have been selected to be hired, by the CoM (and one of the two selected LAs has become a judge). This will help to ensure that the caseload management reforms developed by PRP with the CoM's will become institutionalized in those courts.

WORK ADVANCES ON MANUAL ON CIVIL PRACTICE

PRP and USAID JSSP are jointly producing a judicial resource that combines JSSP's *Bench Book* with PRP's *Practical Guide on the Adjudication of Property Rights Cases in Kosovo*, to provide guidance to judges adjudicating civil cases, with special emphasis on property rights cases, which have proved problematic for Kosovo courts. To date a combine text has been produced in Albanian and Serbian, and it is undergoing proofreading and layout.

SUPREME COURT GUIDELINES NEARING COMPLETION

This initiative will assist the Supreme Court to help lower courts deal more effectively and uniformly with issues in property rights disputes. The *Guidelines* will be organized around eight subject areas that PRP has identified as being most problematic for Kosovo courts. The *Guidelines* will use summaries of selected Supreme Court cases to illustrate the proper and improper application of the principles enunciated. The complete first draft is currently under review.

MOU SIGNED WITH KOSOVO ACADEMY OF JUSTICE

PRP and the KAJ executed a Memorandum of Understanding (MOU) witnessed by USAID on the assistance that will be given to KJA in developing training modules on property rights topics and in providing training to judges and legal associates on those topics. The modules will cover Gender Sensitivity; European Court of Human Rights (ECHR) Practice in Property Rights; and Property Rights Issues in Kosovo Judicial Practice. When completed, the modules will be integrated into the KAJ's formal curriculum. Trainings on the ECHR have begun to be delivered.

JUDICIAL TRAINING COMMENCED ON ECHR PRACTICE

Three of the four regional training sessions were held this Quarter, in Gjilan/Gnjilane, Mitrovicë/Mitrovica and Prizren. Participants expressed great satisfaction with the subject matter and the trainers' instruction.

ECHR CASE SUMMARIES POSTED IN DIGITAL FORM BY THREE INSTITUTIONS

The Supreme Court, the Kosovo Academy of Justice, and the Kosovo Bar Association have posted the ECHR case summaries on their webpages:

Supreme Court

<http://jus.igjk.rks-gov.net/774/>

Kosovo Academy of Justice

<http://www.gjyqesori-rks.org/sq/courts/report/list?id=1&type=1>

Kosovo Bar Association

<http://www.oak-ks.org/sq/njoftimett/E-DREJTA-NE-PRONE-5168>

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

NEW PSA PRODUCED AND AIRED ON WOMEN'S PROPERTY RIGHTS

The PSA was aired regularly on TV and radio in October through December 2018 in Albanian and Serbian versions. PRP also conducted a billboard campaign to complement the new PSA.

PREPARATIONS BEGUN FOR TWO NEW ANIMATED PSA'S

PRP has been working with its sub-contractor, Pi Communications, to develop the concepts and style for two additional animated videos to promote positive changes in social attitudes and behavior. These PSA's will address the importance of writing wills (facilitating the formalization of property rights), and women's equal property rights.

FIELD WORK COMPLETED FOR THIRD AND FINAL (ENDLINE) NATIONAL SURVEY ON PROPERTY RIGHTS

The Endline Survey will make it possible to take stock of any changes in Kosovo citizens' knowledge of property rights and in their attitudes and behavior related to women's property rights during the years of PRP's activities. PRP will produce its report on the Endline Survey in February 2019.

Preliminary findings indicate that positive trends are continuing with respect to women's property rights and citizens' knowledge of property rights in general. Pending verification of the data, it appears the number of respondents with negative attitudes to women's property rights continues to fall; and the percentages of women who are inheriting property and filing inheritance claims in court continue to rise.

NEW PUBLIC INFORMATION BROCHURE ON WOMEN'S PROPERTY RIGHTS

The brochure provides guidance to citizens that reflects current developments in the law.

INTER-ETHNIC WORKSHOP REVEALS COMMON INTEREST ACROSS COMMUNITIES

PRP held its first inter-ethnic workshop for Albanian and Serbian women. It was very well attended, with around 30 participants. The workshop concluded with expressed recognition that women from both ethnic communities face similar problems with respect to property rights, owing primarily to social attitudes and behaviors. When asked by the Municipal Gender Officer if they would be interested in taking part in further activities in their communities in support of women's equal rights, the participants affirmed that they would.

CONFERENCE WITH VITI/NA TEACHERS ON INSTRUCTION ON EQUAL PROPERTY RIGHTS

PRP supported Viti/na Municipality in holding the conference, which was attended by over 70 teachers and school directors, on the topic, "The Role of Schools in Providing Education on Gender Equality and Property Rights." Teachers acknowledged the importance of effective education for gender equality and property rights and provided examples of steps they have taken to improve instruction on these topics. Discussions also revealed continuing resistance among some teachers to the idea of women's equal property rights and confirmed the need for continued advocacy in this area.

WORKSHOP IN LIPJAN/LIPIJANE WITH MGO AND WOMEN'S CAUCUS

PRP gave a presentation on new legislation affecting women's property rights and facilitated discussion. The MGO and the Women's Caucus began planning future joint activities in the municipality.

RADIO PROGRAM IN SUHAREKA/SUVA REKA

PRP and the Municipal Gender Officer (MGO) served as a panel to discuss women's property rights issues on a local radio program aired on Radio Vala.

COLLABORATION WITH E4E SUB-GRANTEES

PRP has supported the E4E sub-grantee, "Gruaja Hyjnore," with information products for use in its public outreach activities and took part in a live-streamed teleconference on the Inheritance Package.

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

MUNICIPALITIES POSTING ON THEIR WEB PAGES PRP'S BROCHURES ON PROPERTY REGISTRATION

By the end of this Quarter, 18 municipalities had done so. The brochures provide citizens with clear guidance on registering property rights arising in four different scenarios (from inheritance; purchase and sale; court judgment; and gifts).

SEVEN UPGRADED E-KIOSKS NEARLY READY TO COMMENCE OPERATIONS

The e-kiosks have been upgraded to issue property certificates. The necessary software has been developed and the e-kiosks have been tested successfully. The remaining step is to link the e-kiosks with KCA's KCLIS information system (for which the KCA has already given approval), after which the e-kiosks will be made available for public use and monitored for performance for one month.

SUPPORTING MUNICIPALITIES IN LEASING MUNICIPAL LAND

During this Quarter PRP began working actively with the six municipalities approved by USAID for an initiative to support municipalities in leasing municipal land on a commercial basis. In each municipality, PRP has worked closely with the MCO's, each of which has established a Municipal Working Group (MWG) that has identified properties for lease. The MWG's will forward their recommendations to the Mayor's cabinet and to Municipal Assembly for approval. The properties to be leased on a short-term will be offered at public auctions, and those to be offered on long-term leases will be advertised.

PROJECT ACTIVITIES

OBJECTIVE 1: BETTER COORDINATION AND POLICY PRIORITIES

SUB-OBJECTIVE 1.1: NSPR REFORMS COORDINATED WITH AND BETWEEN GOK INSTITUTIONS

Advocating for a Meeting of the NSPR Steering Committee. PRP worked with the MoJ and the Strategic Planning Office of the Office of the Prime Minister (SPO/OPM) to arrange for a meeting of the Steering Committee as soon as possible. The Steering Committee has been established by a Decree of the GoK and is chaired by the Minister of Justice and is composed of line ministries responsible for implementing the NSPR.

PRP is advocating for the meeting, to bring the Steering Committee members up to date on the work accomplished thus far to implement the NSPR and secure their full ownership and commitment for fully implementing the NSPR. The Steering Committee will be advised to review the Action Plan and submit revisions to the Government for adoption to update and extend the Action Plan's implementation schedule beyond 2020.

KPCVA Supervisory Board Convenes and Adopts the KPCVA Strategy Drafted with PRP Support. The KPCVA Supervisory Board convened after a long hiatus. The Board adopted the three-year strategy and action plan of the KPCVA. The Strategy identifies and prioritizes KPCVA's activities for the next three years. PRP identified 47 activities that would support the implementation of KPCVA's new mandate to compare and verify cadastral records that are expected to be returned from Serbia, and to implement the mandate it inherited from its predecessor agency, the Kosovo Property Agency (KPA). In addition, as foreseen in the NSPR, the KPCVA Strategy also defines the agency's vision to serve as an administrative adjudicatory body to address large-scale informality. PRP's support to the KPCVA followed a request from the KPCVA to support the agency's strategy drafting process. PRP also used this opportunity to ensure that KPCVA's activities are in line with measures contemplated by the NSPR. The Board advised the KPCVA to add performance indicators to its Strategy to measure progress towards completing the KPA's mandate, including implementation of its compensation Scheme.

PRP Supports Minister of Justice to Report on NSPR Results. The Minister of Justice was invited to attend the Inter-Ministerial Coordination Group on Human Rights, organized by the Office for Good Governance and chaired by the Prime Minister. The Minister was requested to speak on, among other things, the actions taken to implement the National Strategy on Property Rights. PRP provided data and analysis for his speech.

Assisting with Comments on Economic Reform Programme (2019-2021) Activities on Property Rights. Kosovo, as an EU enlargement country, is required to adopt and implement a medium-term Economic Reform Programme (ERP). The programme consists of 20 priorities, including resolving large-scale informality in the immovable property sector, as described in the NSPR. The EU Commission reviews the ERP on a regular basis. In that connection, PRP assisted the MoJ to respond to the Commission's comments and questions about progress to implement the ERP.

Comments on the Proposed World Bank Project. PRP experts provided written comments and suggestions for further development of the World Bank's proposed Kosovo Real Estate & Geospatial Infrastructure (REGIP) which will support the Kosovo Cadastral Agency.

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

Parliament Adopts the “Inheritance Package of Laws” that includes amendments to the Law on Notary; Law on Inheritance and Law on Non-Contested Procedure.

Amendments to the Law on Non-Contested Procedure grants jurisdiction over non-contested inheritance cases to both courts and notaries. The Law on Inheritance contains a new provision to protect rights of surviving spouses to inherit immovable property from deceased spouses. The Law on Notary now requires notary fees to be commensurate with per capita GNP. This amendment was informed by PRP’s research on notary fees charged in EU member states. All three laws have been promulgated and are in effect.

Active Coordination with the Moj on Finalizing NSPR Legislation. PRP met with the Chief of Cabinet of the Minister of the Moj, an Advisor to the Minister, and the Director of the Moj Legal Department to urge the Moj to accelerate its development of legislation to implement the NSPR according to the timeline provided in the NSPR’s Action Plan. Moj officials stated their commitment to expedite development of the Draft Law on Public Property; the Draft Law on Construction Land; Draft Law on Property Rights of Foreigners in Kosovo; and the Draft Concept Document on the Transformation of Ownership Rights in Socially Owned Immovable Property.

Progress to Develop NSPR Implementing Legislation

Draft Law on Public Property

The draft law was finalized and has been submitted to the GoK for approval. PRP helped analyze comments received during public consultation and assisted the Moj to incorporate feedback into the revised draft. Previously, PRP helped the Moj to develop the explanatory memorandum; supported the Moj’s Department of Finance to prepare its report on the budgetary impact of the draft law Draft Law and respond to questions from the Ministry of Finance.

Amendments to the Law on KPCVA

Following the GoK adoption of the proposed amendments, the bill has undergone an initial review by the Legislative Committee of the Assembly and has been submitted for a first reading in a plenary session. If passed the law will provide the KPCVA with jurisdiction to implement streamlined administrative proceedings that will provide legal recognition and formalize rights in property conveyed through verbal contracts executed prior to 1999.

Draft Law on Construction Land

PRP supported the Moj to organize a workshop with the members of the Working Group and other relevant stakeholders. PRP gave a presentation to the workshop participants that explained the NSPR’s recommendations to clarify rights to possess and use construction land. Following the public consultation period that ended on November 23, 2018 PRP assisted the Moj to prepare its report on public consultation that documented the comments received and to incorporate comments into the revised draft. The draft law is now under budgetary impact review.

Draft Law on Allocation for the Use and Exchange of Municipal Immovable Property

The draft law has passed first reading in the Kosovo Assembly and has been sent to the Parliamentary Commission. PRP has prepared written recommendations to harmonize its provisions with recommendations contained in the NSPR which have been provided to the Parliamentary Commission.

Draft Law on Cadaster of Immovable Property

PRP participated in two meetings of the Working Group. The meetings focused primarily on the implications of requiring that only bank transfers can be used to make payments for property transactions; making cadastral records accessible to the public; and providing the KCA, rather than local government, with oversight of Municipal Cadastral Offices (MCOs). PRP presented to the Working Group its analysis and comments on the draft cadastral law that take the position that the Law on the Protection of Personal Data allows the names of registered property owners to be made public. The KCA has consistently disputed PRP's analysis and does not support publishing names of registered property rights holders.

Draft Law on the Chamber of Architects and Chamber of Engineers in the Field of Construction

The GoK has approved the Draft Law and sent it to the Assembly.

Draft Law on Property Rights of Foreign Citizens

PRP developed a first draft of the law that was delivered to the MoJ. The MoJ has committed to forming a working group to further develop the draft legislation. Adopting a law on the property rights of foreigners is required of Kosovo under its Stabilization and Association Agreement with the EU. Once the working group is established, PRP will support a workshop to produce a final draft law to be submitted to the GoK.

Draft Law on Amending and Supplementing the Law No.04/I-061 on Sale of the Apartments for which a Tenure Right Exists

PRP supported development of the draft law that has been presented for public consultation. That process has been completed and feedback incorporated into a revised draft. PRP is now assisting the MESP in drafting supporting documents required for submitting the Draft Law to the GoK.

Draft Law on Expropriation

PRP participated in the consultative meeting of experts from MESP organized by the Director of Department for Expropriation of Immovable Property, which focused on next steps. It was agreed that the Draft Law would be included in the legislative program for 2019, and that drafting will commence in January 2019. MESP has requested PRP's support in drafting of this law.

Concept Document on the Transformation of Property Rights in Socially Owned Immovable Property

Following the meeting of the Working Group, and the preliminary consultation, PRP assisted the MoJ in revising the Draft Concept Document, and the MoJ posted it for public consultation. This was followed by a workshop with an expanded list of participants to review and discuss the

recommendations in the NSPR on this issue and the comments received during the public consultation. PRP then assisted the MoJ in finalizing the Draft Concept Document.

Concept Document for Law on Contested Procedure

The GoK approved the Concept Document on December 4, 2018. PRP supported the MoJ in developing this Concept Document at all stages of the process.

Administrative Instruction on Data Base for Spatial Planning.

PRP supported MESP to harmonize the Administrative Instruction (AI) on Spatial Planning Data Base with Directive 2007/2/EC of the European Parliament and the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE). This work is to be carried out through the use of tables of concordance approved by the GoK when transposing EU legislation in the national legislation.

Preparing a Legal Memorandum on Open Cadastre. PRP produced the Memo to demonstrate that there is a legal basis for the draft Law on Cadastre to provide for a fully open Cadastre, including the names of owners of parcels. PRP sent the Memo to the Office of Ombudsperson and to USAID that has committed to advocate for an open cadastre.

Analyzing the Legal Basis for Formalizing Informal Property Rights. PRP has produced a first draft of a legal memorandum to inform stakeholder discussions around the initiative to enable the Kosovo Property Comparison and Verification Agency to formalize informal property rights. The memorandum analyzes the legal provisions related to the means of acquiring rights in property; and current practice in formalizing informal property rights; and includes recommendations for facilitating the formalization of informal property rights through an administrative procedure. The memorandum is under review by experts within the project and will then be shared with the KPCVA to inform the development of sub-legal acts.

Cooperation and Coordination with Other Stakeholders

Supporting the drafting of Civil Code. PRP continued its close coordination with EU funded project Support to Civil Code 2 (CCP2) and the Civil Code Working Group. During this Quarter PRP reviewed the Draft Civil Code provisions on immovable property and inheritance and provided extensive comments to the Working Group. PRP also participated in several meetings of the Working Group. One entire session was devoted to discussing comments provided by PRP to help address NSPR recommendations in the Civil Code. PRP has received assurances that its comments have been incorporated and will seek confirmation when the draft is made available for review.

Coordination meeting organized by MoJ and the CCP2. The MoJ convened the meeting to discuss policy issues related to the definition of marriage; valuing spousal contribution to joint immovable property; renunciation of inheritance rights, including renunciation in the name of minor children. On January 24, 2019, the EU and the Minister of Justice will formally present the completed draft Civil Code.

Meeting with Office of Ombudsperson Institution on PRP Open Cadastre. PRP and USAID representatives met with the Ombudsperson to discuss the need for an open cadaster. The Ombudsperson stated he fully supports the initiative noting its importance for fighting corruption and supporting land markets and economic growth. He further stated his office will issue an official

memorandum (“case”) to the Minister of MESP in January 2019. The Ombudsperson noted that, if that fails to have an effect, his Office will continue to advocate for an open cadastre with the Government and Parliament. He did express some doubts that there will be sufficient political will to get an open cadastre into law but pledged his active support for the effort.

Participation in “Land Consolidation Awareness-Raising” Workshop, organized by (GIZ) in Partnership with the Ministry of Agriculture Forestry and Rural Development (MAFRD). The workshop focused on land consolidation practices in Germany and from the region; the practical and legal challenges for implementing agricultural land consolidation projects in Kosovo, drawing on lessons learned from unfinished land consolidation projects from the 1980s; and recommendations for amending the current legislation on land consolidation. PRP gave a presentation on the recommendations in Objective 5 of the NSPR: Promoting productive use of immovable property to fuel economic growth, focusing on land consolidation and the impact of informality on agricultural land consolidation projects. Recommendation for amending the Law on Land Consolidation were also discussed. The MAFRD has established a Working Group for drafting the Concept Document for Land Consolidation.

Information Session for Deputy Minister of Justice. The Deputy Minister came to PRP’s office for a two-hour information session on property rights issues and challenges related to the adjudication of property rights. The Deputy Minister said that she found the session very valuable, as she often receives requests from citizens for guidance on property rights issues and this information will enable her to help citizens more effectively. PRP expressed its readiness to provide her with further information on property rights law and procedure as needed. .

PRP meets European Union Special Representative (EUSR) to Discuss NSPR Implementation and EU Annual Country Report (Progress Report). The EUSR is about to submit input to Brussels for the EU’s upcoming Country Report on Kosovo. The EUSR requested input from PRP to help produce an accurate report of the GoK’s progress to implement the NSPR. Concern had been raised that the previous Country Report inaccurately reported the status of implementation of the NSPR as “limited progress.” The EUSR intends to ensure an accurate assessment that fully reflects positive developments.

BIRN Round-Table on Inheritance Package. The round-table discussed omissions from the recently adopted “inheritance package” that weaken rights of women to inherit property. The legislation does not guarantee the right of surviving spouses without children to inherit marital property and does not require audio recordings of renunciation proceedings. PRP informed participants that the Civil Code was being drafted and there was still time to advocate for additional reforms to protect women’s rights. Attention was drawn to a provision that still remains in the Law on Inheritance that permits exclusion of heirs on the grounds of immorality, making women even more vulnerable to exclusion.

Memorandum of Understanding (MOU) signed with the Office of the *Official Gazette* (OOG) to Establish a Property Rights Information Portal.

Effective notice is essential for due process and protecting fundamental human rights, and the MoU describes the activities that PRP and the OOG intend to develop to create the means for effective and timely notification of property rights proceedings through a single, easily accessible platform. The MoU was signed by the PRP and the OOG and witnessed by USAID. Preparatory to the signing, PRP met with *Official Gazette* officials on numerous occasions to generate understanding and consensus for this initiative, and then drafted a narrative concept and an Action Plan for the activities necessary to realize this initiative.



Distributing of European Valuation Standards in Albanian. PRP has distributed copies of the book to stakeholders and will also seek to have digital versions posted on relevant websites, for public access. The Kosovo Appraisers Association presented the book at the General Meeting of The European Group of Valuers Associations (TEGoVA). TEGoVA officials expressed appreciation for the translation. The Director of MoF Property Tax Department expressed deep appreciation for the Albanian translation of European valuation standards and confirmed that the MoF will post the standards in digital form on its webpage. He also said that the MoF is interested to hold a visibility event to announce them to the public.

OBJECTIVE 2: IMPROVED COURT PROCESS RELATED TO PROPERTY CLAIMS

SUB-OBJECTIVE 2.1: CASE FLOW MANAGEMENT REFORMS INSTITUTIONALIZED

PRP's Legal Associates Hired by Basic Courts. The Basic Courts of Pejë/Peć and Ferizaj/Uroševac have permanently hired with their own funding the six Legal Associates who had been previously paid by PRP to support the caseload management reforms in those courts. / In addition, the Basic Court of Gjiilan/Gnjilane has selected two of PRP's three Legal Associates there for permanent employment, but the decisions are still subject to appeal and are not yet final. (One of the LA's selected has since become a judge.) The courts' hiring of qualified legal professionals to fill these positions (and assigning them the appropriate duties) is an essential step toward continuing these reforms and fully institutionalizing them.

Improved CFM Practices Continue to Produce Positive Results. Since mid-December 2016, judges in the CoM, with PRP assistance, have issued 11,181 decisions. Of these include 2,236 decisions to dispose the case, and 8,945 advanced the case more quickly towards disposition.

Collaboration with JSSP on Manual on Civil Practice. PRP and USAID are jointly producing a judicial resource document that combines JSSP's *Bench Book* with PRP's *Practical Guide on the Adjudication of Property Rights Cases in Kosovo*, to provide guidance to judges to adjudicate civil cases, with special emphasis on property rights cases, which have proved problematic for Kosovo courts. The publication is on track for completion by the end of January 2019.

SUB-OBJECTIVE 2.2: GUIDELINES DEVELOPED TO UNIFY JUDICIAL PRACTICE IN PROPERTY RIGHTS DISPUTES

Collaborating with the Supreme Court to Produce Guidelines on Property Rights Disputes

This initiative will assist the Supreme Court to help lower courts deal more effectively and uniformly with issues in property rights disputes. The *Guidelines* will be organized around eight subject areas that PRP has identified as being most problematic for Kosovo courts. The *Guidelines* will use summaries of selected Supreme Court cases to illustrate the proper and improper application of the principles enunciated. PRP has identified 139 Supreme Court decisions that address these issues and has helped the Supreme Court hire four legal assistants to support the judges to produce the *Guidelines*. More than 75 cases on the area of property right matters have been reviewed, analyzed and summarized for the *Guidelines*. The complete first draft is currently under review. PRP expects to have a final draft at the end of January 2019 and to publish and unveil the *Guidelines* in February.

Memorandum of Understanding Signed with the Kosovo Academy of Justice (KAJ) on Development of Training Modules. PRP signed an MOU with the KAJ, witnessed by USAID, to guide development of training modules on property rights topics for judges and legal associates. The modules address Gender Sensitivity; ECHR Practice in Property Rights; and Property Rights Issues in Kosovo Judicial Practice. PRP has identified and hired four local experts to provide STTA to develop these training modules and work closely with their KAJ counterparts. When completed, the modules will be integrated into the KAJ's formal curriculum. Considering that the KAJ is receiving support from other donors for other trainings, PRP and KAJ agreed to deliver and conduct only the first training module related to ECHR practice in property rights, while other three training modules will be delivered in 2019.

Trainings for Judges on ECHR Receives Very High Marks from Participants. Three of the four regional training sessions were delivered in in Gjiilan/Gnjilane, Mitrovicë/Mitrovica and Prizren. Training for judges of the Pristina Basic Court was postponed until a later date at the request of the Court. A total of 28 judges and 34 LA's attended the trainings, and the participants expressed great satisfaction with the subject matter and the trainers' instruction.

ECHR Case Summaries Posted in Digital Form by the Supreme Court, the Kosovo Academy of Justice, and the Kosovo Bar Association. Here are the links:

Supreme Court

<http://jus.igjk.rks-gov.net/774/>

Kosovo Academy of Justice

<http://www.gjyqesori-rks.org/sq/courts/report/list?id=1&type=1>

Kosovo Bar Association

<http://www.oak-ks.org/sq/njoftimett/E-DREJTA-NE-PRONE-5168>

PRP Announces the Published ECHR Summaries in Kallxo.com.

PRP partnered with Kallxo.com to publish links to summaries of the European Court of Human Rights (ECHR) cases produced with PRP support. The links are to the websites of the Supreme Court, Kosovo Bar Association, and the Kosovo Judicial Academy. The links in 10 justice-related articles a day in kallxo.com, for a period of one month, from October 24 – November 24, 2018. In addition, the text in the ad, when clicked, connects the reader to background information on the ECHR summaries. Here is the link to one of the articles that shows PRP's ad: <https://kallxo.com/qindra-persona-neper-procese-gjyqesore-per-korrupsion/>



SUB-OBJECTIVE 2.3: EXPEDITED PROCEDURES DEVELOPED

As noted under Objective 1 above, PRP supported development of amendments to the Law on the KPCVA to provide it jurisdiction over uncontested claims seeking formalization of rights in property conveyed through verbal contracts prior to 1999. The GoK has approved the Draft Law and sent it on to Parliament, where it is under review. PRP will continue to support this process, in close consultation with USAID.

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

SUB-OBJECTIVE 3.1: PUBLIC OUTREACH ON EQUAL PROPERTY RIGHTS FOR WOMEN

Media Campaign

New PSA Produced and Aired. PRP finalized the concept and completed production of a new PSA. The PSA was aired regularly on TV and radio in October through December 2018. The PSA is in the Albanian and Serbian languages. PRP believes that the PSA is quite innovative and brings something new to the Kosovo market. It has generated a very positive response, based on anecdotal reports. Additionally, billboards featuring a scene from the PSA (please see the cover photo) have been installed in 12 municipalities around Kosovo.

Preparations Begun for Two New Animation Products. PRP has been working with its sub-contractor, , to develop the concepts and style for two additional animated videos to promote positive changes in social attitudes and behavior. These PSA's will be produced as a complementary set and will address the importance of writing wills (facilitating the formalization of property rights), and women's equal property rights. These products are expected to be ready for airing by the end of January 2019.

PRP's Puppet Show "Prehëri i Gjyshit" ("Grandpa's Lap") Now in Repertoire of the Pristina's Dodona Puppet Theater. The puppet show provides an entertaining message for children on girls' and boys' equal property rights. To date there have been thirteen performances since May 2018 with a total of 975 attending.



Journalist covering the event records products with PRP branding (Photo credit: PRP).

PRP Uses Humanitarian Visibility Event for Messaging on Women's/Girls Equal Property Rights. The event was sponsored by the Mute Foundation, with support from the Municipality of Pristina and Kosovo Security Force (FSK), to highlight a program where school children prepare gifts for distribution to children at SOS Children's Villages and other children in need. Several thousand boxes are given to children yearly.



Children wearing PRP branded shirts at the event (photo credit: PRP).

PRP provided t-shirts and tote bags branded with USAID and *For Our Common Good* logos and featuring a children's drawing produced for PRP's national campaign. PRP also printed the agenda for the event, which also bore PRP's campaign branding and messaging.

Producing a New Brochure on Women's Property Rights. PRP completed the design and layout of the brochure and has received USAID approval on branding. It will be printed in January 2019. This product provides guidance to citizens that reflects current developments in the law. The brochure is intended to raise public awareness about the specific challenges women face in exercising their right to inherit. The brochures are being distributed, for further dissemination, to Municipal Cadastral Offices, Municipal Gender Officers, courts, notaries, and E4E sub-grantees. PRP will also distribute the brochures at its inter-ethnic workshops.

Women in Kosovo face cultural and practical obstacles in exercising their property and inheritance rights. Cultural beliefs and patriarchal traditions, lack of knowledge of their legal rights, and the practice of omitting women heirs from the Testimony of Death issued by the municipal Civil Status Office are some of the obstacles preventing women from exercising their property rights.

Both Kosovo women and society at large can benefit greatly from equality in property rights.

Women are empowered and gain self-sustainability when they can use their property as collateral for starting new businesses and creating jobs. They also gain greater ability to support their families. All this increases the economic prosperity of the society as a whole, too.

Outdated land records can jeopardize citizens' rights to their property.

The inheritance procedure is begun at the initiative of interested parties, sometimes many years after the death of the decedent. Often, people in Kosovo fail to initiate inheritance proceedings or to register the transferred property. As a result, many properties in Kosovo are registered in the names of people who died a long time ago.



Property Inheritance

Property Inheritance is the transfer of property from a deceased person (decedent) to one or more persons (heirs or legatees) pursuant to a will and, as required by law.

The Legal Right to Inherit

Based on the Law on Inheritance in Kosovo, the legal right to inherit a decedent's property is granted in the following order: to children, a surviving spouse, parents, and siblings of the deceased.

Women and Men Have Equal Rights to Inherit Property

Kosovo legislation provides for equal and non-discriminatory treatment for all Kosovo citizens.

THINGS TO KNOW ABOUT THE INHERITANCE PROCESS

- An inheritance proceeding can be initiated after the death of the decedent.
- The Civil Status Office (CSO), located in each municipality, is the institution that issues the Testimony of Death (Administrative Instruction No.25/2013 on Civil Status Documents).
- The Testimony of Death is the crucial document to initiate the inheritance procedure.
- The Testimony of Death is prepared based on a declaration given by a member of the decedent's family (irrespective of gender); people that the decedent has lived with; or other persons with relevant information to help complete the Testimony of Death.
- False declarations and the concealment of heirs in the Testimony of Death violate the law and are considered a criminal act.
- Both men and women heirs can renounce their inheritance rights under Kosovo Inheritance Law. Renunciation should only be done under these conditions:
 - Without pressure from anyone
 - With a good understanding of one's legal rights
 - With knowledge of the nature and amount of one's inheritance share
- Once an heir decides to renounce his/her property inheritance share, there is no possibility of obtaining that portion of property inheritance in the future. Therefore, it is of utmost importance that YOU decide freely on your property inheritance.
- Based on the current law, an uncontested inheritance procedure can be performed in a court or with a notary. A contested inheritance procedure can only be performed in the court.

Third and Final (Endline) National Survey on Property Rights

During this Quarter PRP launched and completed the field work for its Endline National Survey on Property Rights. As were with the Baseline and Mid-Term National Surveys on Property Rights, the Endline Survey employed random sampling techniques that ensure that the findings from the sample used can be extrapolated to the entire population of Kosovo (with a 95% confidence interval with a $\pm 3\%$ margin of error). The survey was conducted through 1,510 households, with one person from each household being interviewed.

The Endline Survey will make it possible to take stock of any changes in Kosovo citizens' knowledge of property rights and in their attitudes and behavior related to women's property rights during the years of PRP's activities. Preliminary findings indicate that positive trends are continuing with respect to women's property rights and citizens' knowledge of property rights in general. The number of respondents with negative attitudes to women's property rights continues to fall; and the percentages of women who are inheriting property and filing inheritance claims in court continue to rise. In addition, there has been a sharp increase in the number of women who have property registered in their name. PRP will produce its report on the Endline Survey in February 2019.

Support to ATRC and Sub-Grantees

PRP has supported the E4E sub-grantee, "Gruaja Hyjnore," with information leaflets and brochures for use in their lectures and dissemination activities. Gruaja Hyjnore held number of awareness-raising workshops and meetings with women and high school students in the Gjilan/Gnjilane municipality. The sub-grantee:

- Organized working groups on the rights to property and inheritance with youth groups in secondary schools, in close cooperation and consultation with the school directors.
- Held information sessions with women and their families, representatives from municipal institutions, representatives from Basic Courts, local NGOs, and other influential village representatives, on the rights to property and inheritance for women and men.

The sub-grantee also monitored inheritance and gender discrimination cases in the Basic Court.

Balkan Investigative Reporting Network (BIRN). BIRN has produced a series of articles on property right issues in Kosovo in general and on violations of women's property rights. The stories came to light primarily in BIRN's court monitoring of court cases related to the inheritance rights of women.

The articles are published in *Jeta në Kosovë* and at www.KALLXO.com. Such published articles are widely shared throughout social media particularly Facebook, as these media outlets pages enjoy audiences of 230.000 followers and 65.000 followers, respectively.

ATRC Awards Two Grants for "Empowering Women through Enhanced Awareness of Women's Property Rights." PRP will provide technical support to the sub grantees. These are the Kosovar Gender Studies Center and the Initiative for Justice and Equality.

Public Outreach Events in Municipalities

Conference with Teachers in Viti/na Municipality. On December 10, 2018, International Day of Human Rights, PRP supported Viti/na Municipality in holding a conference with teachers on the topic, “The Role of Schools in Providing Education on Gender Equality and Property Rights.” The objective of the conference was to discuss with teachers the importance of educating children and youth on these topics and to jointly identify opportunities for improving the instruction provided. Over 70 teachers from elementary and high schools in the municipality attended the conference. Remarks were made by the Mayor of Viti and PRP’s Chief of Party. In addition, the Viti/na Director of Education, led a panel discussion. Panelists included National Parliamentarian and member of the Commission on Human Rights & Gender Equality; PRP’s Gender Specialist, and, from the Office of Human Rights in Viti/na Municipality.



During the conference, discussion focused on many issues facing the local schools, including the current lack of instruction on gender equality and property in the schools’ curricula. Teachers acknowledged the importance of effective education for gender equality and property rights and provided examples of steps they have taken to improve instruction on these topics. Discussions also revealed continuing resistance among some teachers to the idea of women’s equal property rights and confirmed the need for continued advocacy in this area.

plans to use the outcomes of this Conference to help design activities and programs for the schools to improve their instruction on gender equality and property rights.

First Inter-Ethnic Workshop for Women on Property Rights. PRP’s first inter-ethnic workshop, for women from Klllokot/Klokot and Partesh/Parteš, took place in Gjilan/Gnjilane . It was very well attended, with around 30 participants. PRP made a presentation on women’s property rights and Kosovo law; and the Municipal Gender Officer (MGO) from Partesh/Parteš municipality led group discussions on the issues women face in acquiring and exercising their property rights. The workshop concluded with expressed recognition that that women from both ethnic communities face similar problems with respect to property rights, owing primarily to social attitudes and behaviors. Discussions of possible next steps did not elicit any specific recommendations from the audience, but they expressed their interest in continuing to be involved in such activities; and the Partesh/Parteš MGO indicated her desire to continue work in this direction. PRP will follow up with her and seek to engage Deputy Minister of Justice in discussions with the MGO on specific next steps.



Workshop with Local Assembly Women’s Caucus in Lipjan/Lipljan Municipality. PRP assisted the MGO in the municipality to organize a joint workshop with the local assembly women’s caucus comprising members from the local assembly, civil society and women’s business organizations. PRP made a presentation on the “Inheritance Package” and facilitated discussion. The MGO elicited recommendations from the participants and expressed the desire to follow up with the women’s caucus to plan joint activities in the municipality.

PRP Participates in Discussion of Women’s Property Rights on Local Radio Program.

On December 7, 2018, PRP’s Gender Specialist and the MGO from Suharekë/Suva Reka, served as a panel to discuss women’s property rights issues during a local radio program on Radio Vala. The radio journalists directed questions to the panel, and the panelists touched on a wide range of relevant issues. The transmission was also broadcast live on the Radio Vala’s Facebook page. The video can be accessed in the following link:



<https://www.facebook.com/RADIOVALA98.3/videos/914571042075566/?t=1>

Interview with RTK on Women’s Property Rights. RTK included an interview with PRP in a documentary that was aired on December 11, 2018, as part of the program IMAZH at RTK. This program was entirely dedicated to a discussion of women’s property rights in Kosovo, with some panelists in the TV studio also taking part. The program can be viewed at the following link:

<https://www.facebook.com/rtklivecom/videos/1092899600883707/?t=1>

Panel Discussion Sponsored by the Association for Divorced Parents (APS). On December 13, PRP’s Gender Specialist participated in a panel discussion on the challenges faced by single mothers in Kosovo. This round table was organized by the APS, which had received funding from the Agency for Gender Equality to undertake a research on the topic, with emphasis on challenges that single mothers face with respect to economic conditions, property rights, employment, court processes and social assistance. PRP’s Gender Specialist made a presentation on the issues women face in acquiring their rights to marital property, particularly when they live in informal marriages; on issues that arise when property is in the names of people no longer living; and on challenges women face in asserting and defending their contribution to marital property. PRP’s Gender Specialist also answered questions from the audience regarding applicable law and the social stigma surrounding equal property rights. Other panelists included the Head of the Parliamentary Commission on Human Rights and Gender Equality; an official from the Ministry of Justice; an official from the Agency for Gender Equality; and a citizen, representing single mothers.

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

Support to All Municipalities (Tier I Support)

Municipalities Posting PRP’s “How to Register ...” Brochure Series on Their Webpages. PRP has produced brochures that provide citizens with guidance on registering property rights arising in four different scenarios (from inheritance; purchase and sale; court judgment; and gifts). Thus far, eighteen municipalities have published digital copies of the brochure on their websites: Klinë/Klina, Prishtina, Fushë Kosovë/Kosovo Polje, Viti/na, Dragash/Dragaš, Gjakovë/Djakovica, South Mitrovica/Južna Mitrovica, Skenderaj/Srbica, Istog/Istok, Malishevë/Mališevo, Vushtrri/Vučitrn, Lipjan/Lipjan, Shtime/Štimlje, Suharekë/Suva Reka, Rahovec/Orahovac, Junik, Peje/Peć, and Graçanica/Gračanica.

Links to the websites:

Pristina:

http://prishtinaonline.com/uploads/alb_si_ta_regjistroj_pronen_te_cilen_porsa_e_kam_blere.pdf

Fushë Kosovë/Kosovo Polje:

<https://kk.rks-gov.net/fushekosove/kadaster/udhezesit-per-regjistrim-te-prones/>

Viti/na:

<https://kk.rks-gov.net/viti/vitia-5/licensa/>

Dragash/Dragaš:

<https://kk.rks-gov.net/dragash/dragash-al/broshura/>

Gjakovë/Djakovica:

<https://kk.rks-gov.net/gjakove/kadastri-3/dokumentet-dk/>

Skenderaj/Srbica:

<https://kk.rks-gov.net/skenderaj/wp-content/uploads/sites/27/2018/08/combinepdf.pdf>

Mitrovicë e Jugut/Južna Mitrovica:

<https://kk.rks-gov.net/mitrovicееjugut/wp-content/uploads/sites/18/2018/01/Hapat-se-si-duhet-te-regjistrohet-prona.pdf>

Klinë/Klina:

<https://kk.rks-gov.net/kline/category/dokumente/>

Istog/Istok:

<https://kk.rks-gov.net/istog/sherbimet/broshura/>

Malishevë/Mališevo:

<https://kk.rks-gov.net/malisheve/malisheve-2/broshura/>

Vushtrri/Vučitrn:

<https://kk.rks-gov.net/vushtrri/vushtrri-4-2/regjistrimi-i-prones/>

Lipjan/Lipjan:

https://kk.rks-gov.net/lipjan/informator_per_punen_e_drejtoretit/

Shtime/Štimlje:

<https://kk.rks-gov.net/shtime/shtime-4/regjistrimi-i-te-drejtetes-pronesore/>

Suharekë/Suve Reka:

<https://kk.rks-gov.net/suhareke/category/publikimet/>

Rahovec/Orahovac:

<https://kk.rks-gov.net/rahovec/rahovec-4/broshura/>

Junik:

<https://kk.rks-gov.net/junik/juniku/broshura/>

Pejë/Peć:

<https://kk.rks-gov.net/peje/news/broshurat-informuese-per-regjistrimin-e-prones/?fbclid=IwAR3NfDRKLY4Ec-M2SvW8tdYr3KbABMw8yhhgcpIoUTXDW4CalcNRecCGXxl>

Graçanicë/Gračanica:

<https://kk.rks-gov.net/gracanice/sr/gracanica/како-уписати-имовинска-права/>

Note: the Shtërpce/Štrpce webpage is currently off line. In addition, the Serbian language versions of the municipal webpages are under construction.

Developing Posters for MCOs with Straightforward Information for Citizens on Registering Property. PRP has begun preparing posters that will be displayed prominently in MCO offices with straightforward information for citizens on how to register their property in four scenarios. The posters will list the documents required for registration and the fee to be paid and it is believed to serve citizens to better access information on how to register their property rights. PRP intends to distribute the posters for display in all MCO's throughout Kosovo, beginning in February 2019.

Support to Selected Municipalities (Tier 2 Support)

E-kiosks

Work Substantially Completed to Upgrade Seven Additional Kiosks.

Following the creation of its successful prototype in Viti/na, PRP has been conducting an initiative to upgrade an additional six kiosks in four municipalities (two in Pristina; two in Pejë/Peć; one in Graçanicë/Gračanica; and one in Vushtrri/Vučitrn) to enable them to issue property certificates. Software has been installed and tested successfully in all seven e-kiosks.

The software in Pristina had to be revised to accommodate the insistence of Pristina municipality that citizens should not be able to receive property certificates if they owe more than €100 in property tax. The municipality originally took the position that a citizen should not be able to receive a property certificate if he/she owed any amount of property tax. The municipality eventually agreed to the €100 threshold.

It should be noted that PRP advocates for the removal of limitations (including proof that property taxes are not owed) that municipalities impose on citizens' ability to obtain property-related documents required to transact their rights to property. The Director of the Ministry of Finance (MoF) Property Tax Department, , has invited PRP staff to be part of the commission responsible for drafting administrative instructions to implement the new law on property tax. This will provide the



PRP with the opportunity to further advocate for the removal of limitations. Pending removal of the requirement to demonstrate payment of taxes, PRP met with to discuss obtaining access to the MoF database to enable e-kiosks to issue a certificate that shows that the bearer does not owe any property tax as currently required to transact property rights.

The Property Tax Department expressed support for PRP's request but noted that the MoF is undertaking a general transition to a more elaborate information system, and that it will not be possible to accommodate PRP's request until that process is completed. It remains unclear if that work will be completed in time. In view of this, PRP has worked directly with the municipalities and sub-contractors and is cautiously optimistic that it will be possible to add this function to the e-kiosks without involving the MoF's property tax database.

The remaining step is to link the e-kiosks with KCA's KCLIS information system (for which the KCA has already given approval). Following this, the e-kiosks will be made available for public use and monitored for performance for one month. This is expected to take place in January 2019.

Supporting Municipalities in Leasing Municipal Land

During this Quarter PRP began working actively with the six municipalities approved by USAID for an initiative to support municipalities in leasing municipal land on a commercial basis: Gjakovë/Đakovica; Pejë/Peć; Graçanicë/Gračanica; Shtime/Štimlje; Istog/Istok; and Malishevë/Mališevo. In each municipality, PRP has worked closely with the MCO, which has established a Municipal Working Group (MWG) to oversee this initiative. The MWG's typically include officials from the directorates of Cadaster, Urbanism, Agriculture, and Economic Development to take all points of view into account when selecting properties for leasing.

The MWG in each municipality are required to identify potential properties for lease, check their actual status, determine if they have been included in the Municipal Development Plan and Municipal Zoning Maps, harmonize the proposals with local economic development strategies and then forward their recommendations to the Mayor's cabinet and to Municipal Assembly for prior approval, as required by Kosovo law. The properties to be leased to a short-term basis will be offered at public auctions, and those to be offered with long-term leases will be advertised. PRP has prepared a concept document for the MWG's that clearly describes the tasks to be completed and the procedures to be followed. PRP has also shared with its partner municipalities the action that outlines every step in the process and provides a timeline for carrying out the activities to ensure timely completion of the whole process.

Some municipalities have inventoried the municipal property in the past which make it easier the work of the group, but the actual use of the properties remain to be verified. The municipality of Istog/Istok is in the process of regularizing the agricultural land in municipal ownership to combine parcels for more efficient use and then lease it to interested parties.

The MWG's have developed tentative lists of properties that they consider are appropriate for short-term leasing (up to 15 years) in the first round. The MWG's have not yet shared their lists with the Mayors or Municipal Assemblies. PRP expects for the list with proposed properties to

reach the Municipal Assembly of each Municipality in its meeting in January 2019. If the preliminary consent is granted, a public auction and open competition will be advertised and organized.



Supporting the Registration of Backlogged Transactions in Štrpce/Shtërpçë

To date, 5104 files of the estimated 5,500 property transaction files have been entered into the Kosovo Cadastre Land Information System (KCLIS). The backlog arose when the Municipal Assembly issued an order prohibiting registration of inter-ethnic transactions. The order was subsequently nullified, but during that time the number of transactions that were submitted for registration accumulated, and the MCO did not have the resources to register them and attend to ongoing duties. It is anticipated the backlog will be registered in the next quarter.

PROJECT SPECIFIC PERFORMANCE INDICATORS

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
OBJECTIVE 1: IMPROVE COORDINATION AND POLICY PRIORITIES				
I.1} Number of strategies drafted and approved by the government	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	1	2
I.2} Number of laws drafted and approved /Accepted by line ministry/government as a result of USG assistance	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	6	9 (5+4D)
I.3} Number of secondary legislation drafted and approved	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	14	26 (4A+22D)

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
OBJECTIVE 2: IMPROVED COURT PROCESSES RELATED TO PROPERTY CLAIMS				
2.1} Number of court procedures and secondary legislation related to court function and/ or improved court performance adopted and approved	DO: Improved Rule of Law and Governance that meet Citizen's Needs IR: More Efficient, Transparent, Independent & Accountable Justice Sector	0	12	1
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	1249	936	920*1
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	16.6%	72%	20.6%
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	0	450	168

* This is valid only for Courts of Merit, 4 Basic Courts (Gjilan, Peja, Ferizaj and Branch Court Sterpce)

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
	& Accountable Justice Sector			
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**2
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	2
OBJECTIVE 3: ENHANCED ABILITY FOR WOMEN TO ACCESS THEIR PROPERTY RIGHTS IN PRACTICE				
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	0	70	118

**PRP has been assisting 4 Basic Courts (Gjilan, Peja, Ferizaj and Branch Court Sterpce) 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)
	<i>Increasingly Engage Constructively with Government</i>			
3.3} Number of communication and outreach campaigns, developed/supported by USG assistance	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	1	1
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 & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	114	128
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 & 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	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent &</i>	36%	16%	23%

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
inherit property and engage in economic activities after exposure to PRP and/or E4E CSO communication and outreach products, activities and events	<i>Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>			
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 IR: More Efficient, Transparent, Independent & 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 IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	3.8%	33.8%	7.5%
OBJECTIVE 4: IMPROVED ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS				
4.1} [Number of] Land administration offices established or upgraded: The number of land administration and service offices or other related facilities that the	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	0	4	2***3

*** PRP has completed upgrade in MCO in Viti/Vitina and Shtërpçel/Štrpce

Performance Indicator	DO & IR	Baseline	Target (Life of Project-Target)	Actual (Life of Project-Actual)
project physically establishes or upgrades.				
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	5104
4.4} Land rights formalized [in participating municipalities]	DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment	0	440	5104
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	103

SUCCESS STORY

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



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FROM THE AMERICAN PEOPLE



Dashni e barabartë = t'drejta t'barabartë
+ drejtat pronësore

SNAPSHOT KOSOVO PROPERTY RIGHTS PROGRAM (PRP)

During this Quarter PRP launched and completed the field work for its third and final (Endline) National Survey on Property Rights in Kosovo. As with the Baseline and Mid-Term National Surveys on Property Rights, the Endline Survey employed random sampling techniques that ensure that the findings from the sample used can be extrapolated to the entire population of Kosovo (with a 95% confidence interval with a $\pm 3\%$ margin of error). The survey was conducted with 1,510 households, with one person from each household being interviewed.

Initial findings based on data pending final verification indicate that positive changes have taken place in Kosovo during PRP's implementation with respect to women's property rights and citizens' knowledge of property rights in general:

INDICATOR	BASELINE SURVEY 2015	MID-TERM SURVEY 2017	ENDLINE SURVEY 2019 (Initial Findings)
Percentage of citizens with <i>negative attitude</i> toward women's rights to property	36%	27%	23%
Percentage of women who file inheritance claims in the court	0.3%	3.0%	14%
Percentage of women inheriting property	3.8%	7.5%	13.7%
Percentage of citizens with basic knowledge of their property rights	27%	51%	53%

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INDICATOR	BASELINE SURVEY 2015	MID-TERM SURVEY 2017	ENDLINE SURVEY 2019 (Initial Findings)
Percentage of women that have property registered in their name	18%	20%	40%

It is also noteworthy that PRP's PSA's and products in its public outreach campaign on women's rights have attained a very high recognition rate among respondents (87%), which represents a significant increase from the rate of 76% that was reported in the Mid-Term Survey in 2017.

PRP will complete verification of the data generated under the survey and present final findings in its report on the Endline Survey in February 2019.

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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 (NSPR), which the GoK developed with PRP support. The GoK adopted the NSPR in January 2017. During this Quarter Parliament adopted the “Inheritance Package” of legislation, which reinforces women’s ability to exercise their right to inherit and facilitates the resolution of delayed inheritance cases, helping to reduce informality in Kosovo’s property sector. In addition, the GoK approved and sent to Parliament the draft Law on the Kosovo Property Comparison and Verification Agency, which is designed to expedite the formalization of property rights arising from informal contracts. Furthermore, three drafts laws and one Concept Document for legislation contemplated by the NSPR were finalized for submission to the Government

PRP also entered into a Memorandum of Understanding with the Office of the *Official Gazette* to create the means for effective and timely notification of property rights proceedings through a single, easily accessible electronic platform.

Objective 2: The caseload management (CFM) reforms PRP has been piloting in its three Courts of Merit (CoM’s) 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, Seven of PRP’s nine LA’s have been hired, or selected to be hired, by the Courts of Merit for permanent positions as legal associates. This will help to ensure that the caseload management reforms developed by PRP with the CoM’s will become institutionalized in those courts.

PRP is also moving forward with its initiative with the Supreme Court to assist in the development of 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. A complete first draft of the Guidelines is now under review. Work also proceeded on schedule to produce a comprehensive civil practice guide that combines PRP’s *Practical Guide on the Adjudication of Property Rights Cases in Kosovo* with USAID JSSP’s *Bench Book*.

PRP also entered into a Memorandum of Understanding with the Kosovo Academy of Justice to develop four training modules on property rights topics that will be integrated into the KAJ’s formal curriculum. PRP will also support training based on the modules.

Objective 3: PRP has completed the field work for its third and final (Endline) National Survey on Property Rights. Preliminary findings indicate that positive trends are continuing with respect to women’s property rights and citizens’ knowledge of property rights in general. The number of respondents with negative attitudes to women’s property rights continues to fall; and the percentages of women who are inheriting property and filing inheritance claims in court continue to rise. The respondents also show a very high level of recognition of PRP’s media products in its public information campaign on women’s property rights.

PRP is continuing its national media campaign and grassroots public outreach activities on women’s property rights to reinforce these trends. PRP is also providing 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.

Objective 4: PRP has moved forward a number of initiatives that are designed to improve municipal governments' services to their citizens. PRP has upgraded seven e-kiosks in four municipalities to issue property related documents. The e-kiosks have been tested successfully and will be made available to the public soon. PRP also began active cooperation with six municipalities to support an initiative to enable the municipalities to make municipal land available for commercial lease. To date each municipality has formed an internal Working Group that has identified parcels to be leased.

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MEDIA

PUBLICATIONS

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

Municipality of Viti/na - official webpage

‘A conference was held in Viti/na with the theme: "The role of the schools in education for equality and property rights’

<https://kk.rks-gov.net/viti/news/ne-viti-u-mbajt-konferenca-me-teme-rol-i-shkolles-ne-edukimin-per-barazi-dhe-te-drejta-pronesore/>

December 10, 2018

Radio Kosova e Lirë

‘A conference was held in Viti/na with the theme: "The role of the schools in education for equality and property rights’

<https://www.radiokosovaelire.com/ne-viti-u-mbajt-konferenca-me-teme-rol-i-shkolles-ne-edukimin-per-barazi-dhe-te-drejta-pronesore/>

December 10, 2018

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