

Presentation will be focused in following topics:

- **Draft Law on Treatment of Construction without Permit**
- **SHPRK projects relating to the property rights of Roma Ashkali and Egyptian communities**

Draft Law on Treatment of Construction without Permit

What is relevant for Roma, Ashkali and Egyptian community?

- ✓ Municipal one stop shop
- ✓ Proper information of IDP-s,
- ✓ Lower legalization fees



- ✓ **What is the legalization law relevant for Roma, Ashkali and Egyptian community?**
- First of all the Law - Law does not give any of the solutions based on national affiliation, but treats all citizens equally
- ***The purpose of this Law is to:***
 - treat comprehensively constructions without permit built until the date this Law enters into force;
 - create simplified procedures to enable legalization and to help citizens realize benefits from their constructions;
 - provide services through a One Stop Shop for legalization and registration of buildings and parts of buildings in the Cadaster, and registration of the owner of the unpermitted construction and parts of buildings in the Immovable Property Rights Registry;
 - identify constructions without permit so as to enable municipalities better planning and better provision of services for the residents in their territory.

✓ **What is relevant for Roma, Ashkali and Egyptian community?**

✓ **. Municipal ‘One Stop Shop’**

- provide services through a One Stop Shop for legalization and registration of buildings and parts of buildings in the Cadaster, and registration of the owner of the unpermitted construction and parts of buildings in the Immovable Property Rights Registry

- Definition of Pending List:

“Pending list” – a list of constructions without permit identified under this Law that will begin treatment after resolving property issues or that will be treated under special programs drafted by the Ministry and approved by the Government in accordance with Article 10 of this Law

✓ **Proper information of IDP-s,**

- Based on the new Law for Treatment of Construction Without Permit Ministry of Communities and Returns (MCR is responsible to conduct an awareness and communication campaign for communities, including returnees and displaced persons, and inform them of the requirements of this Law;
- To support MESP in setting out procedures for notification regarding demolition also to support competent bodies on identification and distribution of the notice for demolition.
- MCR is responsible to cooperate with local and international institutions and organizations for the implementation of these responsibilities to ensure the protection of human rights.
- Ministry of Diaspora and Strategic Investments (MDSI), is responsibility to conduct a communication campaign for diaspora members to inform them of the requirements of this law; supporting MESP in setting out procedures for notifying the Diaspora members about legalization

Fees for Legalization

- Fee for legalization of Category I constructions without permit and Category II constructions without permit that are houses is one euro per square meter (1€/m²).
- Fee for legalization of the following types of constructions without permit is two euros per square meter (2€/m²):
 - ❖ category II constructions that are not houses;
 - ❖ interventions in buildings with permits.



**Methodology table for legalization developed for Pristina as a
municipality with highest number of constructions without
permit in Kosovo**

No	Phase	Number of cases	Estimated cumulative time per one case (hours)	Estimated cumulative time per all expected applications		Number of staff required to process the applications within 2 years	Professional profiles
				Working days	Years		
1	ONE STOP SHOP - Preliminary review and accepting of applications	58683	0.25	2095.8	9.1	5	Architecture, Civil engineering, Geodesic surveyor
2	Verifying the time of construction	58683	0.25	2095.8	9.1	5	(as above)
3	Verifying the documents that prove the property rights & Verifying the declaration of the owner	58683	0.5	4191.6	18.2	9	Legal
4	Verifying the measurements	58683	0.3	2515.0	10.9	5	Architecture, Civil engineering, Geodesic surveyor
5	Informing the applicant on fees	58683	0.15	1257.5	5.5	3	Administration
6	Unfinished CWP - Procedure for issuing the Legalization permit for completion of construction	4100	14	8200.0	35.7	18	Architecture, Civil engineering, (Optional: Hydro, Electrical, Mechanical installations, Fire safety)
7	Unfinished CWP - First inspection	4100	3	1757.1	7.6	4	(as above)
8	Unfinished CWP - Final inspection and verifying and accepting final measurements	4100	3	1757.1	7.6	4	(as above)
9	Marking as "legalized" in the Legalization Database; Registering in Cadaster and IPRR	58683	0.5	4191.6	18.2	9	Architecture, Civil engineering, Geodesic surveyor
10	Issuing the legalization certificate and documents that verify registration in the Cadaster and IPRR	58683	0.25	2095.8	9.1	5	Architecture, Civil engineering,



PROJECT:

Raising awareness and providing free legal aid for cases of illegal constructions in the municipalities of Prishtina and Gjilan



<http://www.shprk.org/>

<http://www.osce.org/>

Purpose of the project:

- ✓ Raise awareness among the population, to stimulate co-operation with the municipalities;
- ✓ Further prevention of illegal constructions in urban and rural areas and support for solving pending applications;
- ✓ Conduct surveys in both municipalities, and
- ✓ Provide free legal aid for 20





PROJECT:

Property Rights of the Roma Ashkali
and Egyptian (RAE) Community in
Roma Mahala Mitrovicë/a



<http://www.shprk.org/>

<http://www.drc-kosovo.org/>

The project through DRC was supported by Irish Aid and Sida



<http://www.irishaid.gov.ie/>

<http://www.sida.se/English>

“Everyone has the right to adequate housing” Pinheiro Principles



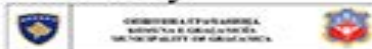
Supported by:

Kingdom of the Netherlands
Ministry of Foreign Affairs

Implemented by:



Facilitated by:



PHUVJAKORO HAKO ROMENGE, ASKALIJENGE THAJ EGIPCANJENGE ANI GRACANICA.

Ko nakhavol o projekti:

O projekti ka avol nakhavdo kotari nevladina organizacija, Socijalno Besipe e Phuvjakoro Hako ano Kosovo. Financijski podrrzinol i Holandijisko Ambasada ani Prishtina.

So manglape te kerdol akale projektija:

O resipe e projektiso si vazo besipe analizirinol i situacija vazo phuvjakoro hako sa okolenge kola djivdinen ani romani mahala ki Gracanice.



So maglape tumendar te saj oven kotore e projektoso:

Sa o ljila e phuvjakere kotar o than kaj akan djivdinen thaj sa o ljila kola tumen pocindjen vasi komunalija anne mahatno dalisi o ljila upro tumaro anav ili na.

Kaj organizinolpe o besipe:

O besipe ka organizinolpe ano edukativno centro ki romanio mahala.



Ako situmen pucipe vašo projecti šaj vikininen e Sejade ko broj 049 583 900



PROJECT:

Property Rights of the Roma
Ashkali and Egyptian Community in
Roma Mahala Mitrovicë/a



❑ Specific Project Objectives:

- ❖ Awareness raising among RAE community in Roma Mahala as project beneficiaries and legal education through workshops for their property rights;
- ❖ Individual visit to the property right holders private houses and socially allocated apartments where the SHPRK should collect and copy all property documents from (PRH);
- ❖ Statistics
- ❖ Data base developed by SHPRK for Roma Mahala, based on the collected documents from the RAE community.
- ❖ Representing 3 cases in the Municipal Court until their final decision.
- ❖ Recommendation letter issued by SHPRK to each PRH in Roma Mahala, which will help and guide them for legal assistance in the future.

“Everyone has the right to adequate housing” Pinheiro Principles



PROJECT:

Property Rights of the Roma Ashkali and Egyptian Community in Roma Mahala Mitrovicë/a



Summary of beneficiaries:

- ❖ In 2006-2007, 72 RAE families benefited socially allocated apartments by signing the tripartite agreement with Norwegian Church Aid (NCA) <http://www.kirkensnodhjelp.no> as donor and Mitrovica Municipality as buildings administrator. Beneficiaries was exclusively families who used to live before 1999 in Roma Mahala.
- ❖ In 2007, 54 families benefited by signing the tripartite agreement with Danish Refugee Council (DRC) <http://www.drc-kosovo.org/> as donor and Mitrovica Municipality as administrator. These 54 families were accommodated in 36 houses. Beneficiaries was exclusively families who could proof by any evidence the right over the land were they used to have their private houses before 1999.
- ❖ In 2010, the reconstruction project supported by USAID, <http://www.usaid.gov/kosovo> and implemented by Mercy Corps <http://www.mercycorps.org> constructed 150 houses for the Roma Ashkali and Egyptian community.
- ❖ In the end of Mercy Corps project, the housing issue for 276 families of RAE community in Roma Mahala is solved.





PROJECT:

Property Rights of the Roma
Ashkali and Egyptian Community in
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❖ SHPRK recommendations for Mitrovica Municipality

- The RAE community needs different issue to discuss with the authorities, therefore, Municipality should have better presence and play proactive role in Roma Mahala...
- Solution for the sold apartments should be found in accordance with the applicable Laws in Kosovo;
- Tripartite agreement (contracts on lease) for the apartments should be amended in the part where the beneficiary have the right to sell the apartment, and explained to the RAE community that the old contracts are not valid from the date of entering into force the new contracts;
- The Municipal Cadastre Office should help RAE community to find their property rights documents;





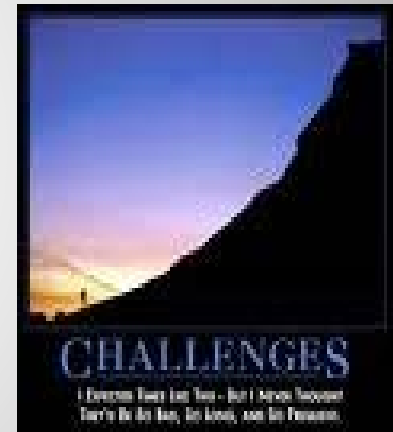
PROJECT:

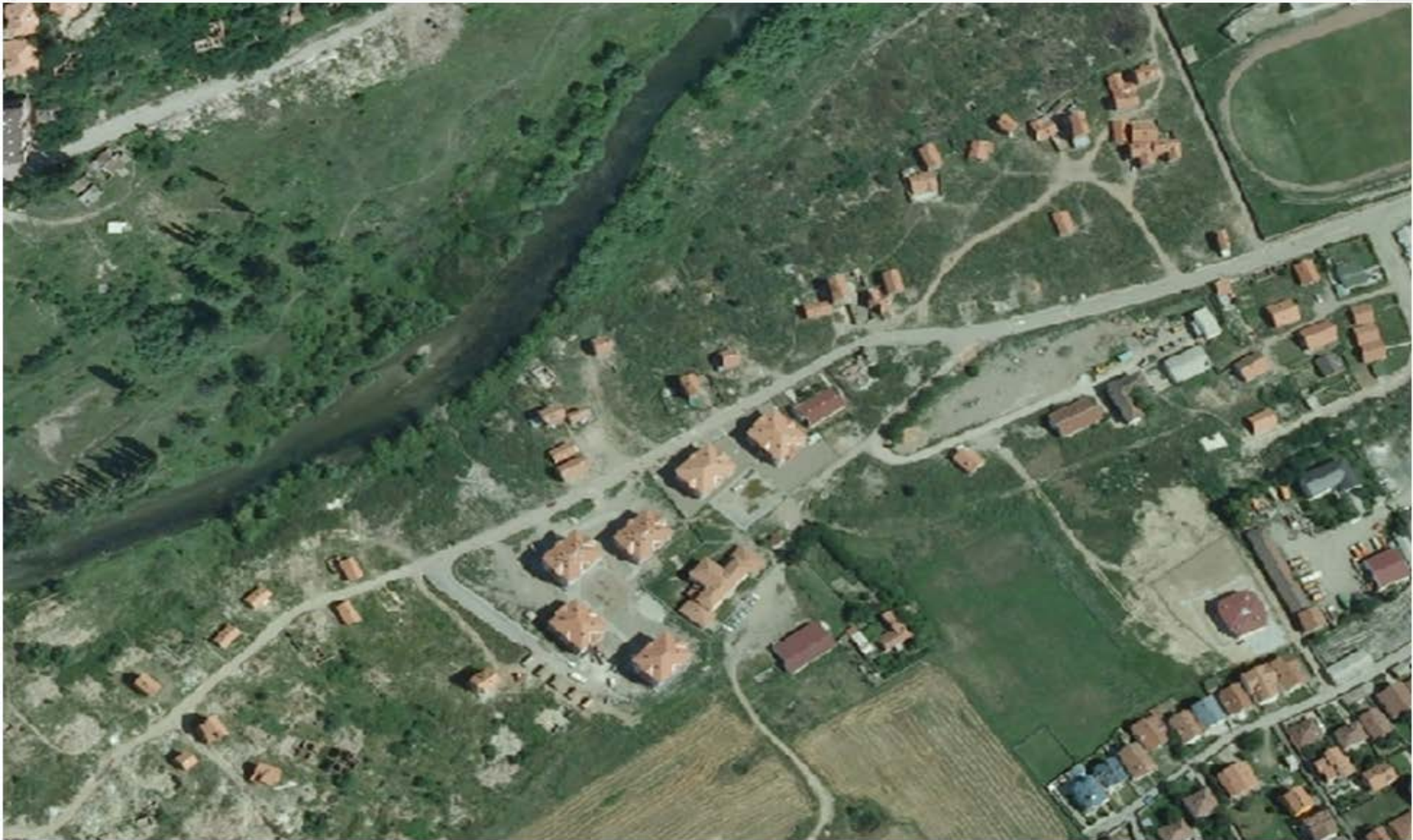
Property Rights of the Roma
Ashkali and Egyptian Community in
Roma Mahala Mitrovicë/a



❖ CHALLENGES which needs support:

- Restitution of the property rights whenever it is challenged by any form of illegal occupation;
- Accomplishment of the property documents;
- Free legal aid for those who cannot pay legal representation.





ROMA MAHALA IN 2009







Roma Street - Gračanica