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**Institutional Building Support
to Management Unit/Refugees and IDPs
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LEGISLATIVE FRAMEWORK

1. Collection of relevant legislation: International Standards

INT-STAN-01. UN Principles of Housing and Property Restitution for Refugees and Displaced Persons¹

Adopted on June 28 2005.

- Description: UN Principles of housing and property restitution. This is the new standard in property restitution area. These principles establish the right of refugees and internally displaced persons to return freely to their original homes or places of habitual residence in safety and dignity coupled with their right to adequate housing and property restitution

INT-STAN-02. The Universal Declaration on Human Rights

(General Assembly Resolution 217 A (III), United Nations document A/810 (1948) at 71)

Adopted on 10.12.1948

- Description: recognizing—for everyone, not just refugees—the rights of freedom of movement and residence, including the right to leave any country (Art. 13), private property (Art. 17), and the right to work (Art. 23).

INT-STAN-03. The European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols

213 U.N.T.S. 221 (1950)

Adopted on: 4.11.1950, entered into force on 3 September 1953.

- Description: Article 1 of Protocol 1 and Article 8 are particularly important for property rights protection while Articles 6,13 and 14 are relevant for case litigation.

INT-STAN-04. The International Covenant on Civil and Political Rights and its two Optional Protocols²

(General Assembly Resolution 2200 A (XXI), U.N. GAOR, twenty-first session, Supp. No. 16, at 52, United Nations document A/6316 (1967))

Adopted on 16.12.1966, entered into force 23 March 1976

- Description: recognizing the right to freedom of movement and residence, including the right to leave any country (Art. 12).
- Excerpts: Article 17.1 states that: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.”

¹ Adopted by the United Nations Sub-Commission on the promotion and protection of Human Rights

² Optional Protocol to the International Covenant on Civil and Political Rights, General Assembly Resolution 2200 (XXI) adopted on 16 December 1966, U.N. GAOR, twenty-first session, Supp. No. 16, at 59, United Nations document A/6316 (1966), 999 U.N.T.S. 302, *entered into force* 23 March 1976; Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, General Assembly Resolution 44/128 *adopted* on 15 December 1989, U.N. GAOR, forty-fourth session, Supp. No. 49, at 206, United Nations document 14668, 999 U.N.T.S. 302, *entered into force* 11 July 1991.

INT-STAN-05. The International Covenant on Economic, Social and Cultural Rights

General Assembly Resolution 2200 A (XXI) U.N. GAOR, twenty-first session, Supp. No. 16, at 49, United Nations Document A/6316 (1967), 993 U.N.T.S. 3.

Adopted on 16.12.1966, entered into force 3 January 1976

- Description: Articles 2 and 11 are important in the protection of the right to home

INT-STAN-06. The International Convention on the Elimination of All Forms of Racial Discrimination

660 U.N.T.S. 195

Adopted on 21.12.1965, entered into force 4 January 1969

- Description: As it is well documented that refugees and IDPs are often subject to discrimination. The convention obliges States “to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... (e) ... (iii) the right to housing”.

INT-STAN-07. The Convention on Elimination of All Forms of Discrimination Against Women

General Assembly Resolution 34/180, U.N. GAOR, thirty-fourth session, Supp. No. 46, at 193, United Nations Document A/34/46 (1980), reprinted in 19 I.L.M. 33 (1980).

Adopted on 17.12.1979, entered into force 3 September 1981

- Description: Provides special protection to refugee and IDP women

INT-STAN-08. The International Convention on the Rights of the Child

General Assembly Resolution 44/25, U.N. GAOR, forty-fourth session, Supp. No. 49, at 166, United Nations document A/44/49 (1990), reprinted in 28 I.L.M. 1448 (1989)

Adopted on 20.12.1989, entered into force 2 September 1990.

- Description: Provides special protection to refugee and IDP children

INT-STAN-09. The UN Guiding Principles on Internal Displacement

(E/CN.4/1998/53/Add.2, 11 February 1998)

Adopted on 11 February 1998

- Description: The Principles have been recognized by the international community as an important tool and standard for addressing situations of internal displacement. Developed at the request of governments, as expressed in resolutions of the United Nations General Assembly and Commission on Human Rights, the 30 principles provide a normative framework for internal displacement.³

INT-STAN-10. The 1951 Convention Relating to the Status of Refugees

189 U.N.T.S. 150

Adopted on 28 July 1951, entered into force on 22 April 1954. The former Yugoslavia had signed and ratified the Convention on 28 July 1951 and 15 December 1959, respectively declaring that it considered itself bound by alternative (b) of Section B (1) of the Convention

Croatia: succession 12 Oct 1992

S&M: 12 Mar 2001

- Description: establishes the rights to wage-earning employment (Art. 17), self-employment (Art. 18), the practice of professions (Art. 19), private property (Art. 13), freedom of movement and residence (Art. 26), travel documents (Art. 28) and housing (Article 21).

³ United Nations General Assembly, Resolution 58/177 of 2004, para. 7; and United Nations Commission on Human Rights, Resolution 2004/55 of 2004, para. 6.

INT-STAN-11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Commission on Human Rights resolution 2003/48

Adopted on 23 April 2003.

- Description: according to which migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to ... (d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents. (see Article 43.1).

INT-STAN-12. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

General Assembly Resolution 39/46, U.N. GAOR, thirty ninth session, Supp. No. 51, at 197, United Nations Document A/39/51 (1985),

Entered into force 26 June 1987.

INT-STAN-13. European Social Charter

529 U.N.T.S. 89

Adopted on 18 October 1961, entered into force 26 February 1965.

- Description: Provides for: The right to protection of health (Article 11); The right to social security (Article 12); The right to social and medical assistance (Article 13); The right to benefit from social welfare services (Article 14); The right of the family to social, legal and economic protection (Article 16). All these rights are important for integration purposes.

INT-STAN-14. The 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in time of War

Adopted on 12 August 1949, entry into force 21 October 1950

- Description: article 44 is important as it aims at the protection of civilian victims, deals with refugees and displaced persons.

INT-STAN-15. The 1977 Additional Protocol to the Geneva conventions

Adopted on 8 June 1977, Entry into force: 7 December 1978.

- Description: stipulates that refugees and stateless persons shall be protected persons under parts I and III of the Fourth Geneva Convention (see: Article 73)

INT-STAN-16. The 1967 United Nations Declaration on Territorial Asylum

G.A. res. 2312 (XXII), 22 U.N. GAOR Supp. (No. 16) at 81, U.N. Doc. A/6716 (1967).

Adopted on 14 December 1967

- Description: lays down a series of fundamental principles in regard to territorial asylum. It upholds the basic humanitarian principle of non-refoulement and recalls articles 13 and 14 of the Universal Declaration of Human Rights, which spell out, respectively, the right to leave any country and to return to one's country and the right to seek and enjoy asylum.

INT-STAN-17. Framework Convention for the Protection of National Minorities

ETS No. 157

Adopted on 1 February 1995, entered into force on 2 January 1998

- Description: Important for certain groups of IDPs/returnees since it establishes standards and mechanisms for the protection of national minorities.

INT-STAN-18. European Charter for Regional or Minority Languages

ETS No. 148

Adopted on 5 November 1992, entered into force on 1 March 1998

- Description: Establishes standards for protection of regional and minority languages in order to secure the equality between those who use the regional and minority languages and the rest of population. Important for those groups of IDPs/refugees whose mother tongue is not an official language at the territory of return/displacement.

2. Collection of relevant legislation /international and national/ on SFRY

A. Property restitution

SFRY-PROP-01. Law on basic property relations ⁴

(Official gazette SFRJ No. 6/80)

Entered into force on 1.9.1980

- Description: This is a framework law on property issues. It defines all legal entities than can be holders and subjects of property rights.

SFRY-PROP-02. Law on obligations ⁵

(Official gazette SFRJ No. 29/78, 39/85, 57/89 and Official gazette of SRJ 31/93)

Entered into force on 1.10.1978

- Description: Important for civil suits regarding property rights.

SFRY-PROP-03. Law on civil procedure ⁶

(Official gazette SFRJ No. 4/77, 36/80, 69/82, 58/84, 74/87, 57/89)

Entered into force on 1.7.1977

- Description: Establishes the procedure to follow regarding the law on obligations.

SFRY-PROP-04. Law on executive procedure ⁷

(Official gazette SFRY No. 20/78)

Entered into force on 1.9.1978

- Description: Important for enforcement of administrative, court and minor offences decisions. Important for enforcement of property restitution decisions.

SFRY-PROP-05. Law on administrative procedure ⁸

(Official gazette SFRY No. 52/56, Consolidated text Official gazette SFRJ No. 47/86)

Entered into force on 15.8.1986

⁴ This law is applicable in Kosovo.

⁵ This law is applicable in Serbia including Kosovo with exception of changes made in 1993.

⁶ This law is applicable in Kosovo.

⁷ This law is applicable in Kosovo.

⁸ This law is applicable in Kosovo.

- Description: Important as it regulates the administrative procedure, crucial for property rights claims.

SFRY-PROP-06. Law on administrative disputes⁹

(Official gazette SFRY, No. 4/77 and 36/77)

Entered into force on 1.7.1977

- Description: Second instance cases for administrative procedure – important for property claims.

SFRY-PROP-07. Basic Law on expropriation

(Official gazette FRY, No. 28/47)

Entered into force on 1947

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization.

SFRY-PROP-08. The Law on the Agrarian Reform and Colonization

(Official Gazette of the Democratic Federal Yugoslavia, No. 64/45, Official Gazette of the Federal People's Republic of Yugoslavia, Nos. 24/46, 101/47, 105/48, 21/56, 55/57, 10/65)

Entered into force on 1945

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization.

SFRY-PROP-09. The Law on the Confirmation and Amendments of, and Supplements to the Law on Treating the Property that had to be Left by their Owners During the Occupation and the Property Dispossessed of them by the Occupiers and their Accomplices

(Official Gazette of the Federal People's Republic of Yugoslavia, Nos. 64/46, 105/46, 88/47, and 99/48)

Entered into force on

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization.

SFRY-PROP-10. The Law on Nationalization of Private Economic Enterprises

(Official Gazette of the Federal People's Republic of Yugoslavia, Nos. 98/46, 35/48)

Entered into force on 1946

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization.

SFRY-PROP-11. Law on Property Confiscation and Implementation of the Confiscation

(Official Journal of FNRJ No. 40/45 and 70/45)

Entered into force on 1945

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization. It is the basis of the nationalization process post-WW2.

⁹ This law is applicable in Kosovo.

SFRY-PROP-12. The Law on the Confirmation and Amendments of, and Supplements to the Law on Property Confiscation and Implementation of the Confiscation

(Official Gazette of the Federal People's Republic of Yugoslavia, No. 61/46)

Entered into force on 1946

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization.

SFRY-PROP-13. The Law on Nationalization of Hired Buildings and Building Sites

(Official Gazette of the Federal People's Republic of Yugoslavia, No. 52/58),

Entered into force on 1958

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization.

SFRY-PROP-14. The Law on Converting the Enemy's Property into State Ownership, and on Sequestration of the Property of Absentees

(Official Gazette of the Federal People's Republic of Yugoslavia, Nos. 63/46, 74/46)

Entered into force on 1946

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization. It is the basis of the nationalization process of certain categories of properties post-WW2.

SFRY-PROP-15. The Law on the Protection of the Public and State Managed Property

(Official Gazette of the Federal People's Republic of Yugoslavia, No. 86/46)

Entered into force on 1946

- Description: This law is important for the understanding of the concept of socially owned property.

SFRY-PROP-16. The Regulation on Land Consolidation of Agricultural Holdings

(Official Gazette of the Federal People's Republic of Yugoslavia, No. 99/46)

Entered into force on 1946

- Description: This law is important for restitution of commercial property of pre-war owners

SFRY-PROP-17. The Regulation on Property Relations and Reorganization of the Farming Cooperative

(Official Gazette of the Federal People's Republic of Yugoslavia, No. 14/53)

Entered into force on 1953

- Description: This law is important to understand agricultural property issues.

SFRY-PROP-18. The Basic Law on the Farming Land Exploitation

(Official Gazette of the Federal People's Republic of Yugoslavia, Nos. 43/59, 53/62, Official Gazette of the Socialist Federal Republic of Yugoslavia, Nos. 10/65, 25/65, 12/67, 14/70)

Entered into force on 1959

- Description: This law is important to understand agricultural property issues.

SFRY-PROP-19. Law on co-operative

(Official gazette SFRJ No. 3/90)

Entered into force on 17.1.1990

- Description: Important for commercial property as far as it regulates a specific means of production based on co-ownership.

SFRY-PROP-20. Law on enterprises

(Official gazette SFRJ No. 77/88 and 46/89 and 46/90)

Entered into force on 1.1/1989

- Description: Important for non-residential property issues

SFRY-PROP-21. Law on extensive reproduction and invested work

(Official gazette SFRJ No. 21/82)

Entered into force on 23.4.1982

- Description: This law is important to understand the status of recognized and acquired rights of IDPs and refugees through employment.

SFRY-PROP-22. Law on Socially-owned Capital

(Official gazette SFRJ No. 84/89 and 46/90)

Entered into force on 21.12.1989

- Description: This Law is important for IDPs and refugees regarding socially owned apartments (property) and participation in privatisation

SFRY-PROP-23. Law on cooperatives for building and apartment's management for needs of the employees and federal officials

(Official gazette SFRJ No. 36/75)

Entered into force on 25.7.1975

- Description: This law is important for previous members (employees) of the federal government as it regulate military socially owned property.

SFRY-PROP-24. Law on cooperatives for building and apartment's management for needs of the military and non-military personnel in army forces of SFRJ

(Official gazette SFRJ No. 36/75)

Entered into force on 25.7.1975

- Description: This law is important as it regulates socially owned property allocated to the military.

SFRY-PROP-25. Decision Banning Temporarily the Return of Colonists to their Former Living Places

(Official Gazette of the Democratic Federal Yugoslavia, No. 26/45)

Entered into force on

- Description: Important to understand the nationalization process post-WW2 and the concept of socially owned property and subsequent recent privatization. This decision is important for pre-war owners from Kosovo.

B. Return

SFRY-RET-01. Law on movement and stay of aliens

(Official gazette SFRJ No. 56/80, 53/85, 30/89, 26/90)

Entered into force on 3.9.1980

- Description: Important as it regulates rights of aliens in SFRJ. Most successor states have their own laws modelled to the certain extent on this one.

SFRY-RET-02. Law on SFRY citizenship

(Official gazette SFRJ No. 58/76)

Entered into force on 31.12.1976

- Description: Important as regulate SFRY citizenship issues. Has an important consequence on successor states citizenship as former republics citizenship has been taken into account for granting new citizenship.

SFRY-RET-03. Law on employment conditions for alliance

(Official gazette SFRJ No. 11/78)

Entered into force on 28.2.1978

- Description: This law regulates the conditions for employment of aliens in SFRY.

SFRY-RET-04. Law on census of population, apartments, households and agricultural land of individuals in 1991

(Official gazette SFRJ No. 3/90,72/90)

Entered into force on 17.1.1990

- Description: This Law is important as a starting point for the protection of acquired rights as the data gathered serves as evidence and record for their recognition.

SFRY-RET-05. Law on census of population, apartments, households and agricultural land of individuals in 1981

(Official gazette SFRJ No. 41/80)

Entered into force on 25.7.1980

- Description: This Law is important as a starting point for the protection of acquired rights as the data gathered serves as evidence and record for their recognition.

SFRY-RET-06. Law on provision of housing for needs of qualified workers and displaced on SAP Kosovo for period 1989–1993 for year 1989

(Official gazette SFRJ No. 9/90)

Entered into force on 14.2.1990

- Description: Important for IDPs from Kosovo

SFRY-RET-07. Criminal law

(Official gazette SFRJ No. 44/76, 34/84)

Entered into force on 30.10.1976

- Description: Certain provisions are relevant for refugees and IDPs

SFRY-RET-08. Law on criminal procedure

(Official gazette SFRJ No. 4/77 and Consolidated text Official gazette SFRJ No. 26/86)

Entered into force on 1.7.1977

- Description: Regulates procedures to follow on criminal cases

SFRY-RET-09. Regulation on financial aid, health insurance of aliens which acquired refuge status

(Official gazette SFRJ No. 22/75)

Entered into force on 30.4.1975

- Description: Important as it regulates rights of aliens in SFRJ.

3. Collection of relevant legislation /international and national/ on Croatia

A. International

CRO-INT-1. Security Council Resolution 1009 (1995)

U.N. Doc. S/RES/1009 (1995)

Adopted by the Security Council at its 3563rd meeting, on 10 August 1995.

- Description: acting under Chapter VII of the Charter of the United Nations, the UNSC demands that Croatia "respect fully the rights of the local Serb population to remain, leave, or return in safety."

CRO-INT-2. Security Council Resolution 1079 (1996).

U.N. Doc. S/RES/1079 (1996).

Adopted by the Security Council at its 3712th meeting, on 15 November 1996

- Description: acting under Chapter VII of the Charter of the United Nations, the UNSC urges the Republic of Croatia and the local Serb community to avoid actions which could lead to refugee movements and in the context of the right of all refugees and displaced persons to return to their homes of origin, reaffirms the right of all persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia.

CRO-INT-3. Security Council Resolution 1120 (1997)

U.N. Doc. S/RES/1120 (1997)

Adopted by the Security Council at its 3800th meeting, on 14 July 1997

- Description: Reaffirms right of return for Serbian refugees to Croatia and calls on Croatia to change certain policies that obstruct this right, and to treat its citizens equally regardless of ethnic origin.

CRO-INT-4. Security Council Resolution 1019 (1995)

U.N. Doc. S/RES/1019 (1995)

Adopted by the Security Council at its 3591st meeting, on 9 November 1995

- Description: Reiterates its demand that the Government of the Republic of Croatia respect fully the rights of the local Serb population including their right to remain or return in safety and reiterates also its call upon the Government of the Republic of Croatia to lift any time-limits placed on the return of refugees to Croatia to reclaim their property;

CRO-INT-5. Security Council Resolution 1037 (1996)

U.N. Doc. S/RES/1037 (1996)

Adopted by the Security Council at its 3619th meeting, on 15 January 1996

- Description: acting under Chapter VII of the Charter of the United Nations, the UNSC decides that the military component of UNTAES shall consist of a force with an initial deployment of up to 5,000 troops which will have the following mandate: (b) To monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees, as provided for in the Basic Agreement.

CRO-INT-6. Security Council Resolution 1145 (1997)

U.N. Doc. S/RES/1145 (1997).

Adopted by the Security Council at its 3843rd meeting on 19 December 1997

- Description: Reaffirms the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia, and calls upon the Government of the Republic of Croatia to remove legal obstacles and other impediments to two-way returns, including through the resolution of property issues, the establishment of straightforward procedures for returns (...). It also stresses that the achievement of the long-term goals for the Region established by the Security Council depends upon the commitment of the Government of the Republic of Croatia to the permanent reintegration of its Serb citizens (...).

CRO-INT-7. Security Council Resolution 947 (1994)

U.N. Doc. S/RES/947 (1994)

Adopted by the Security Council at its 3434th meeting, on 30 September 1994

- Description: acting under Chapter VII of the Charter of the United Nations, the UNSC affirms the right of all displaced persons to return voluntarily to their homes of origin in safety and dignity with the assistance of the international community.

CRO-INT-8. Agreement on succession issues

(O.G. Int. Contract 2/2004) ¹⁰

Signed on 29.06.2001. Entered into force on March 25 2004

- Description: Multilateral succession agreement between the five successor States to the former Socialist Federal Republic of Yugoslavia, which is important for Refugees since it regulates pensions and property restitution issues.

CRO-INT-9. Treaty between the Republic of Croatia and the Federal Republic of Yugoslavia on legal, civil and criminal matters

(O.G. 1/98 Int. Contract)

Entered into force on March 14th 1998

- Description: Bilateral agreement on legal aid in civil and criminal matters. This is a basic agreement relevant for the recognition of trans-national property transactions and legal aid. It is highly relevant for refugees.

CRO-INT-10. Treaty between the Republic of Croatia and the Federal Republic of Yugoslavia on social insurance

(O.G. 14/01,10/03)

Signed July 15th 1997. Entered on force May 5th 2003 ¹¹

¹⁰ Each successor State, on the basis of reciprocity, shall take the necessary measures in accordance with its internal law obligations to ensure that the provisions of this Agreement are recognized and effective in its courts, administrative tribunals and agencies, and that the other successor States and their nationals have access to those courts, tribunals and agencies to secure the implementation of this Agreement.

¹¹ However, Croatia only began applying this agreement from May 5th 2005.

- Description: Bilateral agreement on social security and one of the main documents for the regulation social situation for refugee, concerning economic benefits.

CRO-INT-11. General Administrative Agreement on the implementation of the Agreement between the Republic of Croatia and the Federal Republic of Yugoslavia on social insurance

(O.G. 10/2003)

Signed on March 18th 2003.

- Description: Bilateral agreement on social security and one of the main documents for the regulation of social insurance issues regarding refugees and which provides them with certain economical benefits.

CRO-INT-12. Advisory committee on the framework convention for the protection of national minorities Opinion on Croatia ACFC/INF/OP/I(2002)003

Adopted on April 6 2001

- Description: Relevant for the members of the minorities who are the refugees related to Framework convention for the protection of national minorities

CRO-INT-13. Second report submitted by croatia pursuant to article 25, paragraph 1 of the framework convention for the protection of national minorities 2004 ACFC/SR/II(2004)002

(Received on 13 April 2004)

- Description: Relevant for the members of the minorities who are the refugees related to Framework convention for the protection of national minorities

CRO-INT-14. Advisory committee on the framework convention for the protection of national minorities ACFC/OP/II(2001)2 Strasbourg, April 6 2001

- Description: Relevant for the members of the minorities who are the refugees, related to the Framework convention for the protection of national minorities

CRO-INT-15. Second report submitted by Croatia pursuant to article 25, paragraph 1 of the framework convention for the protection of national minorities ACFC/SR/II (2004) 002 Croatian version

(Received on 13 April 2004)

- Description: Relevant for the members of the minorities who are the refugees related to Framework convention for the protection of national minorities

B. Property restitution

CRO-PROP-01. Protocol on the procedure for organized return between the Republic of Croatia and the Federal Republic of Yugoslavia

(O.G. 92/98)

Signed on 2.4.1998.

- Description: Bilateral agreement on return that sets activities and procedures for organized, two-way return in an organized, mutually agreed and coordinated manner.

CRO-PROP-02. Law on Ratification of Agreement between Serbia and Montenegro and the Republic of Croatia on the protection of the Croatian minority in Serbia and Montenegro and Serbian and Montenegrin minority in the Republic of Croatia

(O.G. 3/2005)

Signed on 15.11.2004.

- Description: Bilateral agreement on the protection of minorities in accordance with European standards. It is important because minority rights are a precondition for sustainable return and successful integration in the communities of return.

CRO-PROP-03. Return Program for Expellees, Refugees and Displaced persons

(O.G. 92/98)¹²

Adopted on July 07.1998

- Description: Basic document containing specific rules for return and property restitution related issues. Later changed.

CRO-PROP-04. The Law on Areas of Special State Concern

(26/03)¹³

Adopted on the 20.06.2003

- Description: Specific law applicable in the so-called "areas of special state concern". This law has a crucial role related to restitution of property in these areas it differs from the law applicable in the rest of the country.

CRO-PROP-05. Consolidated Law on Housing Relations (with subsequent amendments)

(O. G. 51/85 42/86, 37/88, 47/89, 22/92, 58/93)¹⁴

Amended several times from 1985 till 1993

- Description: The basic law on housing relations is the basic regulation for tenancy/occupancy rights issues.

CRO-PROP-06. Law on leasing of apartments

(O.G. 91/96)

Adopted on the 23.06.1996

- Description: Relevant to understand the privatization process of socially owned apartments.

CRO-PROP-07. Law on Transformation of Social Companies

(O.G.19/91, 83/92, 84/94, 94/93, 2/94)

Adopted on the 23.04.1991 and Amended several times from 1991 to 1995.

- Description: Relevant for property rights as it relates to the participation in the process of privatization of share bonds etc...

CRO-PROP-08. Privatisation Act

(O.G. 21/96, 71/97, 73/00)

Adopted on March 14.1996

- Description: Relevant to understand the privatization process of socially owned apartments and public companies.

¹² The Law on Changes and Amendments of the Law on Areas of a Special State Concern (N.N. 88/02) amends points 9,10 and 14 of the program (regarding property issues in the procedures for return).

¹³ Consolidated text

¹⁴ Relevant for cancellation of tenancy rights in Croatia.

CRO-PROP-09. Consolidated Law on Reconstruction

(O.G. 24/96,54/96,97/06, 57/00) ¹⁵

Adopted on March 26.03.1996. First version adopted on July 08.07.1996

- Description: Relevant for the reconstruction of refugees' private houses in Croatia.

CRO-PROP-10. Law on Land Books

(O.G. 91/96)

Adopted on October 28. 1996

- Description: Crucial for the registration and identification of real property

CRO-PROP-11. Law on temporary use of apartments

(O.G. 66/91)

Adopted on December 9th 1991

- Description: Relevant for the tenancy or occupancy rights issues

CRO-PROP-12. Law on the Sale of Apartments on which Tenancy Rights exist

(O.G. 43/92 - edited text, 62/92, 25/93, 48/93, 2/94, 44/94 and 58/95)

Adopted on July 7th 1992

- Description: Crucial for the registration and identification of real property

CRO-PROP-13. Law on leasing flats on the liberated territory

(O.G. 73/95)

Adopted on September 27th 1995

- Description: Relevant for the tenancy or occupancy rights issues on area located inside the areas of special state concern

CRO-PROP-14. Law on ownership and other related rights

(O.G. 91/96)

Adopted on October 28. 1996

- Description: Crucial for the identification and publicity of property rights as relevant for their restitution into possession.

CRO-PROP-15. Law on the manner of establishing the criteria for recognition of war damages

(O.G. 61/91, 70/91) ¹⁶

Adopted on November 11, 1991.

- Description: Sets the criteria for recognition of war damages of refugees' private properties, which is a pre-condition for entitlement for reconstruction.

CRO-PROP-16. Rule book on supplying building and installation material from reconstruction loans

(O.G. 62/94,67/04)

Adopted on August 25.1994

¹⁵ Sets the procedure to follow for reconstruction of refugees' destroyed private houses

¹⁶ This law only sets the criteria for designation of war damages. The procedure for reconstruction is regulated in the law on reconstruction (OG: 24/96, 54/96, 97/06, 57/00).

- Description: Relevant for the reconstruction process as it provides for material help to refugees and IDPs.

CRO-PROP-17. Decree on the Agency for Mediation of Real Estate Transactions (APN)

(O.G. 97/98 ¹⁷)

Adopted July 7 1998

- Description: Creates the APN and regulates its activities. The APN is a body that provides with mediation in real estate transactions between the owner and interested domestic natural and legal persons. The APN is authorized to issue loans to domestic natural persons for the purchase of certain real estates.

CRO-PROP-18. Law on Responsibility for Damage caused by Terrorist Act

(O.G. 113/03)

Adopted on July 14.2003

- Description: Sets the procedure and legal grounds for civil suits seeking compensation for war damages done by irregular combatants.

CRO-PROP-19. Law on Responsibility of the Republic of Croatia for Damages caused in former SFRJ

(O.G. 113/03)

Adopted on July 14.2003

- Description: Sets the procedure and legal grounds for civil suits seeking compensation for war damages before the proclamation of independence of the Republic of Croatia in January 15 1992.

CRO-PROP-20. Law on Responsibility of the Republic of Croatia for war damages caused by the Croatian army and police forces

(O.G. 113/03) ¹⁸

Adopted on July 14.2003

- Description: Sets the procedure and legal grounds for civil suits seeking compensation for war damages done by the army and police forces of the Republic of Croatia. This is important for compensation of refugees' destroyed houses.

CRO-PROP-21. Constitutional Court of the Republic of Croatia

Several decisions of the Constitutional Court are directly relevant for refugee/IDPs issues (especially regarding property restitution).

See e.g.. U-III-326/1995; U-III-435/2000, (Official Gazette 56/00); U-III-457/2000, (Official Gazette 131/00) ¹⁹

CRO-PROP-22. Supreme Court of the Republic of Croatia

Several decisions of the Supreme Court are directly relevant for refugee/IDPs issues especially regarding property restitution).

See e.g. Rev 889/04/2 October 27, 2004 Rev 967/2000 January 18.2004, Rev 2178/99.

CRO-PROP-23. The Law on temporary taking over and administration of certain property

(O.G. 53/91)

Adopted on October 8, 1991

¹⁷ The APN had an important impact on return and refugees' properties as it is authorized to purchase refugees' real estates on behalf of the Republic of Croatia and then to assign it to citizens of the Republic of Croatia.

¹⁸ Only applies for war damages produced from August 1990 to June 1996.

¹⁹ All relevant decision regarding property, ect.

- Description: Relevant for the property return and his repossession

CRO-PROP-24. The law on compensation for the property confiscated during communist regime with changes and amendments

(O.G. 92/96 i 90/02) from October 30, 1996 i.e. July 9, 2002

Description: Relevant for achieving property rights of refugees and in particular tenancy rights in apartments placed in buildings that had been the subject of the nationalisation or confiscation procedure.

C. Return

CRO-RET-01. Constitution of the Republic of Croatia

(O.G. 56/90)²⁰

Adopted on 22. December 1990.

- Description: Basic legal act regulating the relations between citizens and the state (fundamental freedoms and rights including right to home, right to property, freedom of movement). It is the highest legal act regulating specific rights of refugees.

CRO-RET-02. Constitutional Law on Rights of National Minorities

(O.G. 155/02)²¹

Adopted on December 23. 2002

- Description: Relevant for minority status in Croatia. Important as returnees will be considered as a minority and will enjoy the rights contain in this law.

CRO-RET-03. Constitutional Court Act 1991

(O.G. 13/91)²²

Adopted on March 21, 1991

- Description: Legal act establishing the procedure before the Constitutional Court of Croatia; important for the protection of all sort of rights related to return through the right to individual petition.

CRO-RET-04. Constitutional Court Act 1999

(O.G. 99/99)

Adopted on 29.09.1999

- Description: Legal act establishing the procedure before the Constitutional Court of Croatia; important for the protection of all sort of rights related to return through the right to individual petition.

CRO-RET-05. Law on the Status of displaced Persons and Refugees

(O.G. 96/93)²³

Adopted on October 25.1993

²⁰ Amended on 2001. especially important are the following: Article 14 [Equality], Article 15 [Rights of Foreigners, Cultural Rights], Article 26 [Equality Before the Powers], Article 32 [Move, Residence, Leave, Return], Article 33 [Asylum], Article 34 [Home, Search], Article 48 [Property, Inheritance] etc..

²¹ See also the Agreement between the Republic of Croatia and Serbia and Montenegro on the protection of the Croatian minority in Serbia and Montenegro and Serbian and Montenegrin minority in the Republic of Croatia

²² Amended in 1999

²³ This refugees status recognition is relevant to the 1992 war and does not follow the criteria for status determination contained in the 1951 refugee convention.

- Description: Relevant for the recognition by the Republic of Croatia of the status of refugees in Croatia.

CRO-RET-06. The Law on Croatian Citizenship

(O.G. 53/91)²⁴

Adopted on June 25, 1991. October, 1991

- Description: Establishes that all citizens of the former SFRY Socialist Republic of Croatia acquire automatically Croatian citizenship (if proved). It also regulates naturalization issues for individuals with other SFRY republics citizenship. This law is very important for refugees as citizenship is often a pre-condition for certain state benefits and it helps return and its sustainability

CRO-RET-07. Amendment on the Law on Croatian Citizenship

(O.G. 53/92)

Adopted on May 13th 1992

- Description: Amends and regulates naturalization issues, establishes a centralized registration office within the Ministry of internal affairs.

CRO-RET-08. Amnesty Law

(O.G. 80/96)

Adopted on 27.09.1996

- Description: Establishes an Amnesty for criminal offences committed during the period of 1990 / 1996 except for war crimes. This is important because refugees do not fear to be prosecuted upon return.

CRO-RET-09. Law on Criminal proceedings

(O.G. 110/95)

Adopted on July 1997. Entered on force 1.08.1998.

- Description: Relevant for reopening proceedings against judgments brought by a court after a trial "in absentia". Many refugees were sentenced "in absentia" without the minimum adversarial proceedings required for fair trial.

CRO-RET-10. Criminal Law

(O.G. 111/97)

Adopted on 16.07.1997. Entered on force on January 1st.1997.

- Description: Relevant for criminal responsibility during the conflict period.

CRO-RET-11. Law on the Passport of Croatian citizens

(O.G. 53/91)²⁵

Adopted on June 25.1991. Entered on force 08.10.1991.

- Description: Important as the issuance of valid travel documents allows refugees to re-enter their country of previous residence and travel to their country of actual residence.

²⁴ Amended in 1992

²⁵ Amendment on 1999

CRO-RET-12. Law on the Identification Cards(O.G. 53/91 ²⁶)

Adopted on June 25.1991. Entered on force 08.10.1991.

- Description: Relevant for resolving refugees' permanent residence issues.

CRO-RET-13. Law on the Identification Cards with amendments(O.G. 11/02 122/02) ²⁷

Adopted on February.2002 and October 18.2002.

- Description: Amends the 1991 law establishing that ID cards only indicate the place of residence of the holder (under the 1991 law ID cards also indicated the personal identification number, the place of birth and permanent residence).

CRO-RET-14. Law on movement and stay of aliens(O.G. 53/91) ²⁸

Adopted on October 8th, 1991

- Description: Relevant for acquiring Croatian citizenship for non-citizens with residence in Croatia as well as those who after return do not acquire citizenship.

CRO-RET-15. Instruction regarding the procedure for revocation of a decision on cancellation of permanent stayAdopted on April 12 2000 ²⁹

- Description: Relevant to persons who are not Croatian Citizens and on 08/10/1991 had residence in the Republic of Croatia.

CRO-RET-16. Law on foreigners(O.G. 109/03) ³⁰

Adopted on July 9. 2003

- Description: Relevant for the status of non- citizens in Croatia. This law is stricter than the 1991 Law on movement and stay of aliens regarding naturalization by residence.

CRO-RET-17. Law on Asylum(O.G. 103/03) ³¹

Adopted on June 26. 2003

- Description: Relevant for the status of non-citizens /refugees in Croatia. It applies generally to asylum seekers and differs from rules specifically aimed at refugees from the 1992 conflict.

CRO-RET-18. Conclusion on Accommodation for Returnees who do not Own a House or an apartment and who lived in socially owned apartments (ex occupancy rights holders) in the Areas of the Republic of Croatia, located outside the areas of special state concern to the state

²⁶ All citizens must have personal identification number with place of birth and permanent residence

²⁷ Only place of residence without PIN

²⁸ Non-citizens with permanent residence have a different status than aliens

²⁹ Ministry of Interior of Republic Croatia

³⁰ Entered on force on January 1st 2004

³¹ Entered on force 1.07. 2004

and the decision regarding the authority of the Ministry for Public works, reconstruction and construction for purchasing apartments for the accommodation of returnees.

(O.G. 100/2003) ³²

Adopted on June 12th 2003

- Description: The housing scheme is meant to help returnees find accommodation under which refugees can be provided, if eligible, with housing in the form of lease of State owned apartments under favorable conditions (the average monthly rent amounts to around € 0,20 per square meter.) or to purchase property for a subsidized price which according to the law on construction is of around 80 percent of the market price. These measures are said to solve the problems relating to accommodation for people who lost their occupancy rights during and in the aftermath of the war.

CRO-RET-19. Implementation plan for housing care of returnees

(O.G.100/03) ³³

Adopted on October 24th 2003

- Description: The housing scheme is meant to help returnees find accommodation under which refugees can be provided, if eligible, with housing in the form of lease of State owned apartments under favorable conditions (the average monthly rent amounts to around € 0,20 per square meter.) or to purchase property for a subsidized price which according to the law on construction is of around 80 percent of the market price. These measures are said to solve the problems relating to accommodation for people who lost their occupancy rights during and in the aftermath of the war. This is the June 2003 conclusion's implementation plan as adopted by the Ministry for Public Works, Reconstruction and Construction (which after December 2004 is called Ministry of Sea, Tourism, Transport and Development). It is relevant for refugees who do not own property and were living in socially owned apartments in areas of the Republic of Croatia that are out of area of a special governmental concern.

CRO-RET-20. The Conclusion on prolonging the deadline for submitting the requests for housing care of returnees who are users of socially owned apartments in areas of the Republic of Croatia that are out of area of special state concern

(O.G. 79/05) ³⁴

Adopted on June 30th 2005

- Description: The application deadline for possible inclusion in the housing program was extended from 31 December 2004 until the 30 June 2005 and then again to the 30 September 2005.

CRO-RET-21. Decree on Returnees' Rights

(O.G. 90/96)

Adopted on April 12th 1996

- Description: Defines the specific rights relevant for returnees.

³² The application deadline for possible inclusion in the housing program was on the 30 September 2005. Eligible candidates are required to have Croatian citizenship. In principle the Croatian Government will try to provide house units in the pre-war municipality. However, this is not secured and returnees might be offered lease under social housing or purchase anywhere in the country. The subsidized price for purchasing property is much higher than the price paid by occupancy rights holders during the privatization process of socially owned property and could amount to more than € 900 in cities like Zagreb, which is not affordable for most of the minority returnee households.

³³ The application deadline for possible inclusion in the housing program was on the 30 September 2005. Eligible candidates are required to have Croatian citizenship. In principle the Croatian Government will try to provide house units in the pre-war municipality. However, this is not secured and returnees might be offered lease under social housing or purchase anywhere in the country. The subsidized price for purchasing property is much higher than the price paid by occupancy rights holders during the privatization process of socially owned property and could amount to more than € 900 in cities like Zagreb, which is not affordable for most of the minority returnee households.

³⁴ As of first July 2005, the responsible Ministry had administratively processed only 16 of the 2,598 applications received but no housing unit has been provided so far.

CRO-RET-22. The rulebook on the type and quantity of household items that can be imported on the basis of custom and tax privileges for refugees and returnees.

(O.G. 22/98)

Adopted on February 19th 1998

- Description: Relevant for the returnee who wants to move household items from the place of temporary residence to the place of return (needs to have permanent residence).

CRO-RET-23. Consolidated text of the Law on health insurance

(O.G. 94/01, 88/02, 117/0, 30/04)³⁵

Adopted on January 3rd 2001

- Description: Regulates health care as one of the main instruments of social security. It is relevant for returnees and for refugees in Serbia.

CRO-RET-24. Law on social protection

(O.G. 73/97)

Adopted on July 14th 1997

- Description: Relevant for returnees and refugees' economic benefits.

CRO-RET-25. Law on health care of aliens

(O.G. 114/97)

Adopted on October 29th 1997

- Description: Important for returnee and refugee who are not citizens of Croatia and their health care

CRO-RET-26. Law on pension insurance

(O.G. 102/97)³⁶

Entered on force on January 1st 1998.

- Description: Like social protection relevant for economic stability regarding circumstances in areas of return and for refugees residing in Serbia.

CRO-RET-27. Law on domicile and residence of citizens

(O.G. 53/91, 101/2005)

Adopted on October 8th, 1991

- Description: Relevant for the connection between citizenship and place of residence.

CRO-RET-28. Law on General Administrative Procedure

(O.G. 53/91)

Adopted on October 8 1991

- Description: Relevant for the administrative body procedure related to return and his sustainability

³⁵ To enjoy the protection of this law you need to have permanent residence in Croatia

³⁶ Applies independently of the place of residence and does not require Croatian citizenship.

CRO-RET-29. Law on Administrative Dispute

(O.G. 53/91)

Adopted on July 14.2003

- Description: Sets the procedure and legal grounds for court control on administrative body decision

D. Jurisprudence**CRO-JURINT-1. Aćimović v. Croatia The European Court of Human Rights nr. 61237/01**

Decision on October 09.2003

- Description: Violation of Article 6 §1 of the Convention;- Damage on private property

CRO-JURINT-2. Andjelković v. Croatia The European Court of Human Rights nr. 48773/99

Decision on: May.30.2000,

- Description: Violation of Article 6 § 1 of the Convention;- Tenancy/Occupancy Right

CRO-JURINT-3. Bakarić v. Croatia The European Court of Human Rights nr. 48007/99

Decision on September 13. 2001

- Description: Inadmissible for violation of Article 6 § 1 of the Convention;- Pension/Back payment –

CRO-JURINT-4. Crnojević v. Croatia The European Court of Human Rights nr. 71614/01

Decision on October 21,2001

- Description: Violation of Article 6 § 1 of the Convention Damage on private property- Summer House

CRO-JURINT-5. Futterer v. Croatia The European Court of Human Rights nr. 52634/01

Decision on December 7, 2000

- Description: Violation of Article 6 § 1 of the Convention - Private property

CRO-JURINT-6. Cvijetić v. Croatia The European Court of Human Rights nr. 71549/01

Decision on February, 26.2004

- Description: violation of Article 6 § 1 and Article 8 of the Convention Tenancy Right

CRO-JURINT-7. Lazarević v. Croatia The European Court of Human Rights nr. 50115/01

Decision on 12.07.2000

- Description: The application inadmissible for violation Article 1 of Protocol No. 11 of the Convention – outside the Court's competence ratione temporis. Pension Back payment

CRO-JURINT-8. Janković v. Croatia The European Court of Human Rights nr. 61237/01

Decision on October 2000

- Description: The application inadmissible for violation Article 6 1 of the Convention – pension back payment

CRO-JURINT-9. Kostić v. Croatia The European Court of Human Rights nr. 69265/01

Decision on November 18., 2004

- Description: Friendly settlement local authorities temporarily accommodate refugees and displaced persons in private property.

CRO-JURINT-10. Kutić v. Croatia The European Court of Human Rights nr. 48778/99

Decision March 1.2002

- Description: violation of Article 6 § 1 of the Convention Private property

CRO-JURINT-11. Ostojić v. Croatia The European Court of Human Rights nr. 16837/02

Decision on September 26.2002

- Description: Inadmissible the remainder of the application. Pension Back payment

CRO-JURINT-12. Radanović v. Croatia The European Court of Human Rights nr. 9056/02

Decision on May.19.2005

- Description: Application admissible - no effective remedies in respect of protection of her property, contrary to Article 13 of the Convention

CRO-JURINT-13. Rudan v. Croatia The European Court of Human Rights nr. 45934/99

Decision September 13. 2001

- Description: Application is incompatible ratione materiae with the provisions of the Convention

CRO-JURINT-14. Sorić v. Croatia The European Court of Human Rights nr. 43447/98

Decision on 30.6.2000

- Description: Not a discrimination within the meaning of Article 14 of the Convention Tenancy/Occupancy Right

CRO-JURINT-15. Strunjak v. Croatia The European Court of Human Rights nr. 46934/99

Decision on October 5 2000

- Description: not a discrimination within the meaning of Article 14 of the Convention. Tenancy/Occupancy Right

CRO-JURINT-16. Varićak v. Croatia The European Court of Human Rights nr. 78008/01

Decision October 21. 2001

- Description: A violation of Article 6 § 1 of the Convention;

CRO-JURINT-17. Zaklanac v. Croatia The European Court of Human Rights nr. 48794/99

Decision on March. 16 2000

- Description: Inadmissible related Article 8, Article 1 of Protocol No. 1, as well as Article 14 of the Convention

CRO-JURINT-18. Blečić v. Croatia The European Court of Human Rights nr. 59532/00

Decision on July 16.2000

- Description: No violation of Article 8 and Article 1 of Protocol of the Convention

CRO-JURINT-19. Pibernik v. Croatia The European Court of Human Rights nr. 75139/01

Adopted on 30.06.2000

- Description: A violation of Article 6 § 1 and of Article 8 of the Convention;

CRO-JURINT-20. Uglešić v. Croatia The European Court of Human Rights nr. 50941/99

Decision October 11.2001

- Description: A violation of Article 6 § 1 of the Convention

CRO-JURINT-21. Momčilović v. Croatia The European Court of Human Rights nr. 59138/00

Decision on July 20. 2001

- Description: No violation on Article 1 of Protocol No. 1 alone and in conjunction with Article 14 of the Convention

4. Collection of relevant legislation /international and national/ on Serbia and Montenegro

SCG-GEN-01. Constitutional Charter of Serbia and Montenegro State Union

(Official Gazette of SCG, No. 1/2003 and 26/2005 - Amendments I - III)³⁷

Entered into force on 4.2.2003

- Description: It is the highest legal act in the state union and the main tool for the protection of human rights in Serbia and Montenegro as provided for in Article 3 which establishes that respecting the human rights of all persons preserving and promoting human dignity, equality, the rule of law and social justice as a goal for SCG. Article 7 regulates citizenship issues, Article 10 states that provisions of international treaties on human and minority rights and freedoms of citizens should be valid on the territory of Serbia and Montenegro and shall apply directly. Article 16 further states that ratified international treaties and generally accepted international law rules shall have primacy over the laws of Serbia and Montenegro and of the member states'. The Constitutional Charter also covers issues related to immigration, asylum, and visa system and provides for the jurisdiction of joint bodies.

SCG-GEN-02. Charter on human and minority rights and fundamental freedoms

(Official Gazette of SCG, No. 6/2003)

Entered into force on 28.2.2003

- Description: Important for protection of HR and recognition of primacy of international treaties. Article 7 provides that Human and minority rights as guaranteed by the generally accepted international law rules, as well as by international treaties that are in force in the state union, shall be guaranteed by the present Charter and shall be directly applied.

SCG-GEN-03. Law on asylum

(Official Gazette of SCG, No. 12/2005)

Entered into force on 2.4.2005

- Description: It is important for the recognition and termination of the status of refugee.

SCG-GEN-04. Law on obligations

(Official Gazette SFRJ, No. 29/78, 39/85, 57/89 and Official Gazette of SRJ 31/93)

Entered into force on 1.10.1978

- Description: Important for civil suits regarding property rights and therefore applicable in the context of Refugees and IDPs ownerships or to prove non-ownership for the purpose of return.

SCG-GEN-05. Law on the basic of property relations

(Official Journal of the SFRJ, No. 6/80, 36/90, Official Journal of the SRJ, No. 29/96)

Entered into force on 1. 9.1980

- Description: General law that defines all legal entities than can be holders and subjects of property rights.

³⁷ Adopted by the National Assembly of the Republic of Serbia at the session held on 23 January 2003, by the Assembly of the Republic of Montenegro at the session held on 29 January 2003, and by the Federal Assembly at the session of the Chamber of Citizens held on 4 February 2003, and at the session of the Chamber of Republics, held on 4 February 2003.

SCG-GEN-06. Law on protection of rights and freedoms of national minorities

(Official Gazette of FRY, No. 11/2002)

Entered into force on 27. 02. 2002

- Description: Important as it regulates rights and obligations of minorities in SCG.

SCG-GEN-07. Law on medical aid to aliens in the Federal Republic of Yugoslavia

(Official Gazette of FRY, No. 59/98 i 37/2002 and Official Journal RS, no. 101/2005 - other law)

Entered into force on 29. 11. 2005

- Description: Important as it regulates medical protection of aliens.

5. Collection of relevant legislation /international and national/ on Serbia out of Kosovo

A. Property restitution

SER-PROP-01. The Constitution of the Republic of Serbia

(Official Journal of the Republic of Serbia, No. 1/90)

Entered into force on 28.9.1990

- Description: The Constitution of the Republic of Serbia in its article 61 provides that private ownership of agricultural land as well as other movable and immovable property is guaranteed to citizens. It thus protects property rights of Refugees and IDPs.

SER-PROP-02. Law on civil procedure

(Official Gazette of SFRJ, No. 4/77, 36/77, 6/80, 36/80, 43/82, 69/82, 72/82, 58/84, 74/87, 57/89, 20/90, 27/90, 35/91, Official Gazette SRJ, No. 27/92, 16/93, 31/93, 41/93, 50/93, 24/94, 12/98, 15/98 - revision, 3/2002, Official Journal of the Republic of Serbia No. 125/2004)

Entered into force on 1.7.1977

- Description: Establishes procedure to follow regarding the law on obligations.

SER-PROP-03. Law on executive procedure

(Official Journal of the Republic of Serbia 125/2004)

Entered into force on 23.2.2005

- Description: Important for enforcement of administrative, court and minor offences decisions which could be used in property claims by refugees and IDPs.

SER-PROP-04. Law of non-contentious procedure

(Official Journal of the Republic of Serbia, No. 25/82, 48/88, Official Journal of the Republic of Serbia, No. 46/95 - other law, 18/2005 - other law)

Entered into force on 12.5.1982

- Description: This Law is relevant for the realisation and protection of acquired rights without adjudicative mechanisms (such as civil suits). It helps refugees to have certain rights recognized in Serbia.

SER-PROP-05. Law on resources owned by the Republic of Serbia

(Official Journal of the Republic of Serbia, No. 53/95, 3/96, 54/96, 32/97, 44/99 and 101/2005 – other law)

Entered into force on 5.1.1996

- Description: Regulates the management, ownership and use of public resources in Serbia. It is important for IDPs because it affects privatization issues in Kosovo that could help sustainability of return through possible improvement of livelihood conditions.

SER-PROP-06. The Law on concessions

(Official Journal of the Republic of Serbia, No. 55/2003)

Entered into force on 4.6.2003

- Description: Regulates the requirements, manner and procedure for the granting of concessions for the use of natural resources or goods in general use designated by law as property of the Republic of Serbia, and for performing activities of general interest. It is important for IDPs because it affects sustainability of return through possible improvement of livelihood conditions.

SER-PROP-07. Law on expropriation

(Official Journal of the Republic of Serbia, No. 53/95, Official Journal of the Federal Republic of Yugoslavia, No. 16/2001 and Official Journal of the Republic of Serbia, No. 23/2000)

Entered into force on 5.1.1996

- Description: Regulates expropriation procedures. Important as far as expropriation could be used for providing accommodation to IDPs and Refugees.

SER-PROP-08. Law on the public enterprises and performance of activities of general interest

(Official Journal of the Republic of Serbia, No. 25/2000, 25/2002, 107/2005 and 108/2005 - revised)

Entered into force on 25.7.2000

- Description: Regulates specific property issues related to public companies. Capital in these enterprises is divided into registered shares and portions (article 1. paragraph. 4), and 30% of them belong to the employees (article 9a). This is especially important in the Kosovo context, taking in to consideration IDPs' entitlements in potential privatization.

SER-PROP-09. The Law on national parks

(Official Journal of the Republic of Serbia, No. 39/93, 44/93, 53/93, 67/93, 48/94 and 101/2005 – other law)

Entered into force on 8.6.1993

- Description: Regulates the protection and development of national parks according to the program of protection and development of the national park regions, in accordance with the spatial plan of that region. Partially implemented in some enclaves in Kosovo.

SER-PROP-10. Law on the system and conditions for recognition of rights and restitution of the land transferred in the social property by operation of the agricultural land fund and by confiscation for unexecuted obligations of compulsory repurchase of agricultural products

(Official Journal of the Republic of Serbia, No. 18/91, 20/92, 42/98)

Entered into force on 27.3.1991

- Description: This law is important for property restitution to pre-war landowners. It establishes rules and procedures for the privatization of socially owned immovable property.

SER-PROP-11. Law on local self government

(Official Journal of the Republic of Serbia, No. 9/2002, 33/2004 i 135/2004)

Entered into force on 5.1.1996

- Description: Article 8 regulates the jurisdiction of local self-governments that is important for refugees and IDPs as it provides for the forcible eviction of illegal occupants, issuing construction permits, legalisation of illegal construction, primary health protection, education, agricultural land and free legal aid.

SER-PROP-12. Law on inheritance

(Official Journal of the Republic of Serbia, No. 46/95 and 101/2003 - decision of Constitutional Court of RS)

Entered into force on 4.5.1996

- Description: Regulates inheritance procedures. It is important for refugees and IDPs because the jurisdiction of courts in inheritance proceedings is established following the criteria of last residence, location of the property and current residence. Thus, regular courts (not allocated) in Serbia could decide on the basis of residence and that decision is applicable in Kosovo.

SER-PROP-13. The Law on agricultural land

(Official Journal of the Republic of Serbia, No. 49/92, 53/93, 67/93, 48/94, 46/95, 54/96, 14/2000 and 101/2005 - other law)

Entered into force on 29.7.1992

- Description: Important as far as it could be used for providing agricultural land (unused or else) to IDPs and Refugees.

SER-PROP-14. Law on the property tax

(Official Journal of the Republic of Serbia, No. 26/2001, Official gazette SRJ no. 42/2002 decision of Federal Constitutional Court and Official Journal of the Republic of Serbia, No 80/2002 and 135/2004)

Entered into force on 28.4.2001

- Description: This law is relevant for identification of taxable units and possible confirmation of possession of relevant immovable. IDPs and Refugees in Serbia fall within this law regardless of any affirmative action in their favour.

SER-PROP-15. Law on mediation

(Official Journal of the Republic of Serbia, No. 18/2005)

Entered into force on 4.3.2005

- Description: This Law is relevant for comparative analyzes of regional approach and reaching of peaceful (non-court) resolution of civil cases (such as property lawsuits).

SER-PROP-16. Law on enterprises

(Official Journal of the Republic of Serbia, No. 29/96, 33/96 - revised, 29/97, 59/98, 74/99, 9/2001 - decision Federal Constitutional Court and 36/2002 and Official Journal of the Republic of Serbia No. 125/2004 – other law)

Entered into force on 4.7.1996

- Description: Important for non-residential property issues as far as it regulates the possibility of refugees and IDPs willing to remain in Serbia and their sources of livelihood.

SER-PROP-17. Law on cooperative

(Official Journal of the Republic of Serbia, No. 57/89 and Official Journal of the Republic of Serbia No. 67/93, 46/95 and 101/2005 - other law)

Entered into force on 31.12.1989

- Description: Important for property since it regulates co-ownership issues applicable to refugees and IDPs in such situations.

SER-PROP-18. Law on privatization

(Official Journal of the Republic of Serbia, No. 38/2001, 18/2003 and 45/2005)

Entered into force on 7.7.2001

- Description: Important for the analysis of comparable privatization practices in the region. Refugees and IDPs should benefit from specific shares on the privatization process of the companies they worked for and generic shares in the privatization of any other public company (if citizens of Serbia).

SER-PROP-19. Law on transformation of socially owned agricultural land in different types of ownership

(Official Journal of the Republic of Serbia, No. 49/92 and 54/96)

Entered into force on 29.7.1992

- Description: This law is important for property restitution of pre-war owners and other type of ownership. Also these properties could be allocated for humanitarian reasons to IDPs and refugees.

SER-PROP-20. Law on measurements, cadastre and registration of Immovable

(Official Journal of the Republic of Serbia, No. 83/92, 53/93, 67/93, 48/94, 12/96, 15/96 - revised. 34/2001 - other law and 25/2002 and 101/2005 other law)

Entered into force on 25.11.1992

- Description: Regulates registration of land parcels, buildings and property formation procedures. It is important in the context of Kosovo as this law was still applicable there until recently.

SER-PROP-21. Law on special sale conditions for certain type of socially owned immovable property

(Official Journal of the Republic of Serbia, No. 54/99)

Entered into force on 22.7.1989

- Description: Designates specific type of socially owned immovable property (business premises) and the procedures for their sale. Important in the Kosovo context and IDPs.

SER-PROP-22. Law on changes and supplements on the limitations of real estate transaction

(Official Journal of the Republic of Serbia, No. 30/89, 42/89 and Official Journal of the Republic of Serbia No. 22/91, 53/93, 67/93 and 48/94)

Entered into force on 22.7.1989

- Description: Designates specific geographical areas in the Republic of Serbia and the registration of contracts for the sale of residential property, court verification and the role of relevant ministries in the approval process. This law was held to be discriminatory in Kosovo and contracts on sale done were declared null and void. This limitation is related to all disposals of residential and business premises, to/from physical and natural persons.

SER-PROP-23. Law on measurements and land cadastre

(Official Journal of the Republic of Serbia, No. 11/76, 27/77, 21/78 and 24/84)

Entered into force on 4.4.1976

- Description: This Law regulates Immovable Property rights registration and procedures. Was still applicable in Kosovo until recently.

SER-PROP-24. Law on transfer of real property

(Official Journal of the Republic of Serbia No. 42/98)

Entered into force on 26.11.1998

- Description: This law is important for IDPs and returnees regarding transfer and property restitution, as it follows previous laws that were applicable in all SFRJ republics and autonomous provinces.

SER-PROP-25. Law on conditions and procedures for allocation of the agricultural land that are willing to live and work in Autonomous Province of Kosovo and Metohija

(Official Journal of the Republic of Serbia, No. 43/91)

Entered into force on 28.7.1991

- Description: Establishes procedures for return in AP KiM and it is related to restitution of allocated property to individuals.

SER-PROP-26. Law on restitution of unexploited fields and pastures to the villages

(Official Journal of the Republic of Serbia, No. 16/92)

Entered into force on 4.4.1992

- Description: This law is important as it provides for restitution of certain agricultural lands (unexploited land and pastures) to villages that could be used to provide for a certain livelihood to refugees and IDPs.

SER-PROP-27. Law on planning and housing

(Official Journal of the Republic of Serbia, No. 47/2003) 38

Entered into force on 13.5.2003

- Description: Articles 161, 162, 163 and 164 are related to the legalization of constructions. This is important due to large number of illegal construction among IDP and refugee population in Serbia.

SER-PROP-28. Law on housing

(Official Journal of the Republic of Serbia, No. 50/92, 76/92, 84/92 and revised 33/93, 53/93, 67/93, 46/94, 47/94 revised 48/94, 44/95 and other law 49/95, 16/97, 46/98, 26/2001 i 101/2005 – other law)

Entered into force on 2.8.1992

- Description: Basic regulation for tenancy/occupancy rights issues. Relevant for the cancellation of socially owned property of refugees and IDPs.

SER-PROP-29. Decision of Supreme Court of Serbia

Entered into force on 22.3.2001

- Description: Supreme Court of Serbia, U. 2381/2000 from 22.3.2001. This decision is related to the termination of refugee status.

B. Integration

SER-INT-01. Law on higher education

(Official Journal of the Republic of Serbia, No. 50/92, 53/93, 67/93, 48/94, 24/96, 23/2002, 25/2002-rev. 62/2003-other law 64/2003-rev.other law and 101/2005-other law)

Entered into force on 10.9.2005

³⁸ Official deadline for summation of related documents was 13. November 2003

- Description: Especially important in the context of Kosovo, taking in to consideration that the education system in the enclaves in Kosovo is integrated into the education system of Serbia.

SER-INT-02. Law on high education

(Official Journal of the Republic of Serbia, No. 50/92, 53/93, 67/93, 48/94, 24/96, 23/2002, 25/2002 - revised 62/2003 – other law and 64/2003 - revised other laws)

Entered into force on 2.8.1992

- Description: Especially important in the context of Kosovo, taking in to consideration that the education system in the enclaves in Kosovo is integrated into the education system of Serbia.

SER-INT-03. Law on elementary education

(Official Journal of the Republic of Serbia, No. 50/92, 53/93, 67/93, 48/94, 66/94 - decision USRS, 22/2002, 62/2003 – other law and 64/2003 - revised other laws and 101/2005 – other law)

Entered into force on 2.8.1992

- Description: Especially important in the context of Kosovo, taking in to consideration that the education system in the enclaves in Kosovo is integrated into the education system of Serbia.

SER-INT-04. Law on basis of education and upbringing

(Official Journal of the Republic of Serbia, No. 62/2003, 64/2003 - revised, 58/2004 and 62/2004 – revised and 101/2005 – other law)

Entered into force on 25.6.2003

- Description: Especially important in the context of Kosovo, taking in to consideration that the education system in the enclaves in Kosovo is integrated into the education system of Serbia.

SER-INT-05. Law on cultural goods (heritage) (Official Journal of the Republic of Serbia, No. 71/94)

Entered into force on: 30.12.1994

- Description: Especially important for preservation of Serbian cultural heritage on Kosovo.

SER-INT-06. Law on refugees

(Official Journal of the Republic of Serbia, No. 18/92 and official gazette of SRJ, No. 42/2002 - decision of Federal constitutional Court)

Entered into force on 5.4.1992

- Description: This law regulate conditions for acquisition and termination of refugee status as well as measures for protection during displacement and return.

SER-INT-07. Law on employment conditions for aliens

(Official Journal of the Republic of Serbia, No. (Official gazette SFRJ No. 56/80, 53/85, 30/89, 26/90 Official gazette, No. 42/92, 24/94 and 28/96 and Official Journal of the Republic of Serbia No. 101/2005 - other law)

Entered into force on 11.3.1978

- Description: This law regulates conditions for employment of aliens in Serbia. It is important for integration of refugees' non-citizens willing to remain in Serbia.

SER-INT-08. Law on movement and stay of aliens

(Official gazette SFRJ, No. 56/80, 53/85, 30/89, 26/90 and 53/91, Official gazette SRJ, No. 24/94, 28/96 and 68/2002 and Official Journal of the Republic of Serbia No. 101/2005 - other law)

Entered into force on 8.1.1972

- Description: Relevant for acquiring Serbian citizenship for refugees non-citizens with residence in Serbia.

SER-INT-09. Labor Law

(Official Journal of the Republic of Serbia, No. 24/2005 and 61/2005)

Entered into force on 23.3.2005

- Description: This law is relevant for potential integration (employment conditions, working experience, etc.)

SER-INT-10. Law on pension and disability insurance

(Official Journal of the Republic of Serbia, No. 34/2003, 64/2004 – Decision of Constitutional Court of RS, 84/2004 - other law, 85/2005 and 101/2005 - other law)

Entered into force on 10.4.2003

- Description: Defines pension rights, disability insurance and potential linkage of working experience between employers in different states. Important for Refugees and IDPs' realisation of gained rights in Serbia.

SER-INT-11. Law on health insurance

(Official Journal of the Republic of Serbia, No. 107/2005 and 109/2005 – revised)

Entered into force on 10.12.2005

- Description: This law is relevant for health protection of IDPs and refugees residing in Serbia.

SER-INT-12. Law on compulsory social insurance

(Official Journal of the Republic of Serbia, No. 84/2004 and 61/2005)

Entered into force on 1.8.2004

- Description: Regulates the obligatory insurance of all employees and potential linkage of social benefits between of the employers in different states. Important for Refugees and IDPs' realisation of gained rights in Serbia.

SER-INT-13. Law on financial aid to the families with children.

(Official Journal of the Republic of Serbia, no 16/2002 and 115/2005)

Entered into force on 1.6.2002

- Description: Regulates the access to social benefits by certain categories of vulnerable families, which could include IDPs and Refugees.

SER-INT-14. Law on basic rights on war invalids and families of killed solders

(Official Journal of the Republic of Serbia, No. 24/98, 29/98 and 25/2000 – decision Federal Constitutional Court and Official Journal of RS no. 101/2005 – other law)

Entered into force on 1.7.1998

- Description: This law is related to the rights (pension, social protection, etc) on these two vulnerable groups some of which could be refugees or IDPs.

SER-INT-15. Law on rights of civil invalids of war

(Official Journal of the Republic of Serbia No. 52/96)

Entered into force on 25.12.1996

- Description: Regulate rights on pension and disability insurance of armed forces, some of which could be refugees or IDPs.

SER-INT-16. Law on social protection and social security of citizens

(Official Journal of the Republic of Serbia, No. 36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/2001, 84/2004, 101/2005 and 115/2005- other law)

Entered into force on 26.6.1991

- Description: This Law is related to the social benefits of certain categories of vulnerable categories in Serbia some of which could be refugees or IDPs.

SER-INT-17. Family Law

(Official Journal of the Republic of Serbia, No. 18/25)

Entered into force on 4.3.2005

- Description: Important for property rights in marriage and other family rights relevant to IDPs and Refugees (such as family reunification).

SER-INT-18. Law on RS Serbia citizenship

(Official Journal of the Republic of Serbia, No. 135/2004)

Entered into force on 29.12.2004

- Description: Important as it regulates issues related to Serbian citizenship and its acquisition by refugees.

SER-INT-19. Law on protector of the citizens (ombudsman) (Official Journal of the Republic of Serbia, No. 79/2005)

Entered into force on: 24.09.2005

- Description: Important as it regulates the question of protection and promotion of human rights and freedoms by an independent state body.

SER-INT-20. National strategy for resolving issues of refugee and IDPs

Entered into force on 30.5.2002

- Description: Strategy paper adopted by Government of Serbia for solving refugees and IDPs problems.

SER-INT-21. Information related to status of certain state bodies, organizations and services from AP Kosovo and Metohija

(05. No. 02-4586/2003-001)

Entered into force on 17.7.2003

- Description: This information is relevant for the determination of employment status and enjoyment of financial aid.

SER-INT-22. Rules of procedure for refugee ID card

(Official Journal of the Republic of Serbia, No. 23/92 and 139/2004)

Entered into force on 25.4.1992

- Description: Relevant for proving refugee status and benefiting from certain aid.

SER-INT-23. Rules of procedure for registration of refugee

(Official Journal of the Republic of Serbia, No. 23/92)

Entered into force on 25.4.1992

- Description: Regulates the registration procedure of refugees.

SER-INT-24. Law on health protection

(Official Journal of the Republic of Serbia, No. 107/2005)

Entered into force on 10.12. 2005

- Description: This law is relevant for health protection of IDPs and refugees residing in Serbia.

SER-INT-25. Law on residence and temporary residence of citizens

(SRS Official Gazette, no. 42/77 – consolidated version, 24/85, 6/89 and 25/89 and "RS Official Gazette", nos. 53/93, 67/93, 48/94 and 101/2005 – other law)

Entered into force on 29.11.2005

- Description: Important as it regulates domicile of citizens.

SER-INT-26. Advisory committee on the framework convention for the protection of national minorities ACFC/INF/OP/I(2004)002

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- Description: Relevant for the members of the minorities who are a displaced persons, related to Framework convention for the protection of national minorities

6. Collection of relevant legislation / international and national / on Kosovo

A. Property restitution

KOS-PROP-01. Regulation 1999/1 On the authority of the Administration in Kosovo.³⁹

Entered into force on 23.7.1999 (applies retroactively from the 10.6.1999)

- Description: Determines applicable laws, including international standards some related to property restitution issues.

KOS-PROP-02. Regulation 1999/2 on the Prevention of Access by Individuals and their Removal to secure Public Peace and Order.

Entered into force on 12.8.1999

- Description: Authorizes the relevant law enforcement bodies to temporarily remove a person from a location. This can be applied in evictions related to property restitution.

KOS-PROP-03. Regulation 1999/10 On the Repeal of Discriminatory Legislation Affecting Housing and Rights in Property⁴⁰

Entered into force on 13.10.1999

- Description: Establishes the legal basis for repealing certain legislation that is discriminatory in nature and therefore contrary to international human rights standards, applicable in property restitution.

³⁹ Amended by Regulations 1999/25 and 2000/54; Implemented by Administrative direction 2000/16, 2001/13, 2002/23, 2002/24, 2003/3, 2003/17, 2003/30, 2004/4, 2004/19 and 2004/26

⁴⁰ Refers to Law on changes and supplements on the limitation of real estate transactions

KOS-PROP-04. Regulation 1999/23 On the establishment of the Housing and Property Directorate and the Property claims Commission ⁴¹

Entered into force on 15.11.1999

- Description: Establishes the Housing and Property Directorate that shall provide overall direction on property rights in Kosovo and takes claims on property repossession.

KOS-PROP-05. Regulation 1999/24 on the Law applicable in Kosovo ⁴²

Entered into force on 12.12.1999 (applies retroactively from the 10.6.1999)

- Description: Defines the law applicable in Kosovo and it is important for the overall picture of the legislative framework.

KOS-PROP-06. Regulation 1999/25 on Amending Regulation No. 1999/01, On the Authority of the Interim Administration in Kosovo.

Entered into force on 12.12.1999 (applies retroactively from the 10.6.1999)

- Description: It changes the composition of the laws applicable in Kosovo ⁴³

KOS-PROP-07. Regulation 2000/38 on the establishment of the Ombudsperson Institution in Kosovo.

Entered into force on 30.6.2000

- Description: Establishes the Ombudsperson Institution in Kosovo which is one of the main actors in working on property rights as well as other human rights of IDPs and returnees

KOS-PROP-08. Regulation 2000/43 on the number, names and boundaries of municipalities ⁴⁴

Entered into force on 27.2.2000

- Description: Determines Cadastral zones and is important as it gives a clear review of properties within the municipalities. Relevant for property restitution issues.

KOS-PROP-09. Regulation 2000/47 on the status, privileges and immunities of KFOR and UNMIK and their personnel in Kosovo ⁴⁵

Entered into force on 18.8.2000 (applies retroactively from the 10.6.1999)

- Description: Regulates issues related to property of UNMIK and KFOR that could be useful in resolving of some property issues.

KOS-PROP-10. Regulation 2000/53 on construction in Kosovo ⁴⁶

Entered into force on 25.9.2000

- Description: Regulates the construction of any building or structure, includes changes made to the function or use of real property, legalization of construction. Important for IDPs to confirm and/or to acquire property rights.

KOS-PROP-11. Regulation 2000/54 on Amending Regulation No. 1999/1, as amended, on the authority of the Interim administration in Kosovo ⁴⁷

Entered into force on 27.9.2000

⁴¹ Implemented by Administrative direction 2004/5

⁴² Implemented by Administrative direction 2001/9 and 2003/16. Amended by Regulation 2000/59

⁴³ Refers to Regulation 1999/1

⁴⁴ Amended by Regulation 2004/36; implemented by Administrative direction 2004/23

⁴⁵ Implemented by Administrative direction 2002/18

⁴⁶ Implemented by Administrative direction 2004/17

⁴⁷ Refers to Regulation 1999/1, Implemented by Administrative direction 2004/4, 2003/3 and 2003/17

- Description: Regulates the administration of UNMIK on movable or immovable property in the territory of Kosovo, including monies, bank accounts and other assets, property of, or registered in the name of, the Federal Republic of Yugoslavia or the Republic of Serbia or any of their organs or socially owned property. Important for IDPs in the area of property restitution.

KOS-PROP-12. Regulation 2000/60 On Residential Property Claims and the Rules of procedure of the Housing and Property Directorate and the Housing and Property Claims Commission.

Entered into force on 31.10.2000.

- Description: Regulates the general principles relating to housing and property claims to HPD.

KOS-PROP-13. Regulation 2001/5 on pledges ⁴⁸

Entered into force on 7.2.2001

- Description: The purpose of the present regulation is to provide a simple, uniform and exclusive structure for pledges in Kosovo that can be very helpful for the protection of movable property of IDPs.

KOS-PROP-14. Regulation 2001/9 on a constitutional framework for Provisional self-Government in Kosovo ⁴⁹

Entered into force on 15.5.2001

- Description: Incorporates international standards into the domestic legal framework including rights related to property and housing issues. It is important for IDPs and property restitution.

KOS-PROP-15. Regulation 2001/17 On the Registration of Contracts for the Sale of Real Property in Specific Geographical Areas of Kosovo ⁵⁰

Entered into force on 22.8.2001

- Description: It designates specific geographical areas in Kosovo, registration of residential property sale contracts, court verification and the role of HPD in that area.

KOS-PROP-16. Regulation 2001/32 on the Establishment of a Pledge Filing Office ⁵¹

Entered into force on 6.11.2001.

- Description: This regulation establishes the Pledge Filing Office, which shall act within the Transitional Department of Trade and industry that can be useful in protection of movable property of IDPs.

KOS-PROP-17. Regulation 2002/12 on the Establishment of the Kosovo Trust Agency ⁵²

Entered into force on 13.6.2002

- Description: Regulates the purpose, tasks and powers of the Agency, establishment of subsidiary corporations of socially owned enterprises. Important for restitution of commercial property.

⁴⁸ Implemented by Administrative direction 2003/18

⁴⁹ Implemented by Administrative direction 2001/21, 2001/23, 2003/15 and 2004/6; Amended by Regulation 2002/9

⁵⁰ Implemented by Administrative direction 2001/16 and 2002/4

⁵¹ Implemented by Administrative direction 2001/20

⁵² Amended by Regulation 2005/18; Implemented by Administrative direction 2005/6

KOS-PROP-18. Regulation 2002/13 on the establishment of a Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters⁵³

Entered into force on 13.6.2002

- Description: Establishes the Special Chamber with primary jurisdiction for claims related to the property belonging to companies. It is helpful in the process of privatization.

KOS-PROP-19. Law on the establishment of an Immovable Property rights registration No. 2002/5⁵⁴

Entered into force on 20.12.2002 (signed on 17.10.2002)

- Description: It regulates Immovable Property rights', registration and is very important to IDPs wishing to prove ownership of a property.

KOS-PROP-20. Law on Forests in Kosovo No. 2003/3⁵⁵

Entered into force on 20.3.2003 (signed on 13.2.2003)

- Description: It establishes goals and standards of forest management, land status, ownership, transfer and use of public and private forests. Important for IDPs because it can be helpful in transfer, restitution and approval of ownership in that area.

KOS-PROP-21. Regulation 2003/13 on the transformation of the right of use to socially owned immovable property⁵⁶

Entered into force on 9.5.2003

- Description: Determines the holder of a right, socially owned enterprises, transfer, illegal possessions and leasehold. Important for compensation of damages caused by illegally possessors and participation in the privatization process.

KOS-PROP-22. Regulation 2003/25 on the Provisional Criminal Code of Kosovo⁵⁷

Entered into force on 6.4.2004⁵⁸

- Description: Promulgates a new Provisional Criminal Code of Kosovo that could be applied to crimes against Returnees and Dips.

KOS-PROP-23. Regulation 2003/26 on the Provisional Criminal Procedure Code of Kosovo.

Entered into force on 6.4.2004⁵⁹

- Description: Promulgates a new Criminal Procedure Code as relevant for the application of the Criminal Code

KOS-PROP-24. Law on amendments and addition to Law No. 2002/5 on the establishment of the immovable property rights registry⁶⁰

Entered into force on 18.8.2003 (signed on 26.6.2003)

- Description: Provides for effective public notification and other necessary safeguards for the protection of persons whose rights may be affected by the registration. It can be very important in the protection of IDPs immovable property rights.

⁵³ Implemented by Administrative direction 2003/13,2005/7,2005/16 and 2005/22

⁵⁴ Promulgated by Regulation 2002/22; Amended by Law on Amendments and Additions to Law No. 2002/5; This Law is promulgated by Regulation 2003/27

⁵⁵ Promulgated by Regulation 2003/6; Amended by Law on Amendments to Law on the forests of Kosovo and this Law is promulgated by Regulation 2004/40; This Law ceased Law on forest (Official Gazette of SAP Kosovo No. 10/87)

⁵⁶ Amended by Regulation 2004/45; Implemented by Administrative direction 2005/12

⁵⁷ Amended by Regulation 2004/19

⁵⁸ Regulation was signed on 6.7.2003 and Provisional Criminal Code entered into force on 6.4.2004

⁵⁹ Regulation was signed on 6.7.2003 and Provisional Criminal Procedure Code entered into force on 6.4.2004

⁶⁰ Promulgated by Regulation 2003/27

KOS-PROP-25. Law on spatial planning No. 2003/14 ⁶¹

Entered into force on 10.9.2003 (signed on 3.7.2003)

- Description: Establishes long-term principles and goals of spatial planning for the entire territory of Kosovo. Important for IDPs in order to protect acquired property rights because of numerous constructions without any legal grounds.

KOS-PROP-26. Law on cadastre No. 2003/25 ⁶²

Entered into force on 18.2.2004 (signed on 14.12.2003)

- Description: Regulates the maintenance of the overall official evidences on immovable properties. It is very important for providing the documents related to property in order to register or/and prove property rights of IDPs.

KOS-PROP-27. Law No. 2004/3 The anti-discrimination law ⁶³

Entered into force on 20.8.2004 (signed on 19.2.2004)

- Description: Regulates measures for preventing and combating discrimination, and promoting effective equality. This can be applied to make sure that IDPs enjoy their property rights in full equality with others.

KOS-PROP-28. Law on construction No. 2004/15 ⁶⁴

Entered into force on 14.10.2004 (signed on 27.5.2004)

- Description: regulates the procedures for construction, use and urban permits, its requirements and protection. It provides to IDPs and returnees with means of realizing their ownership rights.

KOS-PROP-29. Law on an amendment to Law No. 2003/3 on the forest of Kosovo ⁶⁵

Entered into force on 14.10.2004 (signed on 28.7.2004)

- Description: Regulates issues relating to forests damaging and stealing in order to protect forests. It is important for IDPs in compensation procedures.

KOS-PROP-30. Regulation 2004/45 on amending UNMIK regulation No. 2003/13 on the Transformation of the right of use to socially-owned immovable property

Entered into force on 19.11.2004

- Description: Establishes the conditions and eligibility criteria for an employee to benefit from the process of privatization of socially owned enterprises as well as other relevant for privatization.

KOS-PROP-31. Law No. 2003/16 on the Kosovo Population and Housing Census ⁶⁶

Entered into force on 13.12.2004 (signed on 11.7.2003)

- Description: Regulates from the organizational and developmental perspective the population. It also regulates family properties and the housing census in Kosovo. Important Law regarding housing issues of IDPs.

⁶¹ Promulgated by Regulation 2003/30

⁶² Promulgated by Regulation 2004/4. This Law replaces the Law on measurement and land cadastre (Official Gazette of SAP Kosovo No.12/80)

⁶³ Promulgated by Regulation 2004/32

⁶⁴ Promulgated by Regulation 2004/37; This Law cease the Law on construction of facilities for investment/commercial purposes (Official Gazette of SAP Kosovo No. 5/86)

⁶⁵ Promulgated by Regulation 2004/40

⁶⁶ Promulgated by Regulation 2004/53

KOS-PROP-32. Law No. 2004/26 on inheritance in Kosovo ⁶⁷

Entered into force on 4.2.2005 (signed on 28.7.2004)

- Description: Applies to all people of Kosovo who at the time of their death have residence in Kosovo, irrespective of the place where the death has occurred, and irrespective of where their property is located. The inheritance of other persons shall be governed by the laws of the country the late was a citizen of at the time of his death.

KOS-PROP-33. Regulation 2005/13 On the Long-Term Allocation of Socially Owned Immovable Property Managed by the Municipalities in Kosovo

Entered into force on 4.3.2005

- Description: Important for property rights of those IDPs whose property has been expropriated.

KOS-PROP-34. Regulation 2005/18 on Amending UNMIK Regulation No. 2002/12 on the Establishment of the Kosovo Trust Agency

Entered into force on 22.4.2005

- Description: It determines the time frames for the transformation of companies and can affect the rights of IDPs in the privatization process.

KOS-PROP-35. Law No. 02/L-14 on construction products ⁶⁸

Entered into force on 17.5.2005 (signed on 23.3.2005)

- Description: Regulates the quality of new constructions. Could have an impact on IDPs reconstruction of destroyed properties.

KOS-PROP-36. Law on basic property relations

(Official Gazette SFRY, No. 6/80) ⁶⁹

Entered into force on 1.9.1980.

- Description: This law defines all legal entities and natural persons capable of being holders and subject of property rights.

KOS-PROP-37. Law on transfer of real property (Law on changes and supplements to the law on transfer of real property)

(Official Gazette SAP of Kosovo, No. 45/81 and 29/86)

Adopted on 1981

- Description: This law is important for IDPs and returnees regarding transfer and property restitution.

KOS-PROP-38. Law on registration of real properties in social ownership

(Official Gazette SAP of Kosovo No. 37/71)

Entered into force on 1.1.1972

- Description: Law is important for protection of acquired property rights of IDPs and returnees on socially owned apartments.

KOS-PROP-39. Law on expropriation/Law on expropriation-amended text

(Official Gazette SAP of Kosovo No. 21/78- Official Gazette SAP of Kosovo No. 46/86)

Adopted on 28.4.1978/22.8.1986

- Description: Expropriation of real property with a view to constructing various objects of general interest, determining the general interest, expropriation procedure, compensation for expropriated land.

⁶⁷ Promulgated by Regulation 2005/7

⁶⁸ Promulgated by Regulation 2005/28

⁶⁹ Refers to Law on transfer of real property; Law on construction; Law on forests; Law on Measurement and land cadastre

KOS-PROP-40. Law on land for construction (amended text)/ Law on amendments and supplements to the Law on land for construction

(Official Gazette SAP of Kosovo No. 14/80- Official Gazette SAP of Kosovo No. 42/86).

Adopted on 17.4.1980/24.10.1986

- Description: Regulates legal-property relations including land construction issues. It is important for the identification of the user/owner of a land and therefore for property restitution issues.

KOS-PROP-41. Law on Housing Relations (consolidated text)

(Official Gazette SAP of Kosovo No. 11/83, 29/86, 42/86)

Adopted on 1983

- Description: Basic regulation for tenancy/occupancy rights issues. Important as some IDPs are former holders of occupancy rights.

KOS-PROP-42. Law on co-ownership of an apartment

(Official Gazette SAP Kosovo No. 43/80,22/87)

Adopted on 1980

- Description: Regulates legal ownership and other proprietary legal relations of co-ownership to an apartment. It is relevant for property rights of IDPs in a co-ownership situation.

KOS-PROP-43. Law on construction of annexes to buildings and conversion of common premises into apartments

(Official Gazette SAP of Kosovo No. 14/88)

Adopted on 1988

- Description: Regulates the conditions, manner and procedure of construction of annexes to residential and commercial buildings that are socially owned. Relevant for property rights of IDPs because some of them have constructed annexes to their properties.

KOS-PROP-44. Law on regular courts

(Official Gazette SAP of Kosovo No. 21/78,49/79,44/82,44/84,18/87,14/88,2/89)

Adopted on 1978

- Description: Important as it regulates court procedures which are crucial for the implementation of property right.

KOS-PROP-45. Law on civil procedure

(Official Gazette SFRY No. 4/77, 36/77,36/80,69/82, 58/84, 74/87, 57/89) ⁷⁰

Entered into force on 1.7.1977

- Description: Establishes procedures to follow regarding the law on obligations.

KOS-PROP-46. Law on obligations

(Official Gazette SFRY No. 29/78,39/85, 57/89 and Official Gazette SRJ 31/93) ⁷¹

Entered into force on 1.10.1978

- Description: Important for civil suits regarding property rights.

⁷⁰ Refers to Civil Law, Law on executive procedure, Law on non-contentious procedure

⁷¹ Refers to Law on Civil Procedure.

KOS-PROP-47. Law on executive procedure

(Official Gazette SFRY No. 20/78, 6/82, 74/87, 57/89, 20/90) ⁷²

Entered into force on 1.10.1978

- Description: Important for the enforcement of administrative, court and minor offences decisions regarding property and other rights of IDPs and Returnees.

KOS-PROP-48. Law on non-contentious procedure

(Official Gazette SAP of Kosovo No. 42/86)

Entered into force on 24.10.1986

- Description: Relevant for property rights of IDPs and Returnees as it often accelerates procedures between parties through a court decision (such as land boundaries, inheritance, decisions on confirmation of sale contracts).

KOS-PROP-49. Law on marriage and family relations

(Official Gazette SAP of Kosovo No. 10/84)

Entered into force on 28.3.1984

- Description: Important for property rights in marriage and other family rights relevant to IDPs and Refugees (such as family reunification).

KOS-PROP-50. Law on administrative procedure

(Official Gazette SFRY No. 52/56; Consolidated text Official Gazette No. 47/86) ⁷³

Entered into force on 15.8.1986

- Description: Important as it regulates administrative procedure by which IDPs and Returnees, can enforce their property rights.

KOS-PROP-51. Law on administrative disputes

(Official Gazette SFRY No. 4/77 and 36/77) ⁷⁴

Adopted on 1.7.1977

- Description: Second instance cases for administrative procedure. Important for administrative property claims.

KOS-PROP-52. Law on construction of facilities for investment/commercial purposes

(Official Gazette SAP of Kosovo No. 5/86) ⁷⁵

Adopted on 1986

- Description: Important for IDPs and Returnees reconstruction of destroyed properties.

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⁷² Refers to Civil Law; Law on Civil Procedure; Law on Administrative Disputes; Law on Minor Offences

⁷³ Refers to Law on administrative disputes

⁷⁴ Refers to Law on administrative procedure, Law on executive procedure

⁷⁵ The Invests Construction Law (Official Gazette SAP of Kosovo No. 39/72 and 26/73) is ceased.

KOS-RET-01. Regulation No. 1999/01, On the Authority of the Interim Administration in Kosovo ⁷⁶

Promulgated on 25 July 1999 (applies retroactively from 10 June 1999).

- Description: This Regulation determines the authority of the Special Representative of the Secretary-General in Kosovo and sets up the basic rule on the law applicable in Kosovo. It is a sort of “constitutional act for Kosovo”.

KOS-RET-02. Regulation No. 1999/25, Amending UNMIK Regulation No. 1999/1, On the Authority of the Interim Administration in Kosovo

Signed on 12 December 1999 (applies retroactively from 10 June 1999)

- Description: This regulation amends UNMIK Regulation No. 1999/1 by repealing its Section 3 (Applicable Law in Kosovo) and redefining the law applicable in Kosovo.

KOS-RET-03. Regulation No. 2000/54, Amending UNMIK Regulation No. 1999/01 of 25 July 1999, as amended, On the Authority of the Interim Administration in Kosovo

Signed on 27 September 2000 (applies retroactively from 10 June 1999).

- Description: Amends Sections 1.2 (Authority of the Interim Administration) of Regulation No. 1999/1, as amended, by specifying the legal framework for performing functions in civil administration. Contains provisions referring to human rights principles.

KOS-RET-04. Regulation No. 1999/24, On the Law Applicable in Kosovo ⁷⁷

Signed on 12 December 1999 (applies retroactively from 10 June 1999).

- Description: This regulation defines the law applicable in Kosovo.

KOS-RET-05. Regulation No. 2000/59, Amending UNMIK Regulation No. 1999/24 of 12 December 1999, On the Applicable Law in Kosovo

Entered into force on 27 October 2000.

- Description: Amends Regulation No. 1999/24 of 12 December 1999, On the Applicable Law in Kosovo, by abolishing the provisions on the death penalty existing under then applicable law.

KOS-RET-06. Regulation No. 2000/1, On the Kosovo Joint Interim Administrative Structure

Entered into force on 14 January 2000.

- Description: Establishes the Kosovo Joint Interim Administrative Structure as responsible for the provisional administrative management of Kosovo; terminates all other Kosovo structures of an executive, legislative or judicial nature, thus affecting the functioning of the institutions responsible to provide services to returnees; sets the principle of the fair representation of all communities in the newly established structures.⁷⁸

KOS-RET-07. Regulation No. 2000/45, On Self-Government of Municipalities in Kosovo ⁷⁹

Entered into force on 11 August 2000.

- Description: Regulates the official use of languages on the municipal level and introduces the standards established by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, the European Charter for Regional or

⁷⁶ Amended by Regulation No. 1999/25 and Regulation No. 2000/54. Implemented by Administrative Direction No. 2000/16, Administrative Direction No. 2002/23, Administrative Direction No. 2002/24, Administrative Direction No. 2003/3, Administrative Direction No. 2003/17, Administrative Direction No. 2003/30, Administrative Direction No. 2004/4, Administrative Direction No. 2004/19, Administrative Direction No. 2004/26.

⁷⁷ Amended by Regulation No. 2000/59. Implemented by Administrative Direction No. 2001/9 and Administrative Direction No. 2003/16.

⁷⁸ This regulation has never been explicitly ceased, however other new regulations in this field establish competences of new domestic administrative bodies thus practically terminating its application.

⁷⁹ Implemented by Administrative Direction No. 2002/26 and Administrative Direction No. 2005/11.

Minority Languages, the Council of Europe's Framework Convention for the Protection of National Minorities and the Convention on the Elimination of All Forms of Discrimination Against Women. This is important for sustainability of return.

KOS-RET-08. Regulation No. 2001/9, On Constitutional Framework for Provisional Self-Government in Kosovo⁸⁰

Entered into force on 15 May 2001.

- Description: Establishes direct applicability of the several most important international legal instruments; determines rights mechanisms for the protection of the rights of the communities and their members; determines the official use of languages by the central level Provisional Institutions for Self-Governance.

KOS-RET-09. Regulation No. 2002/9, On an Amendment to the Constitutional Framework for Provisional Self-Government

Entered into force on 3 May 2002.

- Description: Determines the composition of the Presidency of the Assembly of Kosovo by prescribing the appointment of a representative of the Serbian community in Kosovo, thus guaranteeing certain level of participation in public life of IDPs/returnees.

KOS-RET-10. Regulation No. 2001/19, On the Executive Branch of the Provisional Institutions of Self-Government in Kosovo⁸¹

Entered into force on 13 September 2001.

- Description: Sets out a legal framework for the Government as the executive authority within the scope of responsibility of the Provisional Institutions of Self-Government; establishes the non-discrimination principle; refers to returnees in Sections 4 (General Principles of the Civil Service) and in those sections which prescribe the responsibilities of the different bodies within the executive branch.

KOS-RET-11. Regulation No. 2005/15 Amending UNMIK Regulation No. 2001/19 On the Executive Branch of the Provisional Institutions of Self-Government in Kosovo

Entered into force on 16 March 2005.

- Description: Important for returnees since it introduces new provisions that aim at ensuring equitable representation of Kosovo Serbs and other non-Albanian Communities in the executive branch of the Provisional Institutions of Self-Government in Kosovo.

KOS-RET-12. Regulation No. 2005/53 Amending UNMIK Regulation No. 2001/19 On the Executive Branch of the Provisional Institutions Of Self-Government in Kosovo

Entered into force on 20 December 2005.

- Description: Establishes the Ministry of Justice and Ministry of Internal Affairs. Important since those Ministries have responsibilities *vis a vis* series of basic rights of IDPs/returnees.

KOS-RET-13. Regulation No. 2002/11 On the Municipal Elections in Kosovo

Entered into force on 10 June 2002.

- Description: Establishing the basic provisions governing the conduct of the municipal elections in Kosovo in 2002, thus regulating the exercise of the right to vote and to be elected at genuine periodic elections, which should guarantee the effective participation in public life of IDPs/returnees.

⁸⁰ Amended by Regulation No. 2002/9. Implemented by Administrative Direction No. 2001/23, Administrative Direction No. 2003/15 and Administrative Direction No. 2004/6.

⁸¹ Amended by Regulations No. 2002/5 and 2005/15. Implemented by Administrative Direction No. 2001/14, Administrative Direction No. 2002/10, Administrative Direction No. 2002/11, Administrative Direction No. 2003/25, Administrative Direction No. 2004/7, Administrative Direction No. 2004/16, Administrative Direction No. 2004/18, Administrative Direction No. 2004/21 and Administrative Direction No. 2005/10.

KOS-RET-14. Regulation No. 1999/5, On the Establishment of an Ad Hoc Court of Final Appeal and an Ad Hoc Office of the Public Prosecutor

Entered into force on 4 September 1999.

- Description: Establishes the Court of Final Appeal which shall, in the sphere of criminal law, act as the Supreme Court in Kosovo, and determines the Chief Public Prosecutor to discharge the duties prescribed by law for the Public Prosecutor's Office in Kosovo, thus regulating the conditions for the proper protection of the right to fair trial (Art. 6 ECHR) of IDPs/returnees.

KOS-RET-15. Regulation No. 1999/07, On the Appointment and Removal from Office of Judges and Prosecutors⁸²

Entered into force on 12 August 1999

- Description: Prescribes the rules for the appointment of judges and prosecutors thus determining the conditions for an independent and multi-ethnic judiciary in Kosovo, as necessary for an adequate protection of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-16. Regulation No. 2000/57, Amending UNMIK Regulation No. 1999/07 On the Appointment and Removal from Office of Judges and Prosecutors

Signed on 6 October 2000 (applies retroactively from 7 September 1999).

- Description: Amends Sections 2 (Composition) of Regulation No. 1999/07 of 7 September 1999 On Appointment and Removal from Office of Judges and Prosecutors, by requiring a multi-ethnic composition of the Advisory Judicial Commission responsible for a matters related to the appointment and complaints against judges or prosecutors, thus ensuring a multiethnic judiciary in Kosovo which enables the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-17. Regulation No. 1999/18, On the Appointment and Removal from Office of Lay-Judges⁸³

Entered into force on 10 November 1999

- Description: Determines the procedure for the appointment and removal of lay-judges in Kosovo, in order to establish an independent and multi-ethnic judiciary in Kosovo as a basic requirement for the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-18. Regulation No. 2000/6, On the Appointment and Removal from Office of International Judges and International Prosecutors⁸⁴

Entered into force on 15 February 2000

- Description: Determines the procedure for the appointment and removal of international judges and international prosecutors to the courts within the territorial jurisdiction of the District Court of Mitrovica, in order to establish an independent and multi-ethnic judiciary in Kosovo as a basic requirement for the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-19. Regulation No. 2000/34, Amending UNMIK Regulation No. 2000/6 On the Appointment and Removal From Office of International Judges and International Prosecutors.

Entered into force on 27 May 2000

- Description: Amends Section 1 of the existing provisions on the appointment and removal of international judges and international prosecutors, by extending the scope of the their application to any court or public prosecutor's office in the territory of Kosovo, in order to establish an independent and multi-ethnic judiciary in Kosovo as a basic requirement for the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

⁸² Amended by Regulation No. 2000/57; repealed by Regulation No. 2001/8.

⁸³ Repealed by Regulation No. 2001/8.

⁸⁴ Amended by Regulations No. 2000/34 and 2001/2.

KOS-RET-20. Regulation No. 2001/2, Amending Regulation No. 2000/6, as amended, On the Appointment and Removal from Office of International Judges and International Prosecutors

Entered into force on 12 January 2001.⁸⁵

- Description: Amends Regulation No. 2000/6, as amended, On the Appointment and Removal from Office of International Judges and International Prosecutors by adding new sections which extend the jurisdiction of the international prosecutor.

KOS-RET-21. Regulation No. 2000/15, On the Establishment of the Administrative Department of Justice.

Entered into force on 21 March 2000.

- Description: Establishes the Administrative Department of Justice as responsible for the overall management of matters relating to the judicial system and the correctional service as a basic requirement for the proper exercise of the right to fair trial (Art. 6 ECHR) and right to an effective remedy (Art. 13 ECHR) of returnees.

KOS-RET-22. Regulation No. 2000/46, On the Use of Language in Court Proceedings in which an International Judge or International Prosecutor Participates.

Entered into force on 15 August 2000.

- Description: Regulates the use of languages in court proceedings in which an international judge or international prosecutor participates, thus establishing a necessary requirement for the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-23. Regulation No. 2000/64, On the Assignment of International Judges/ Prosecutors and/or Change of Venue⁸⁶

Entered into force on 15 December 2000.⁸⁷

- Description: Regulates the procedure for the change of venue of a criminal proceeding where this is considered necessary to ensure the independence and impartiality of the judiciary or the proper administration of justice. Important for the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-24. Regulation No. 2001/34, Amending UNMIK Regulation No. 2000/64 On Assignment of International Judges/Prosecutors and/or Change of Venue.

Entered into force on 15 December 2001.

- Description: Amends Regulation No. 2000/64 On Assignment of International Judges/Prosecutors and/or Change of Venue by extending the time-frame of the application of the given Regulation.

KOS-RET-25. Regulation No. 2002/20 Amending UNMIK Regulation No. 2000/64, as amended, on Assignment of International Judges/Prosecutors and/or Change of Venue.

Entered into force on 14 December 2002.

⁸⁵ Notwithstanding Section 1.4(b), an international prosecutor may exercise the powers conferred by Section 1.4 of the present regulation in respect of cases in which the public prosecutor abandoned the prosecution prior to the date of the present regulation, provided that the international prosecutor shall exercise such powers no later than 30 days from the date of promulgation of the present regulation.

⁸⁶ Amended by Regulation No. 2001/34. Implemented by Administrative Direction No. 2000/13.

⁸⁷ The present regulation shall enter into force on 15 December 2000 and shall remain in force for an initial period of twelve (12) months. Upon review, this period may be extended by the Special Representative of the Secretary-General. Amended by Regulations No. 2001/2, Regulation 2001/34, Regulation 2002/20, Regulation 2003/36, Regulation 2004/54. Implemented by Administrative Direction No. 2000/13.

- Description: Amends Regulation No. 2000/64, as amended, On Assignment of International Judges/Prosecutors and/or Change of Venue by extending the time frame of the application of the given Regulation.

KOS-RET-26. Regulation No. 2003/36 Amending UNMIK Regulation No. 2000/64, as amended, On Assignment of International Judges/Prosecutors and/or Change of Venue

Entered into force on 14 December 2003.

- Description: Amends Regulation No. 2000/64, as amended, On Assignment of International Judges/Prosecutors and/or Change of Venue by extending the time frame of the application of the given Regulation.

KOS-RET-27. Regulation No. 2004/54 Amending UNMIK Regulation No. 2000/64, as amended, on Assignment of International Judges/Prosecutors and/or Change of Venue

Entered into force on 15 December 2004.

- Description: Amends Regulation No. 2000/64, as amended, On Assignment of International Judges/Prosecutors and/or Change of Venue by extending the time frame of the application of the given Regulation.

KOS-RET-28. Regulation No. 2001/8, On the Establishment of the Kosovo Judicial and Prosecutorial Council⁸⁸

Entered into force on 6 April 2001.

- Description: Determines the procedure for the appointment and removal of judge, prosecutor or lay-judge and prescribes the multi-ethnic composition of the Kosovo Judicial and Prosecutorial Council, responsible for the matters related to the appointment and complaints against judges and prosecutors, thus ensuring the proper exercise of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-29. Regulation No. 2005/52 On the Establishment of the Kosovo Judicial Council⁸⁹

Entered into force on 20 December 2005.

- Description: Terminates the Kosovo Judicial and Prosecutorial Council (KJPC) by establishing the Kosovo Judicial Council (KJC) in order to ensure an impartial and independent judiciary system in Kosovo. Important for the realization of the right to fair trial (Art. 6 ECHR) of IDPs/refugees.

KOS-RET-30. Regulation No. 2001/18, On the Establishment of Detention Review Commission for Extra-Judicial Detention Based on Executive Orders

Entered into force on 25 August 2001.

- Description: Establishes the Detention Review Commission for the purpose of reviewing extra-judicial detentions based on executive orders, thus regulating the conditions for the protection of the right to fair trial (Art. 6 ECHR) of returnees.

KOS-RET-31. Regulation No. 1999/02, On the Prevention of Access by Individuals and their Removal to Secure Public Peace and Order

Entered into force on 12 August 1999.

- Description: Prescribes restrictions of the right to liberty (Art. 5 ECHR). This impacts on freedom of movement of IDPs/returnees. Adopted to strengthen the security forces' mandate to secure a peaceful environment for returnees and IDPs.

⁸⁸ Repeals Regulation No. 1999/7 and UNMIK Regulation No. 1999/18. Repealed by the date of constituting the Kosovo Judicial Council established by Regulation No. 2005/52 On the Establishment of the Kosovo Judicial Council. Implemented by Administrative Direction No. 2001/17 and Administrative Direction No. 2003/31.

⁸⁹ Repeals Regulation No. 2001/8 as of the date when the Council envisioned by this Regulation is finally constituted.

KOS-RET-32. Regulation No. 2000/61, On the Establishment of the Administrative Department of Civil Security and Emergency Preparedness

Entered into force on 9 November 2000.

- Description: Establishes the Administrative Department of Civil Security and Emergency Preparedness responsible for the development of a non-discriminatory emergency prevention and response services. Should be a good mechanism for safety and order thus adding to the conditions for sustainable return.

KOS-RET-33. Regulation No. 2000/62, On the Exclusion of Persons for a Limited Duration to Secure Public Peace, Safety and Order⁹⁰

Entered into force on 30 November 2000.⁹¹

- Description: Determines the ground and requirements for an exclusion order thus establishing a legal ground for the restrictions on the right to liberty and security (Art. 5 ECHR) of IDPs/returnees.

KOS-RET-34. Regulation No. 2001/7, On the Authorization of Possession of Weapons in Kosovo⁹²

Entered into force on 4 June 2001.

- Description: Determines the procedure for the issuance of weapon authorization card to persons, including returnees, who are assessed as being subject to a risk or threat and therefore eligible for the issuance of a given authorization. This helps creating a more secure environment for sustainable return.

KOS-RET-35. Regulation No. 2001/10, On the Prohibition of Unauthorized Border/Boundary Crossings⁹³

Entered into force on 4 June 2001.

- Description: Proclaims as a criminal offence any crossing of a boundary of Kosovo at any location other than at an authorized boundary crossing point, thus affecting the freedom of movement of IDPs/returnees.

KOS-RET-36. Regulation No. 1999/08, On the Establishment of the Kosovo Protection Corps

Signed on 20 September 1999.⁹⁴

- Description: Establishes the Kosovo Protection Corps as a civilian emergency service agency by prescribing safeguards for the character of this agency. The regulation prescribes that this body has a multi-ethnic composition (including returnees).

KOS-RET-37. Regulation No. 1999/12, On the Provision of Postal and Telecommunications Services in Kosovo

Entered into force on 14 October 1999.

- Description: Prescribes the implementation of non-discriminatory personnel policies which should ensure that the composition of the staff of the Telecommunications Enterprise in the territory of Kosovo (PTK) reflects the multi-ethnic character of Kosovo, including returnees. This could be a source of employment for returnees.

⁹⁰ Implemented by Administrative Direction No. 2000/29.

⁹¹ The present regulation shall enter into force on 30 November 2000 and shall remain in force for an initial period of six months. Upon review, the Special Representative of the Secretary-General may determine that circumstances warrant the extension of the regulation for the additional six months.

⁹² Implemented by Administrative Direction No. 2003/1.

⁹³ Implemented by Administrative Direction No. 2001/5.

⁹⁴ Entered into force conditioned by the necessary funding for the establishment and maintenance of the Kosovo Protection Corps and COMKFOR confirmation of compliance with the relevant provisions of Security Council Resolution 1244 (1999).

KOS-RET-38. Regulation No. 2000/23, On the Establishment of the Administrative Department of Post and Telecommunications

Entered into force on 21 April 2000.

- Description: Establishes the Administrative Department of Post and Telecommunication as responsible for the overall management of matters relating to post, telecommunications and information technology, in manner that shall ensure equal and adequate access to these services by returnees.

KOS-RET-39. Law on Postal Services No. 2003 / 18 ⁹⁵

Entered into force on 17 December 2003.

- Description: Regulates the system of postal services in Kosovo by establishing the principle of non-discrimination important as a safeguard for the equal treatment of returnees as users.

KOS-RET-40. Law on Electricity No. 2004/ 10 ⁹⁶

Entered into force on 30 June 2004.

- Description: Regulates the system of electricity generation, transmission, distribution and supply, by establishing the principle of non-discrimination of users. Important for an equal and adequate supply of electricity to returnees.

KOS-RET-41. Regulation No. 2004/49, On the Activities of Water, Wastewater and Waste Services Providers

Entered into force on 26 November 2004.

- Description: Important for returnees since it prescribes the right to access to water and sanitation services on an equitable and non-discriminatory basis and determines the use of the Serbian language in any documents provided by the service providers.

KOS-RET-42. Regulation No. 2000/36, On the Licensing and Regulation of the Broadcast Media in Kosovo ⁹⁷

Entered into force on 17 June 2000.

- Description: Establishes the rules for licensing and regulating the broadcast media in Kosovo, thus establishing the legal framework for the exercise of the right to freedom of expression (Art. 10 ECHR) of returnees.

KOS-RET-43. Regulation No. 2000/37, On the Conduct of the Print Media in Kosovo ⁹⁸

Entered into force on 17 June 2000.

- Description: Regulates the operation of the print media in Kosovo, thus establishing the legal framework for the exercise of the right to freedom of expression (Art. 10 ECHR) of returnees.

KOS-RET-44. Regulation No. 2001/13, On the Establishment of Radio Television Kosovo ⁹⁹

Entered into force on 15 June 2001.

⁹⁵ Promulgated by Regulation No. 2003/37.

⁹⁶ Promulgated by Regulation No. 2004/22.

⁹⁷ In the effect until the establishment of bodies envisioned by the Law on the Independent Media Commission and Broadcasting No. 02/l-15. Implemented by Administrative Direction No. 2003/8, Administrative Direction No. 2003/32 and Administrative Direction No. 2005/4.

⁹⁸ Implemented by Administrative Direction No. 2000/22, Administrative Direction No. 2003/8, Administrative Direction No. 2003/32 and Administrative Direction No. 2005/5.

⁹⁹ Implemented by Administrative Direction No. 2003/5 and Administrative Direction No. 2003/12.

- Description: Establishes Radio Television Kosovo (RTK) as the public service broadcaster, directly relevant for returns in the section 1 which prescribes the use of the Serbian language in the RTK's programming and section 4 which prescribe multi-ethnic composition of RTK Board, By this Regulation certain requirements for the exercise of the freedom of expression (Art. 10 ECHR) of returnees have been establishing.

KOS-RET-45. Law on the Independent Media Commission and Broadcasting No. 02/I-15¹⁰⁰

Entered into force on 8 July 2005.

- Description: Establishes the rules for licensing and regulating the broadcast media in Kosovo, thus establishing the legal framework for the exercise of the right to freedom of expression (Art. 10 ECHR) of returnees.

KOS-RET-46. Regulation No. 1999/26, On the Extension of Periods of Pre-Trial Detention

Entered into force on 22 December 1999.¹⁰¹

- Description: Amends the existing provisions on the pretrial procedures by extending pretrial custody. Could potentially affect the exercise of the right to liberty and security (Art. 5 ECHR) of returnees/IDPs.

KOS-RET-47. Regulation No. 2000/4, On the Prohibition against Inciting to National, Racial, Religious or Ethnic Hatred, Discord or Intolerance

Entered into force on 1 February 2000

- Description: Amends applicable criminal law in order to criminalize such acts. Important for sustainable return since it reiterates the principle of non-discrimination and aims at contributing to maintenance of public peace and order in the territory of Kosovo.

KOS-RET-48. Regulation No. 2000/17, On the Admissibility of Certain Witness Statements in Preliminary Investigations

Entered into force on 23 March 2000.¹⁰²

- Description: Amends the existing provisions on pretrial procedures by prescribing that, under certain conditions, witness statements made in writing by an officer serving with a relevant law enforcement authority shall be admissible in the preliminary investigation. This could potentially infringe on certain basic rights of IDPs/returnees as suspects, such as the right to fair trial and the right to liberty and security.

KOS-RET-49. Regulation No. 2000/38, On the Establishment of the Ombudsperson Institution in Kosovo

Entered into force on 30 June 2000.

- Description: Establishes the Ombudsperson Institution in Kosovo and regulates the right of the returnees to lodge complaints concerning human rights violations and actions constituting an abuse of authority by the interim civil administration or any emerging central or local institution.

KOS-RET-50. Regulation No. 2001/1, On the Prohibition of Trials in Absentia for Serious Violations of International Humanitarian Law

Entered into force on 12 January 2001.¹⁰³

- Description: Sets up the prohibition of trials in absentia for serious violations of international humanitarian law, thus preventing IDPs to be trial without due judicial guaranties while in displacement.

¹⁰⁰ Promulgated and amended by Regulation No. 2005/34. Ceases Regulation No. 2000/36.

¹⁰¹ Except for the Sections 1 and 2 of the regulation, which shall apply also to criminal proceedings initiated between 10 June 1999 and the date of promulgation of the regulation.

¹⁰² Except for Sections 1, 2 and 3 of the present regulation which shall apply also to criminal proceedings initiated between 10 June 1999 and the date of the promulgation of the regulation.

¹⁰³ The regulation shall apply also to criminal proceedings pending as of that date.

KOS-RET-51. Regulation No. 2001/28, On the Rights of Persons Arrested by Law Enforcement Authorities ¹⁰⁴

Entered into force on 1 November 2001

- Description: Establishes the legal guarantees for the protection of the rights of persons arrested by law enforcement authorities, thus strengthening returnees/IDPs freedom from arbitrary arrest.

KOS-RET-52. Regulation No. 2002/7, On the Use in Criminal Proceedings of Written Records of Interviews Conducted by Law Enforcement Authorities

Entered into force on 28 March 2002.

- Description: Determines the conditions under which a written record of an interview conducted by law enforcement authorities can be used in criminal proceedings. This could potentially affect IDPs/returnees since it potentially infringe on certain basic rights of suspects such as the right to fair trial and the right to liberty and security.

KOS-RET-53. Provisional Criminal Procedure Code of Kosovo

Entered into force nine months after the date of signature on 6 April 2004.

- Description: Determines the rules of criminal procedure. Reinforces the provisions on the official use of Serbian language in the court proceedings.

KOS-RET-54. Anti-discrimination law No. 2004/3 ¹⁰⁵

Entered into force thirty days after its promulgation by the SRSG on 20 August 2004.

- Description: Important for IDPs/returnees since it guarantees the principle of equal treatment, including the prohibition of indirect discrimination based on ethnic origin or any other ground and the principle of fair representation of the members of all communities to employment in the public bodies at all levels.

KOS-RET-55. Law on Consumer Protection No. 2004 /17 ¹⁰⁶

Entered into force on 19 October 2004.

- Description: Important for returnees since it provides them, as consumers, with protection in conformity with international standards. Particularly significant are the sections on the use of the official languages in the labeling of products.

KOS-RET-56. Law on Execution of Penal Sanctions ¹⁰⁷

Entered into force on 19 February 2005.

- Description: Potentially important for the protection of the rights of convicted IDPs/returnees since it proclaims the principle of non-discrimination in the execution of penal sanctions.

KOS-RET-57. Regulation No. 2005/16, On the Movement of Persons Into and Out of Kosovo ¹⁰⁸

Entered into force on 1 June 2005.¹⁰⁹

¹⁰⁴ Implemented by Administrative Direction No. 2001/15.

¹⁰⁵ Promulgated and amended by Regulation No. 2004/32. Amendments important for IDPs since they extend the application of the given Law on all "persons" in Kosovo irrespective of their habitual residence.

¹⁰⁶ Promulgated by Regulation No. 2004/42.

¹⁰⁷ Promulgated by Regulation No. 2004/46.

¹⁰⁸ Amended by Regulation No. 2005/19. Implemented by Administrative Direction No. 2005/8.

¹⁰⁹ Pursuant to Regulation No. 2005/19 Amending Regulation No. 2005/16 On the Movement of Persons Into and Out of Kosovo, which postponed the date of its entry into force from 1 May to 1 June 2005

- Description: Regulates the movement of persons into and out of Kosovo. Potentially affecting freedom of movement of IDPs since it prescribes that individuals not holding valid documents issued in Kosovo might be denied entry.

KOS-RET-58. Regulation No. 2005/54, On the Framework and Guiding Principles of the Kosovo Police Service

Entered into force on 20 December 2005.

- Description: Determines the fundamental principles, powers and responsibilities of the Kosovo Police Service. Important for the IDPs/returnees since it reiterates the principle of non-discrimination and the principle of inclusiveness - meaning equitable representation of all communities in Kosovo - as indispensable for providing a safe environment for returns.

KOS-RET-59. Regulation No. 2000/21, On the Establishment of the Central Election Commission ¹¹⁰

Entered into force on 18 April 2000

- Description: Establishes the Central Election Commission as responsible for the conduction of elections and the determination of basic rules which shall govern the conduct of elections in Kosovo, thus regulating the exercise of the right to vote and to be elected at genuine periodic elections which should guarantee the effective participation in public life of IDPs/returnees.

KOS-RET-60. Regulation No. 2000/65, Amending UNMIK Regulation No. 2000/21 of 18 April 2000 On the Establishment of the Central Election Commission

Entered into force on 19 December 2000.

- Description: Amends Sections 2 and 4 of Regulation No. 2000/21 of 18 April 2000 On the Establishment of the Central Election Commission, by further determining safeguards for the independency of the Central Election Commission and extending scope of its tasks, thus further guaranteeing the adequate conditions for the exercise of the right to vote and to be elected at genuine periodic elections to returnees.

KOS-RET-61. Regulation No. 2004/9, On the Central Election Commission ¹¹¹

Entered into force on 27 April 2004.

- Description: Regulates the activities of the Central Election Commission and the conduct of elections in Kosovo. Contains provision on the right to nominate a candidate for a post of a commissioner of the political entities representing the Serbian community in Kosovo. Important since it establishes rules which should guarantee the effective participation of IDPs/returnees in public life of Kosovo.

KOS-RET-62. Regulation No. 2001/33, On Elections for the Assembly of Kosovo

Entered into force on 15 November 2001.

- Description: Sets out the provisions on additional representation of the Serbian community in the Assembly of Kosovo.

KOS-RET-63. Regulation No. 2004/12, On Elections for the Assembly of Kosovo ¹¹²

Entered into force on 5 May 2004.

- Description: Establishes the basic rules governing the conduct of elections for the Assembly of Kosovo. Contains provisions on positive discrimination for IDPs/returnees in the distribution of seats, voter eligibility and voting outside of Kosovo. Important since it establishes rules which should guarantee the effective participation of IDPs/returnees in public life of Kosovo.

¹¹⁰ Amended by Regulation No. 2000/65. Implemented by Administrative Direction No. 2003/28.

¹¹¹ Implemented by Administrative Direction No. 2004/15, Administrative Direction No. 2005/19.

¹¹² Implemented by Administrative Direction No. 2004/25, Administrative Direction No. 2004/27.

KOS-RET-64. Regulation No. 2000/10, On the establishment of the Administrative Department of Health and Social Welfare ¹¹³

Entered into force on 3 March 2000.

- Description: Establishes the Administrative Department of Health and Social Welfare, as responsible for the management of matters relating to health and social welfare in Kosovo in a non-discriminatory manner i.e. equal access to health and social welfare services by returnees.

KOS-RET-65. Regulation No. 2000/24, On the Establishment of the Administrative Department of Labor and Employment ¹¹⁴

Entered into force on 21 April 2000

- Description: Establishes of the Administrative Department of Labor and Employment responsible for the overall management of matters relating to labor and employment ensuring non-discriminatory labor and employment policies towards returnees.

KOS-RET-66. Regulation No. 2001/27, On Essential Labour Law in Kosovo

Entered into force on 8 October 2001.

- Description: Regulate labour and employment matters in Kosovo, including employment relationships under which work or services should be performed in a non-discriminatory manner.

KOS-RET-67. Law on the Labor Inspectorate of Kosovo No. 2002/09 ¹¹⁵

Entered into force on 21 February 2003.

- Description: Establishes the Labor Inspection Authority. Important for the realization of the labor and labor-related rights of returnees since the Labor Inspection Authority should be a mechanism for controlling implementation of the Essential Labor Law and other labor rules.

KOS-RET-68. Regulation No. 2000/66, On Benefits for War Invalids of Kosovo and for the Next of Kin of Those Who Died as a Result of the Armed Conflict in Kosovo ¹¹⁶

Signed on 21 December 2000 (applies retroactively from 7 December 2000)

- Description: Prescribes the scope of persons, including returnees, eligible for the scheme of benefits for war invalids and for the next of kin of those who died as a result of the armed conflict in Kosovo.

KOS-RET-69. Regulation No. 2001/35, On Pensions in Kosovo ¹¹⁷

Entered into force on 22 December 2001.

- Description: Sets out a legal framework of the pension system in Kosovo. Relevant, although does not contains provisions specifically refereeing to IDPs/returnees, since it regulates the exercise of the basic rights in the sphere of economic rights of returnees.

¹¹³ Implemented by Administrative Direction No. 2000/12.

¹¹⁴ Implemented by Administrative Direction No. 2001/1.

¹¹⁵ Promulgated by Regulation No. 2003/4. Does not contain any provisions on positive discrimination.

¹¹⁶ Implemented by Administrative Direction No. 2001/19.

¹¹⁷ Amended by Regulation 2005/20 implemented by Administrative Direction No. 2005/13. Implemented by Administrative Direction No. 2002/5, Administrative Direction No. 2002/12, Administrative Direction No. 2002/13, Administrative Direction No. 2003/7, Administrative Direction No. 2004/14 and Administrative Direction No. 2004/22,

KOS-RET-70. Law On the Methodology for setting the Level of Basic Pension in Kosovo and determining the Commencement Date for Provision of Basic Pensions No. 2002/1¹¹⁸

Entered into force on 26 July 2002.

- Description: Determines the methodology for setting the amount of Basic Pension and the commencement date for providing Basic Pensions. Relevant, although does not contains provisions specifically refereeing to IDPs/returnees, since it regulates the exercise of basic acquired rights in the sphere of economic rights of returnees. Although residence in Kosovo is required to benefit from it which makes it difficult for IDPs.

KOS-RET-71. Law on the Social Assistance Scheme in Kosovo¹¹⁹

Entered into force on 18 December 2003.

- Description: Sets out the Social Assistance Scheme of Kosovo as a social safety net within the broader context of the social protection system in Kosovo. Relevant for the exercise of the basic set of social rights of returnees.

KOS-RET-72. Law on Disability Pensions in Kosovo No. 2003/23¹²⁰

Entered into force on 17 December 2003.

- Description: Determines the conditions for the enjoyment of a Disability Pensions Scheme. Relevant although does not contains provisions specifically refereeing to returnees, since it regulates the exercise of the basic economic rights of certain category of returnees.

KOS-RET-73. Law on Social and Family Services No. 02/I-17¹²¹

Entered into force on 14 October 2005.

- Description: Determines legal framework for the regulation of social and family services to persons in need and to families by establishing principle of equal access to Social and Family Services for returnees/IDPs

KOS-RET-74. Kosovo Health Law No. 2004/4¹²²

Entered into force on 20 August 2004.

- Description: Establishes the legal framework of the health care system in Kosovo in accordance with the principle of non-discrimination. Important for IDPs/returnees since it prescribes that the system of health care should be accessible to all Communities in Kosovo. It applies to all disregarding the place of residence.

KOS-RET-75. Law on Rights and Responsibilities of Kosovo Residents in the Health Care System¹²³

Entered into force on 19 November 2004.

- Description: Important since it determines the rights and responsibilities of the persons in health care matters, including IDPs/returnees, thus establishing mechanisms for their protection and prescribing the principle of non-discrimination. Important since it ensures equal access to the health care system to IDPs/returnees.

¹¹⁸ Promulgated by Regulation No. 2002/19. Completely revised by Regulation 2005/20.

¹¹⁹ Promulgated by Regulation No. 2003/28. Does not contain any provisions on positive discrimination for returnees.

¹²⁰ Promulgated by Regulation No. 2003/40.

¹²¹ Promulgated and amended by Regulation No. 2005/46.

¹²² Promulgated and amended by Regulation No. 2004/31. Amendments important for IDPs since they broaden the scope of application of the given Law by replacing term "citizen" by the term "Kosovo resident" meaning a habitual resident of Kosovo or person who meets eligibility requirements for registration as a habitual resident of Kosovo.

¹²³ Promulgated and amended by Regulation No. 2004/47. Amendments important for IDPs since they broaden the scope of the given Law by replacing term "citizen" by the term "Kosovo resident" meaning a habitual resident of Kosovo or person who meets eligibility requirements for registration as a habitual resident of Kosovo.

KOS-RET-76. Law on Primary and Secondary Education in Kosovo No. 2002/19¹²⁴

Entered into force on 31 October 2002.

- Description: Sets up the legal framework for the primary and secondary education in Kosovo. Contains series of provisions the purpose of which is to establish and ensure the respect for the rights of non-Albanian communities and their members in the sphere of education.

KOS-RET-77. Law on the Higher Education in Kosovo No. 2002/3¹²⁵

Entered into force on 12 May 2003

- Description: Establishes the legal framework for the system of higher education in Kosovo. Contains a series of provisions the purpose of which is to establish and ensure the respect for the rights of non-Albanian communities and their members in the sphere of higher education.

KOS-RET-78. Law on Inspection of Education in Kosovo No. 2004/37¹²⁶

Entered into force on 17 December 2004.

- Description: Establishes the Inspection of Education. Important for the realization of the right on education of returnees since this Inspection should be a mechanism for controlling implementation of the legal acts regulating education in Kosovo including the principle of equal access to education.

KOS-RET-79. Regulation No. 1999/15, On the Temporary Registration of Privately Operated Vehicles in Kosovo

Entered into force on 21 October 1999

- Description: Determines the procedure for providing temporary registration papers and license plates for vehicles located in Kosovo. This regulation infringes freedom of movement of IDPs as Serbian and other driving licenses are not recognized in Kosovo, thus placing an extra burden on IDPs.

KOS-RET-80. Regulation No. 2001/29, On Documents Permitting the Operation of Vehicles in Kosovo and Other Related Matters¹²⁷

Entered into force on 27 October 2001.

- Description: Regulates the operation of vehicles in Kosovo and other related matters, thus placing certain requirements on the use of vehicles by returnees different than the requirements under the previously applicable law.

KOS-RET-81. Regulation No. 2002/14, Amending UNMIK Regulation No. 2001/29 On Documents Permitting the Operation of Vehicles in Kosovo and Other Related Matters

Entered into force on 15 July 2002.

- Description: Amends by extending the period of validity of a driver's license issued by the competent authorities of the Federal Republic of Yugoslavia in the territory of Kosovo that had expired after 1 January 1999. This enables more freedom of movement for IDPs/returnees traveling to or in Kosovo because their Serbian driving licenses are recognized as valid in Kosovo.

¹²⁴ Promulgated by Regulation No. 2002/19.

¹²⁵ Promulgated by Regulation No. 2003/14, which provisionally supplements given Law by Section 10.8 which prescribes that all providers of higher education that were authorized to operate in the academic year 2001-2002 will be licensed under the given Law and in conformity with international non-discrimination principles.

¹²⁶ Promulgated by Regulation No. 2004/55.

¹²⁷ Amended by Regulation No. 2002/14.

KOS-RET-82. Regulation No. 2003/2, Amending UNMIK Regulation No. 2001/29, as amended, on Documents Permitting the Operation of Vehicles in Kosovo and Other Related Matters

Entered into force on 1 January 2003

- Description: Amends by further extending the period of validity of a driver's license issued by the competent authorities of the Federal Republic of Yugoslavia in the territory of Kosovo that has expired after 1 January 1999. This enables more freedom of movement for IDPs/returnees traveling to or in Kosovo because their Serbian driving licenses are recognized as valid in Kosovo.

KOS-RET-83. Regulation No. 1999/22, On the Registration and Operation of Non-Governmental Organizations in Kosovo ¹²⁸

Entered into force on 10 November 1999

- Description: Regulates the registration and operation of non-governmental organizations in Kosovo, thus regulating the exercise of the right of returnees to freedom of assembly and association (art. 11 ECHR)

KOS-RET-84. Regulation No. 2004/11, On the Registration and Operation of Political Parties in Kosovo

Entered into force on 5 May 2004.

- Description: Regulates the registration and operation of political parties in Kosovo. Important since it determines the conditions for the exercise of the right of IDPs/returnees to freedom of assembly and association (art. 11 ECHR).

KOS-RET-85. Regulation No. 2000/12, On the Establishment of the Administrative Department of Public Services ¹²⁹

Entered into force on 14 March 2000.

- Description: Establishes the Administrative Department of Public Services as responsible for the management of public services in Kosovo in a non-discriminatory manner i.e. adequate supply/access to public services by returnees.

KOS-RET-86. Regulation No. 2000/11, On the establishment of the Administrative Department of Education and Science ¹³⁰

Entered into force on 3 March 2000.

- Description: Establishes the Administrative Department of Education and Science, as responsible for the management of matters relating to education in Kosovo i.e. securing non-discriminatory educational system accessible for returnees.

KOS-RET-87. Regulation No. 2000/13, On the Central Civil Registry ¹³¹

Entered into force on 17 March 2000.

- Description: Defines the scope of persons who can be registered as habitual residents of Kosovo and the procedure for the registration of habitual residents and those seeking to be considered as habitual residents of Kosovo. It is important for the registration as residents of IDPs/returnees.

KOS-RET-88. Law on Civil Status Registers No. 2005/21 ¹³²

Entered into force on 7 May 2005.

¹²⁸ Implemented by Administrative Direction No. 2000/10 as amended by Administrative Direction No. 2001/2, and Administrative Direction No. 2002/9.

¹²⁹ Implemented by Administrative Direction No. 2000/14.

¹³⁰ Implemented by Administrative Direction No. 2002/2.

¹³¹ Implemented by Administrative Direction No. 2000/5, Administrative Direction No. 2000/8, Administrative Direction No. 2000/9, Administrative Direction No. 2000/25, Administrative Direction No. 2001/12 amended by Administrative Direction No. 2002/15, Administrative Direction No. 2002/16, Administrative Direction No. 2003/19, Administrative Direction No. 2005/1.

¹³² Promulgated and amended by Regulation No. 2005/21. Amendments important for IDPs since they broaden the scope of the given Law by replacing term "citizen" by the term "Kosovo habitual resident" meaning habitual resident of Kosovo or person who meets eligibility requirements for registration as a habitual resident of Kosovo.

- Description: Regulates the procedure for registration of facts on civil status of Kosovo habitual residents. Important since it enables IDPs/returnees to register facts/obtain documents necessary for the realization of their rights. Note that many provisions of Regulation are still applicable as well.

KOS-RET-89. Law on Archive Material and Archives No. 2003/7 ¹³³

Entered into force on 23 June 2003.

- Description: Regulates the system of archives and the use of archived material in Kosovo. Relevant for IDPs/returnees for obtaining documents necessary for the realization and/or protection of their rights.

KOS-RET-90. Law on Access to Official Documents No. 2003 / 12 ¹³⁴

Entered into force on 6 November 2003.

- Description: Prescribes the conditions for the exercise of the right to access to official documents. Contains the provisions on the use of languages and indirectly enables IDPs, as persons who meet the eligibility requirements for registration as a habitual resident of Kosovo, to exercise this right. Relevant for IDPs/returnees since it enables them to participate more closely in the decision-making process of public institutions in Kosovo.

KOS-RET-91. Regulation No. 2000/18, On Travel Documents ¹³⁵

Entered into force on 29 March 2000

- Description: Establishes the status of habitual residence as one of the requirements for the issuance of the travel document. This has an impact on freedom of movement and affects certain benefits of which IDPs could be entitled.

KOS-RET-92. Law on the Official Gazette No. 2005/25 ¹³⁶

Entered into force on 12 May 2005.

- Description: Establishes the Official Gazette of the PISG of Kosovo. Important since it makes the legal system accessible for IDPs/returnees. Reiterates the provisions on the official use of the Serbian language as set up the Constitutional Framework for the Provisional Self-Governance in Kosovo.

KOS-RET-93. Regulation No. 2000/19, On the Establishment of the Administrative Department of Reconstruction

Entered into force on 30 March 2000

- Description: Establishes the Administrative Department of Reconstruction as responsible for the overall management of matters relating to the funding and coordination of reconstruction in Kosovo in a manner that is beneficial to all the peoples of Kosovo irrespective of their ethnic origin. This is important for IDPs/Returnees as for some of their homes were destroyed during the conflict.

KOS-RET-94. Regulation No. 2000/30, On Stamps and Headings of Official Documents of Courts, Prosecutors Offices and Penal Establishments

Entered into force on 20 May 2000

¹³³ Promulgated by Regulation No. 2003/20. Does not contain any provisions that provide positive discrimination regarding the access to archive material by the members of non-Albanian communities.

¹³⁴ Promulgated by Regulation No. 2003/32.

¹³⁵ Implemented by Administrative Direction No. 2002/6 , Administrative Direction No. 2003/20 and Administrative Direction No. 2005/20.

¹³⁶ Promulgated and amended by Regulation No. 2005/25. Amendment important for IDPs/returnees since it proclaims as authentic all three version of the legal texts published in the Official Gazette pursuant to the provisions on the official use of languages prescribed by the Constitutional Framework for Provisional Self-Government in Kosovo.

- Description: Prescribes the form and content of the stamps and headings of official documents of courts, prosecutors' offices and penal establishments in order to ensure proper administration of justice and the equal use of Serbian and other official languages in Kosovo.

KOS-RET-95. Regulation No. 2000/40, On the Establishment of the Administrative Department for Democratic Governance and Civil Society

Entered into force on 10 July 2000

- Description: Establishes the Administrative Department for Democratic Governance and Civil Society as responsible for development of the activities reintegration and post-conflict reconciliation. This regulation is important for sustainability of return.

KOS-RET-96. Regulation No. 2000/43, On the Number, Names and Boundaries of Municipalities¹³⁷

Entered into force on 27 July 2000.

- Description: Determines the number, names, area and boundaries of municipalities in Kosovo thus important for the equal use of the Serbian and other official languages in Kosovo.

KOS-RET-97. Regulation No. 2000/48, On the Establishment of the Administrative Department of Youth

Entered into force on 19 August 2000.

- Description: Establishes the Administrative Department of Youth the responsibility of which is to develop programs in the sphere of health, education, juvenile justice, promotion of human rights, etc. Has specific provisions on "returning youth".

KOS-RET-98. Regulation No. 2000/49, On the Establishment of the Administrative Department of Public Utilities¹³⁸

Entered into force on 19 August 2000.

- Description: Establishes the Administrative Department of Public Services as responsible for the management oversight and regulation of matters relating to public utilities in Kosovo in a manner that shall secure an adequate supply of public utilities to returnees in accordance with the principle of non-discrimination.

KOS-RET-99. Regulation No. 2000/58, On the Establishment of the Administrative Department of Non-Resident Affairs

Entered into force on 19 October 2000.

- Description: Establishes the Administrative Department of Non-Resident Affairs to facilitate matters ("non-residential affairs") relating to members of the ethnic, religious or linguistic communities of Kosovo temporarily or permanently living outside of Kosovo and contacts with other relevant persons and organizations outside of Kosovo and provide safeguard for the non-discriminatory conduct of non-resident affairs.

KOS-RET-100. Regulation No. 2001/14, On the Establishment of the Kosovo Statistical Office

Entered into force on 2 July 2001.

- Description: Prescribes the implementation of non-discriminatory personnel policies which should ensure that the composition of the staff of the Kosovo Statistical Office reflects the multi-ethnic character of Kosovo.

KOS-RET-101. Regulation No. 2001/36, On the Kosovo Civil Service¹³⁹

Entered into force on 22 December 2001.

¹³⁷ Implemented by Administrative Direction No. 2004/23.

¹³⁸ Implemented by Administrative Direction No. 2002/19, Administrative Direction No. 2002/20, Administrative Direction No. 2003/22, Administrative Direction No. 2003/23, Administrative Direction No. 2004/2 and Administrative Direction No. 2004/10.

¹³⁹ Implemented by Administrative Direction No. 2003/2.

- Description: Establishes the legal and administrative framework for the civil service in Kosovo by setting up the special provisions which shall ensure the multi-ethnic character of the given service and it's functioning in accordance with the principle of non-discrimination.