

TITLE: Tax-free registration of joint property on behalf of both spouses - affirmative action

COUNTRY: KOSOVO

IMPLEMENTING ENTITY: Office of the Prime Minister/ Agency for Gender Equality/ Cadastral Agency

DURATION: April 2018–2019



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Summary

Even though property rights are protected by legislation in Kosovo, women tend not to exercise their right. In order to improve the situation of women by increasing their access to property, the Agency for Gender Equality (AGE), in cooperation with the Kosovo Cadastral Agency, proposed an affirmative measure, 'Administrative Instruction on Special Measures for Registration of Joint Immovable Property on Behalf of Both Spouses'. This affirmative action seeks to increase women's ownership of marital property, established or created during the marriage, by making the registration process free of charge for women. The affirmative action was first adopted by the GRK in 2016 and has since been extended twice. It is due to remain in force until April 2019. AGE organised an awareness campaign, showing a promotional video on Kosovo's public service broadcaster (RTK) and three local TV media channels, and displaying 120 posters and billboards across the territory of Kosovo. By December 2017, 1,197 couples across the country had registered their joint property, free of charge.

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Impact of the affirmative action

This affirmative action has worked well in Kosovo. In the first year of the affirmative measure 'Administrative Instruction on Special Measures for Registration of Joint Immovable Property on Behalf of Both Spouses', 597 cases were registered free of charge between March and December 2016. In the second year, 1,197 cases were accepted by December 2017, while the first six months of 2018 saw 613 cases of women registering their marital property free of charge.

Transferability to other contexts

The Constitution of the Republic of Kosovo states that gender equality is a fundamental value of society. It considers gender equality a foundational basis for the democratic development of society, providing equal opportunities for female and male participation in political, economic, social, cultural and other areas of societal life (Article 7, Item 2). The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an integral part of the Constitution of Kosovo and even prevails over national legislation. However, the legal framework is hampered by the practical application of traditional aspects and approaches to social development, particularly in economic, political and social terms.

Although the law states that property created during conjugal life must be registered in the names of both spouses, the data suggest that this did not apply in practice prior to the measure. According to the 2016 Household Budget Survey, only 11% of married women owned homes / flats.

Learning and capacity-building potential

Special measures (affirmative actions) are foreseen by the national legislation, with Article 6 of the Law on Gender Equality providing the possibility to support whichever gender is under-represented in various social, political or economic spheres. This affirmative measure shows that even a small action can have an impact, provided it is concrete, based in legislation and has strong institutional commitment.

Sustainability of the action

The implementation of the affirmative action has proved sustainable, as the regulatory framework is already in place. The extension of the programme on two occasions is testimony to its ability to continue.

National plans and strategies

The Law on Gender Equality creates opportunities to propose affirmative measures and actions in different fields.

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Achievements and tangible outcomes

Women and girls are now more aware of their property rights. The percentage of women owning property has improved slightly, rising to 16.85% in 2019 (compared to 11% in 2016). Implementation of this affirmative measure has also had other positive impacts. For example, notary services are more vigilant in the process of buying and selling property, and the implementation of legislation has slightly advanced. Within a married couple, both spouses must now consent before their property can be sold.

Links to audio-visual materials and websites with additional information/context (if applicable):

AGE awareness-raising video, broadcast on RTK and regionally. Available at: https://www.youtube.com/watch?v=hPB3_Hzx-i0