



MIDTERM NATIONAL SURVEY ON PROPERTY RIGHTS IN KOSOVO

Property Rights Program (PRP)



APRIL 2017

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Cover Photo: Drawing produced by a young student in Viti/Vitina municipality during a PRP outreach activity during Spring 2016. A children's drawing activity was held for school children where they were asked to draw on the topic of "Home & Family." This, and other drawings from this event, have been used in a number of publications to promote the national equal property rights campaign: "For Our Common Good."

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DISCLAIMER

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

TABLE OF CONTENTS

TABLE OF FIGURES	V
ACRONYMS AND ABBREVIATIONS	VI
EXECUTIVE SUMMARY	7
1.0 INTRODUCTION AND BACKGROUND	10
2.0 RESEARCH METHODOLOGY	12
3.0 SURVEY FINDINGS	13
3.1 CITIZENS' KNOWLEDGE OF THEIR PROPERTY RIGHTS	13
3.1.1 Property Ownership Rights	13
3.1.2 Property Registration	15
3.1.3 Inheritance and Real Estate Transactions	17
3.2 WOMEN'S RIGHTS TO PROPERTY: BELIEFS AND PRACTICES	20
3.3 SATISFACTION WITH COURT SERVICES ON RESOLVING PROPERTY DISPUTES	25
3.4 COMMUNICATION AND OUTREACH ACTIVITIES	30
4.0 CONCLUSIONS	33

TABLE OF FIGURES

Figure 1: Gender breakdown of the sample.....	12
Figure 2: Can you please tell us if you consider yourself an owner of any immovable property?.....	13
Figure 3: When would you consider property to be yours?.....	14
Figure 4: How did you become an owner of property? (Gender Breakdown).....	15
Figure 5: Is the property registered in your name? (% of 'Yes').....	15
Figure 6: Can you please tell us why you have not registered your property in your name?.....	16
Figure 7: How many of these registered household members are female?.....	16
Figure 8: In your opinion, which property should belong to both partners? (Breakdown by exposure to PRP outreach products).....	17
Figure 9: Has your birth family gone through the inheritance proceeding?.....	17
Figure 10: Do you know which members of the household can make a request for an inheritance proceeding?.....	18
Figure 11: Do you know where you can request an inheritance proceeding?.....	18
Figure 12: What are the basic documents you need to initiate an inheritance proceeding?.....	19
Figure 13: Do you know which members of the household can make a real estate transaction?.....	19
Figure 14: Do you know the basic documents you need to make a real estate transaction (sell/buy/lease/mortgage)?.....	20
Figure 15: Do you believe that women and men should have equal rights to own and use immovable property?.....	21
Figure 16: Do you believe sons and daughters should inherit real property from their parents?.....	21
Figure 17: How many cases can you recall where a daughter inherited property in your circle of acquaintances?.....	21
Figure 18: According to you, how supportive are the following groups in Kosovo about their daughters'/sisters'/women's right to inherit?.....	22
Figure 19: In your opinion, what are the obstacles to women exercising their property rights equally with men?.....	23
Figure 20: In your view, what are the three main reasons why women may not exercise their right to inherit?.....	24
Figure 21: Did you renounce your property/inheritance rights?.....	24
Figure 22: What was the type of court case in which you were involved? [n=112].....	26
Figure 23: Can you please rate the satisfaction as a user of court services with the following categories concerning your experience in court and the related services provided by courts? [n=112].....	26
Figure 24: What were the three main difficulties that you experienced in conducting the inheritance case? [n=110].....	27
Figure 25: Did the court take steps to verify that all family members and potential heirs have been identified? [n=110].....	28
Figure 26: From your viewpoint, do minority ethnic groups have any difficulties in accessing the courts?.....	28
Figure 27: What are the main challenges to minorities accessing the courts and getting adequate services? [n=176].....	29
Figure 28: Do you agree that the courts in Kosovo treat women fairly and equally and provide impartial, just and fair judgements?.....	29
Figure 29: What are the main challenges women face in accessing the courts and getting adequate services? [n=221].....	30
Figure 30: Have you seen any of the following TV media products?.....	31
Figure 31: Have you heard any of the following radio media products?.....	31
Figure 32: Have you seen any of the following printed media products?.....	32
Figure 33: Where have you seen the "For Our Common Good" logo?.....	32

ACRONYMS AND ABBREVIATIONS

AI	Administrative Instruction
CAPI	Computer-Assisted Personal Interviewing
ID	Identity Document
IQC	Indefinite Quantity Contract
PRP	Property Rights Program
PSA	Public Service Announcement
STARR	Strengthening Tenure and Resource Rights
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

The USAID Property Rights Program (PRP) in Kosovo is focused on improving property rights for all citizens, and targeting women's rights to property in particular, through interventions designed to strengthen the rule of law, better coordinate policy regarding property, and improve access to information and understanding of property rights.

This Midterm National Survey on Property Rights in Kosovo (the Midterm Survey) was conducted by UBO Consulting to gather data on current perceptions, attitudes and behaviors of people in Kosovo towards property ownership and registration and women's rights to inherit property; the people's knowledge of the property rights regime in Kosovo; their level of satisfaction with courts in resolving property/inheritance disputes; and their exposure to PRP communications products. This survey is a follow-up to the "National Baseline Survey for Property Rights in Kosovo," which was carried out in 2015 (the Baseline Survey).

The survey took place between November 28, 2016 and December 20, 2016. A nationally representative sample of 1,251 adults living in Kosovo was used to gather information for this survey. There was an intentional oversampling of minority communities for the survey, which included 851 Kosovo Albanians, 200 Kosovo Serbs and 200 non-Serb minorities. The oversampling was done to permit an analysis of the findings for statistical significance. It is important to emphasize, however, that results presented in this report have been weighted to reflect the size of the minority communities relative to the overall population.

KEY FINDINGS

Penetration and Impact of PRP Outreach Activities

- Survey findings reveal that 76% (three out of every four respondents) of the Kosovo population aged 18 and above have been exposed to at least one of PRP's outreach activities, i.e., they have at a minimum seen or heard a PRP media product, recognized the "For Our Common Good"¹ logo, or have participated in a property rights-related discussion organized by PRP.
- Eighty-five percent of respondents who were exposed to PRP's outreach products² believe in equal property rights for men and women, while seventy-three percent of those who were not exposed to PRP's products also have this view.
- Four out of five respondents believe that any property created during marriage should belong to both partners, but only 26% are of the opinion that property acquired by either partner before marriage should belong to both. In regards to property inherited from parents, 43% of respondents agreed that it should belong to both partners. There is a significant difference between the responses of those who have been exposed to PRP products and of those who have not. (See Figure 8.)

Property Ownership

- Informality is widespread in Kosovo's property sector: while 82% of respondents consider themselves owners of property, only 45% have property registered in their name. In other

¹ In addition to general PRP outreach on its activities, PRP also operates the "For Our Common Good" social behavior change communication campaign on equal and transparent property rights in Kosovo.

² *ibid*

words, many people are in possession of and use property in which they do not formal legal rights.

- Confirming findings in the National Strategy on Property Rights, respondents said they do not have property registered in their name because the registration process is time-consuming, bureaucratic, and expensive. Many also cited problems with potential heirs or property documentation.

Women and Property

- Where there is just one registered property owner for a household, 82% of them are male, and four out of five of the households with registered property do not have a woman listed as a property owner.
- The number of females with property registered in their name now represents 20% of the population, an increase of 2% from the Baseline Survey (18%).
- Approximately 80% of people in Kosovo believe that women and men should have equal rights to own and use immovable property, which is largely unchanged from the Baseline Survey.
- Men (75%) and women (85%) show statistically significant different responses to the question of whether men and women should have equal rights to own land, with women more likely to believe this should be the case.

Inheritance

- Only 28% of survey respondents have been through any formalized inheritance process. This is similar to the findings in the Baseline Survey.
- There has been a significant increase, compared to the Baseline Survey, in the percentage of respondents who were able to correctly identify the fact that any adult in the family can initiate inheritance proceedings.
- Sixty-nine percent of respondents correctly identified either a notary or the basic court as places where they could initiate an inheritance proceeding.
- Only one-third of respondents reported knowing the documents needed to initiate an inheritance proceeding.

Women's Inheritance

- While in the Baseline Survey around 37% of people believed that sons and daughters should **not** inherit equally, in the Midterm Survey the number of respondents taking that view dropped to 27%.
- Three out of every four respondents agree that women in Kosovo do not assert their right to inherit.
- Two in every three respondents were unable to recall a case where a daughter inherited property. Twenty-three percent knew of one case where a daughter inherited property, and seven percent were aware of more than one case of daughters inheriting property.
- The cultural legacy of patriarchal society was named as the largest obstacle for equal rights to property for women by 72% of respondents, followed by “social stigma for bringing legal action against primary family members” (43%), “legal action generates hostility between family members” (30%), and “lack of information/education about their rights to inherit property” (27%).
- The number of women who have initiated inheritance claims in court has increased from 0.3% in the Baseline Survey to 3.0% in the Midterm Survey.

- The number of women who reported inheriting property that is now registered in their name increased from 3.8% of respondents to 7.5%.
- Fifty-five percent of women who have gone through a formalized inheritance process have not renounced their inheritance, and forty-five percent of women who have gone through a formalized inheritance proceeding stated that they had renounced their share of inheritance (as compared with only six percent of men).
- When asked to identify supportiveness of family members and Kosovo institutions to women's right to inherit property, brothers were identified as both the least supportive group and the most unsupportive group.
- In the Baseline Survey, eight percent of the women that have gone through formalized inheritance proceedings said that they did not know whether they had renounced their inheritance share or refused to say whether they had renounced their inheritance, while in the Midterm Survey there are no women who said that they didn't know or who refused to answer as to whether they have renounced their inheritance.

CONCLUSIONS FROM KEY FINDINGS

INFORMAL PROPERTY RELATIONS ARE WIDESPREAD. A significant amount of property in Kosovo is either unregistered, or is registered to someone who is not in actual possession of the property or is not exercising rights to the property in practice (and often to a deceased person). Measures are needed to make it as easy as possible for people in Kosovo to formalize their property rights in cases where inheritance has not been undertaken or the property was acquired through an informal agreement. This finding is consistent with the National Strategy on Property Rights, which also calls for such actions.

WOMEN'S PROPERTY RIGHTS ARE BEING DISCUSSED MORE FREELY. While it is unrealistic to expect large scale behavioral change with respect to women and inheritance since the time of the Baseline Survey, the Midterm Survey identifies incremental changes and shows that women are now more willing to discuss the question of renunciation than they were previously. This conclusion is supported by anecdotal reports (from key stakeholder interviews that were conducted in parallel) that families have begun to discuss this issue more openly.

PRP'S OUTREACH ACTIVITIES ARE AFFECTING PUBLIC OPINION AND AWARENESS OF PROPERTY ISSUES. The Midterm Survey shows that PRP's outreach activities on women's property rights have sparked public debate and discussion and are making citizens aware of property rights issues in general. In fact, citizens' general knowledge of their property rights increased by nearly double between the Baseline (27%) and Midterm (51%) Surveys.

MORE PUBLIC EDUCATION AND AWARENESS-RAISING ON PROPERTY RIGHTS ISSUES ARE NEEDED. The accepted roles of men and women in society reflect a long patriarchal tradition, and social attitudes and behaviors in this area cannot be expected to change quickly. More advocacy is needed to reinforce the message that men and women, sons and daughters, have equal property rights. In addition, citizens need clear information regarding the processes and benefits of formalizing their property rights. Citizens should also be informed as legislation is developed and adopted under the National Strategy.

I.0 INTRODUCTION AND BACKGROUND

Property ownership is a foundation of a well-functioning economy. In Kosovo, the legacy of the transition from socialism, combined with the change in sovereignty that came with independence, along with cultural traditions of informality, has created multiple challenges to property administration. Property rights are poorly defined, often held informally, and the processes of formalization are not well understood. In 2014, the Kosovo Cadastral Authority reported that only 15.2% of women owned immovable property.³ Low levels of property ownership indicate that women are disadvantaged in their ability to be full economic actors.⁴

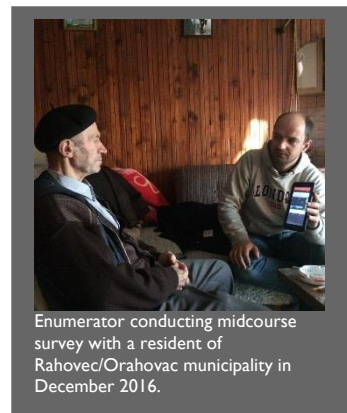
Since 2014, Tetra Tech has been implementing the Property Rights Program in Kosovo (PRP), a project awarded by the U.S. Agency for International Development (USAID). The overall goal of PRP is to improve the property rights regime in Kosovo, strengthen the rule of law, and increase knowledge about the importance of formal property rights. Enhancing women’s access to property in practice is a key component of the program. The four program objectives are:

Objective 1: Better Coordination and Policy Priorities

Objective 2: Improved Court Procedures Related to Property Claims

Objective 3: Enhanced Women’s Rights to Use Property in Practice

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



Enumerator conducting midcourse survey with a resident of Rahovec/Orahovac municipality in December 2016.

UBO CONSULTING/ USAID PRP

For the purpose of gathering baseline information against which PRP can measure the impact of its activities, PRP commissioned UBO Consulting in late 2014 to conduct the first national public opinion survey on property rights.



Enumerator conducting midcourse survey with a resident of Viti/Vitina municipality in December 2016.

D. CUIZON/ USAID PRP

The survey was designed to provide information on

- citizens’ knowledge of their property rights;
- changes in attitudes/behaviors about women’s rights to inherit property that are attributable to PRP’s public outreach activities and events; and
- user satisfaction with courts in resolving property disputes.

The Baseline Survey was conducted in 2015 and covered a nationally representative population sample of 1,250 respondents.

This Report presents the findings of the second (midterm) national survey on property rights. The Midterm Survey was conducted a little more than a year and a half after the Baseline Survey, during which time PRP has been engaged in a wide range of activities related to the four objectives described above.

³ Cadastre Report on Property Ownership in Kosovo, March 2014. This remains the latest available countrywide cadastral data.

⁴ “Gender, Property and Economic Opportunity in Kosovo.” Property Rights Program. Pristina, Kosovo: USAID, 2015.

Specifically, over the past 16 months PRP has developed and carried out an extensive media campaign on women's property rights, consisting of 21 video and audio public service announcements (PSA's) in Albanian and Serbian for television, radio and social media. The PSA's featured real families who treated daughters and sons equally with respect to property and inheritance; and also described business women who used their own property to create successful businesses. PRP reinforced the PSA's' message with a complementary billboard campaign throughout Kosovo. In addition, PRP carried out a number of community-level outreach activities such as workshops, discussion sessions, round tables, theatre performances, and other public events designed to raise awareness about women's property and inheritance rights. PRP also developed an animated PSA on the temporary administrative instruction (AI) that the Government of Kosovo adopted in March 2016 that allows for property to be registered jointly by husbands and wives at no cost.



D. ZEJIRI/USAID PRP

Another major initiative of PRP has been to support the development of a comprehensive National Strategy on Property Rights, which the Government of Kosovo adopted in January 2017. PRP has also been working closely with four "courts of merit" in Ferizaj/Uroševac, Gjilan/Gnjilane Pejë/Peć, and Štrpce/Shtërpçë to improve their case management of property rights cases.

2.0 RESEARCH METHODOLOGY

This Report draws on two sources of information: a public opinion survey⁵ and 30 in-depth interviews with key stakeholders (representatives of national or municipal bodies, donor organizations and projects, and civil society organizations).

The surveys were conducted between November 28, 2016 and December 20, 2016 in 38 municipalities throughout Kosovo, with respondents representing all of the ethnic communities living in Kosovo.

To construct the sample, UBO Consulting used Kosovo 2011 Census data. The overall sample of 1,251 interviews was divided into three sub-samples based on ethnicity:

- 851 surveys were conducted with Kosovo Albanians,
- 200 surveys conducted with Kosovo Serbs, and
- 200 surveys conducted with Kosovo non-Serb minorities.

The following chart shows the distribution of interviews by ethnicity and gender.

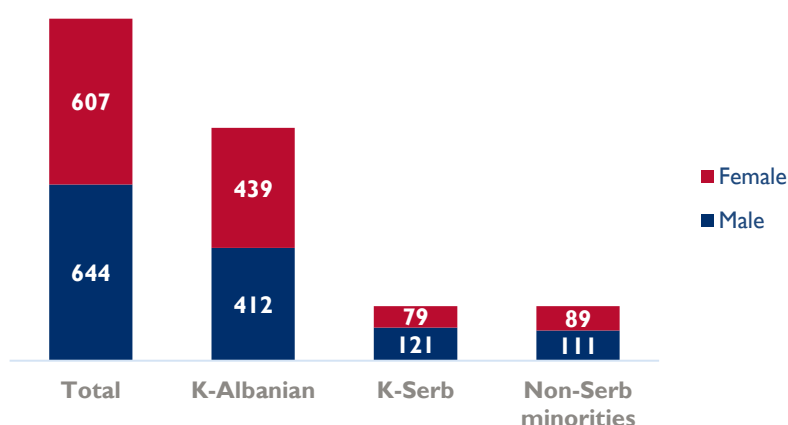


Figure 1: Gender breakdown of the sample

Kosovo Serbs and Kosovo non-Serb minorities were intentionally oversampled to allow for increased statistical precision when disaggregating survey results by ethnicity. The overall sample of 1,251 interviews allowed for a margin of error of $\pm 3\%$, at a 95% confidence interval.

In addition to the surveys, UBO also conducted 30 in-depth interviews with key stakeholders. Twenty-six of the interviews were with people who work primarily in Pristina. These stakeholders were selected by PRP and have participated in some of the activities run by the program. For example, several of the people interviewed took part in one of the working groups formed to develop the National Property Strategy.

⁵ Enumerators from UBO Consulting conducted the survey using Computer-Assisted Personal Interviewing (CAPI). The “Askiadesign” software system used to support the CAPI for this Midterm Survey made it possible to conduct the survey using portable tablet computers and realize the added abilities to show respondents images and audio and video products seamlessly without having to interrupt workflow of the interview. Respondent data was continuously synchronized live with the central server at UBO Consulting, which made it possible to monitor in real time general progress in the field as well as progress in any given municipality or individual enumerator, and to extract timely information on such matters as interview duration and the respondents’ gender, age, ethnicity, level of education, etc. This real-time data enabled maximum efficiency in the field.

3.0 SURVEY FINDINGS

3.1 CITIZENS' KNOWLEDGE OF THEIR PROPERTY RIGHTS

This section explores people's understanding of property and property rights. It starts by looking at the types of property that people own and use, and whether that property is registered in their names. It then examines the number of women registered as property owners in Kosovo households; people's opinions on who can make requests to initiate inheritance proceedings and real estate transactions; as well their knowledge regarding the documents needed for these procedures.

3.1.1 PROPERTY OWNERSHIP RIGHTS

Survey respondents were asked whether they owned property, what type of property they own and what property ownership means to them. Survey results show that 82% of the respondents consider themselves owners of immovable property. Around 76% of them said they own a house/apartment, 54% consider themselves to be owners of land and 2% said they own one or more buildings.

Figure 2 presents a breakdown of responses by various categories.

		GENDER		TYPE OF SETTLEMENT		ETHNICITY		
		Male	Female	Urban	Rural	K-Albanian	K-Serb	Non Serb minorities
Yes, land	N	399	269	223	445	457	85	114
	%	65%	42%	39%	65%	54%	43%	57%
Yes, house/apartment	N	504	442	395	551	642	140	171
	%	82%	69%	70%	81%	75%	70%	86%
Yes, building(s)	N	13	10	7	16	16	4	3
	%	2%	2%	1%	2%	2%	2%	2%

Figure 2: Can you please tell us if you consider yourself an owner of any immovable property?⁶

Men are significantly more likely than women to state that they own houses/apartments (82% of male respondents vs. 69% of female respondents) or land (65% vs. 42%). Twenty-four percent of women say that they do not own any property, while only eleven percent of men stated the same. In terms of ethnic groups, the Serb minority group was less likely to state that they own land or house/apartment, as 29% of them said they do not own any immovable property, compared to smaller percentages of Albanians (17%) and Non-Serb minorities (11%) who declared the same.

When asked when they considered property to be theirs, 57% of respondents said that a property is theirs if they own and use it as a result of a legal decision that recognizes their property rights. Around 43% were of the opinion that a property is theirs if they possess it and use it, even though it formally belongs to their families and the inheritance process was not completed. Fourteen percent of respondents consider a property to be theirs if it is under their name in the cadastral registry but is possessed and used by someone else. Below, we show the data broken down into rural and urban responses.

⁶ Kosovo Agency of Statistics, "Agricultural Census in the Republic of Kosovo," 2014, p. 13. "Rural area is a non-urbanized geographical area characterized by low population density and usually most of the land used for agriculture, while urban area is characterized by high population density and vast buildings."

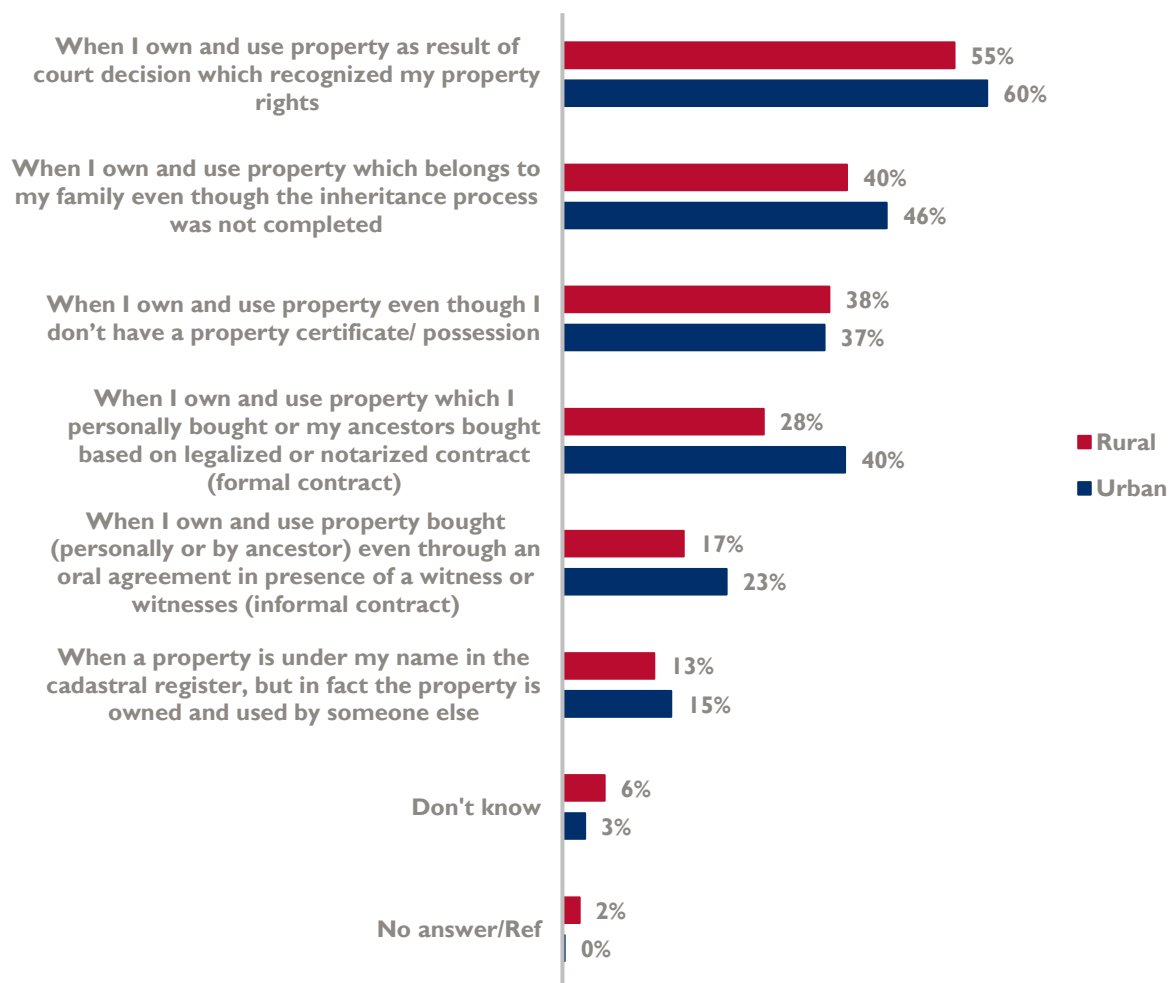


Figure 3: When would you consider property to be yours?

More than half of those who claim to own property (53%) said that they have inherited property from their parents/siblings or other relatives; 34% said they consider themselves owners of undistributed property from parents/siblings or other relatives; 24% said they own property that they have created jointly with their husband/wife; and 8% said they own property that they have acquired on their own.

A higher percentage of men (63%) said that the property they own is inherited from their family, as compared to 42% of women who stated the same. Meanwhile, women (32%) are twice more likely than men (16%) to consider that they own property created jointly with their partners.

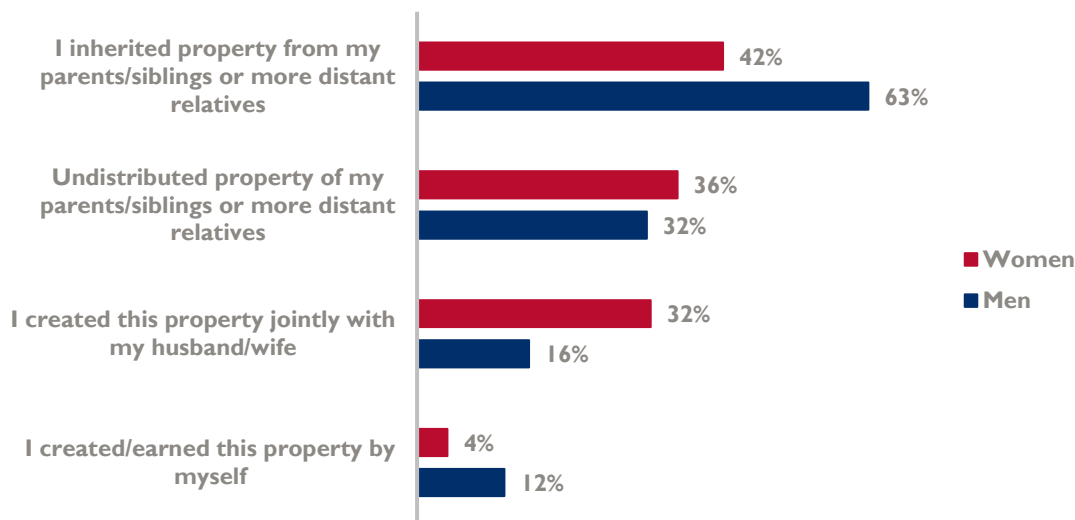


Figure 4: How did you become an owner of property? (Gender Breakdown)

Also, across all available options to the question of how a respondent became an owner of property, on average 93% of them are actively utilizing the property they acquired.

3.1.2 PROPERTY REGISTRATION

Out of 1,024 respondents who considered themselves property owners, only 45% of them had property registered in their name. In most cases, it was property acquired on their own (i.e., through purchase) that was registered in their name (78%), whereas the undistributed property from their family was registered in respondents' name in only 12% of the cases. Thirty-five percent of those who claimed to have inherited property from their family had that property registered in their name, whereas forty-four percent of them said that property created jointly with their partners was registered in their name. Significantly, the percentage of women with inherited property registered in their name increased from 3.8% of respondents (23 in the Baseline Survey) to 7.5% (47 in the Midterm Survey).

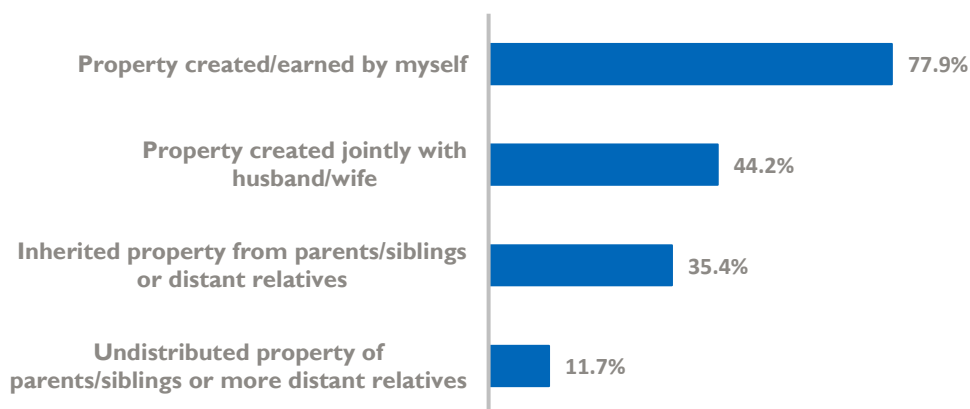


Figure 5: Is the property registered in your name? (% of 'Yes')

When asked why they have not registered their property in their name, some of the most common reasons cited were that property registration is time-consuming (26%); it requires a court proceeding (20%); it is expensive (20%); there are problems with a potential heir (18%); or problems with property documentation (15%). When we broke this question down by gender, 28% of women refused to answer the question compared to 16% of men. Around 23% of all respondents could not

provide a definitive reason for not having their property registered in their name. However, when we break the data out into two groups – those who have been exposed to PRP outreach products versus those who have not – those who have been exposed to one or more PRP outreach products were more likely to be able to definitively identify their personal reason why their property has not yet been registered in their name.

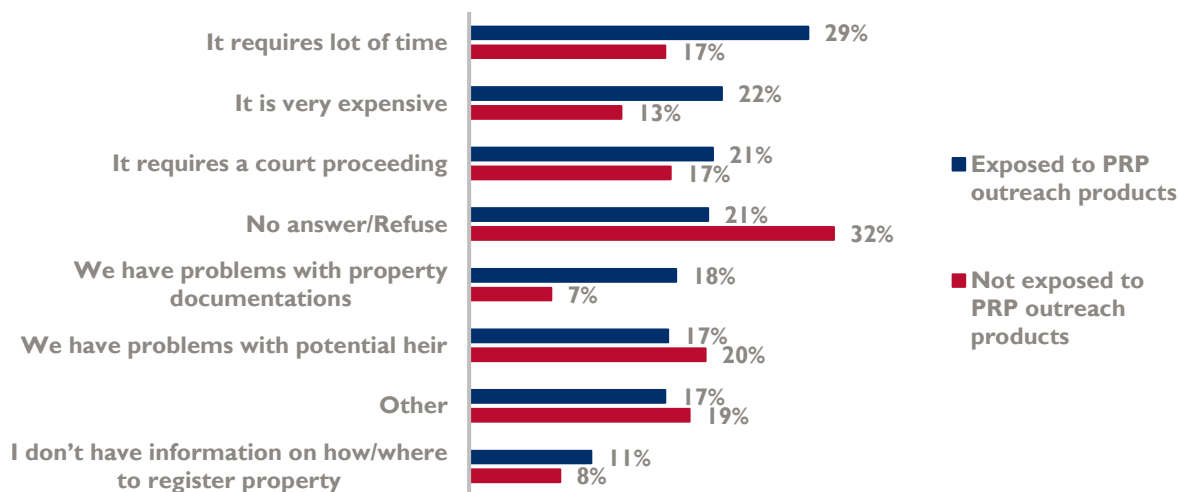


Figure 6: Can you please tell us why you have not registered your property in your name?

The survey revealed that the majority (83%) of Kosovo households have only one registered property owner. However, data extracted from respondents' responses to the question, "How many registered household members are female?" indicate that the number of females with property registered in their name constitutes 20% of the population, an increase of 2% from the Baseline Survey (18%). However, this means that most of the registered property owners within households still are male. Eighty-two percent of respondents said that there are no women within their households that are registered as property owners. In 15% of the cases where the household has property registered, there is one female member who is a property owner, and in less than 3% there are two or more of them. These percentages are similar to those from the Baseline Survey. Thus, while there is progress on this issue, it is limited owing to continued deeply held cultural practices.

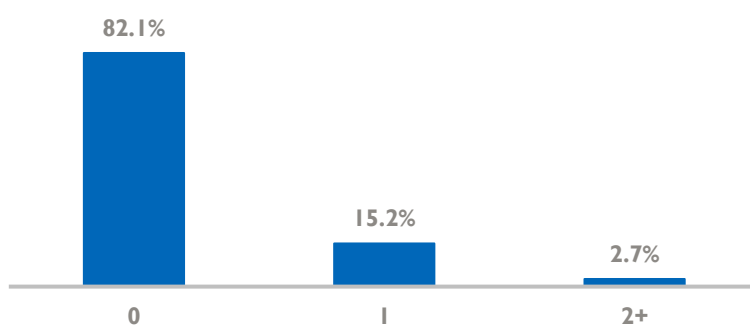


Figure 7: How many of these registered household members are female?

Four out of five respondents (80%) believe that any property created during marriage should belong to both partners, but only 26% are of the opinion that property acquired by either partner before marriage should belong to both. In regards to property inherited from parents, 43% of respondents agreed that it should belong to both partners, while only 17% thought that partners should share in undistributed property of parents/siblings from either side. Here we see a significant impact in the differences of the responses of those exposed to at least one of PRP's outreach products. Those who had seen PRP products were significantly more likely to believe that inherited property from parents and property acquired before marriage by either partner should belong to both partners.

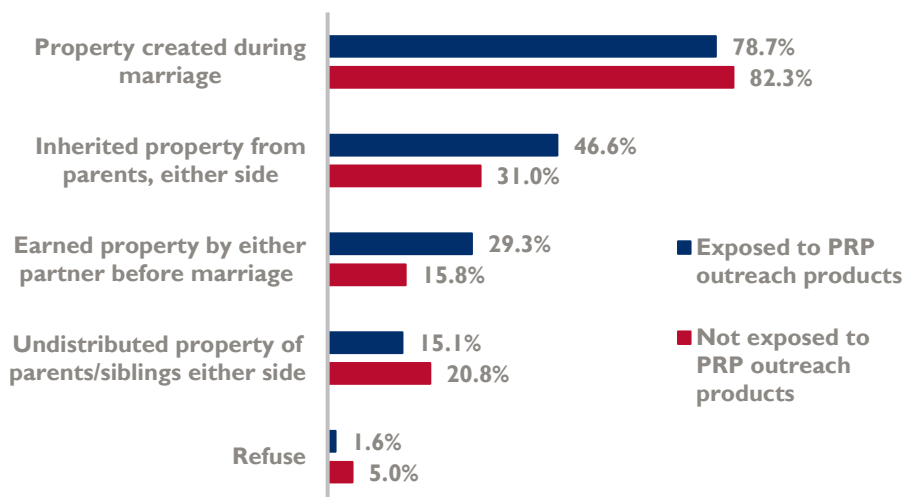


Figure 8: In your opinion, which property should belong to both partners? (Breakdown by exposure to PRP outreach products)

3.1.3 INHERITANCE AND REAL ESTATE TRANSACTIONS

One of the main ways of acquiring property is through intergenerational transfer. In Kosovo, it is a challenge to get people to transfer property formally from one generation to the next and to register the property in the name of the correct owner. In our survey, we asked whether people had gone through an inheritance proceeding in their family of birth. Only 28% of respondents answered affirmatively. The remainder had not, did not know, or declined to answer the question.

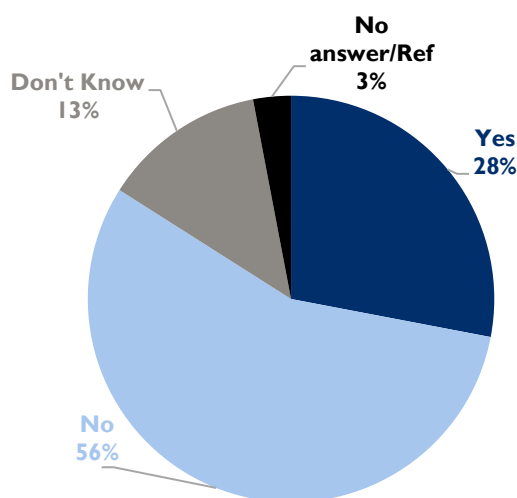


Figure 9: Has your birth family gone through the inheritance proceeding?

Asked to identify the household members that are able to initiate an inheritance proceeding, 52% of respondents were of the opinion that any adult person related to the family can do so. This is a significant increase in the correct answer from the Baseline Survey, when only 22% of respondents had this view. We examined these results for correlation with exposure to PRP outreach products and found that exposure to PRP outreach products was positively and significantly correlated with

the correct answer.⁷ Furthermore, 53% of respondents thought that “the father” could initiate an inheritance proceeding, whereas a smaller percentage (35%) thought that “the mother” could do so.⁸

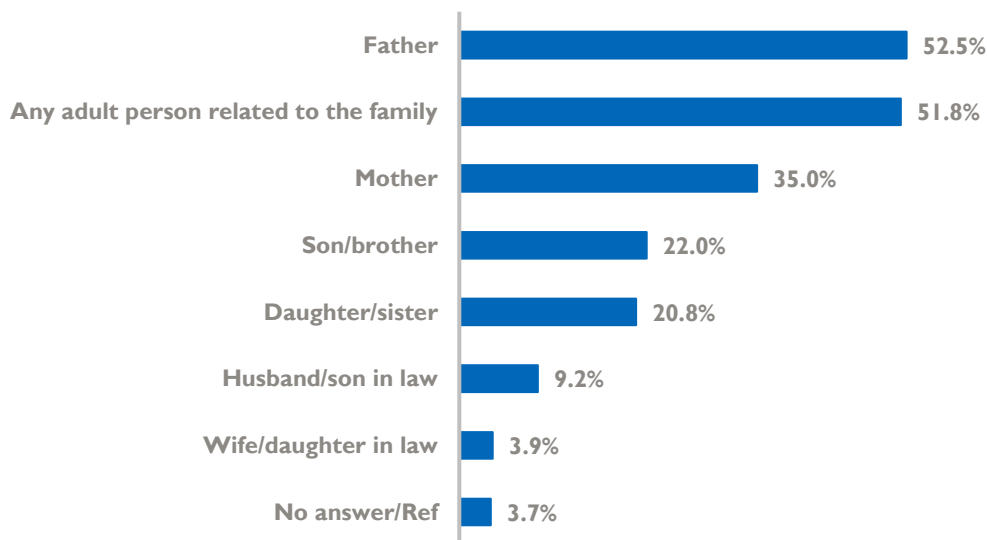


Figure 10: Do you know which members of the household can make a request for an inheritance proceeding?

Two out of every three respondents were of the opinion that one can make a request for inheritance at the Municipality/Cadastral Office. Although it might be necessary to get documents from the Municipality, currently a person must go to a basic court or a notary to initiate an uncontested inheritance proceeding. Half of respondents said that an inheritance proceeding can be requested through a notary, and 42% of them said that a request can be made at a basic court. A total of 68.7% of respondents gave one correct answer.⁹

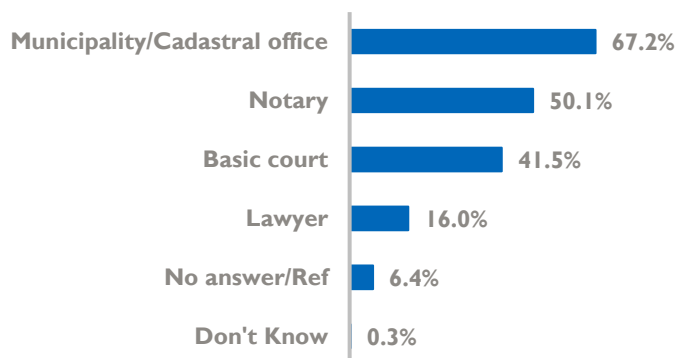


Figure 11: Do you know where you can request an inheritance proceeding?

⁷ Statistically significant at the 99% level using a Person’s two-tailed chi-Square test.

⁸ The correct answer is that any adult in the family can initiate an inheritance proceeding, so either a choice of ‘any adult’ or a selection of all the adult members of the family would be a correct response.

⁹ If the respondent answered two correct answers, only one was counted to eliminate overlap.

When asked if they knew the basic documents needed to request an inheritance proceeding, only 29% responded affirmatively. Men (39%) were twice as likely as women (20%) to report that they were knowledgeable about the basic documents required. The property certificate was deemed to be necessary for requesting an inheritance proceeding by 95% of respondents who claimed to be knowledgeable about the basic documents needed for this procedure. Three out of four respondents considered an ID and birth certificate to be necessary for an inheritance request. A death certificate is also needed and this was identified by 41% of the respondents.¹⁰ At the same time, smaller percentages of respondents think that a family certificate (67%), death certificate (41%), marital status certificate (41%) or/and a will (41%) are needed.¹¹

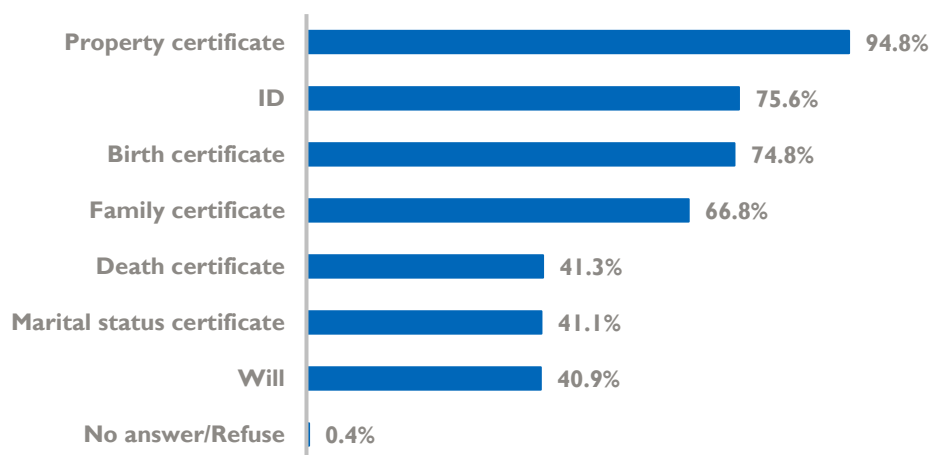


Figure 12: What are the basic documents you need to initiate an inheritance proceeding?

When asked which persons in a household able to conduct a real estate transaction, more than half of respondents (57%) said that “the father” could conduct such a transaction, 47% thought that any adult in the family can do it, and 32% were of the opinion that “the mother” could conduct this transaction.

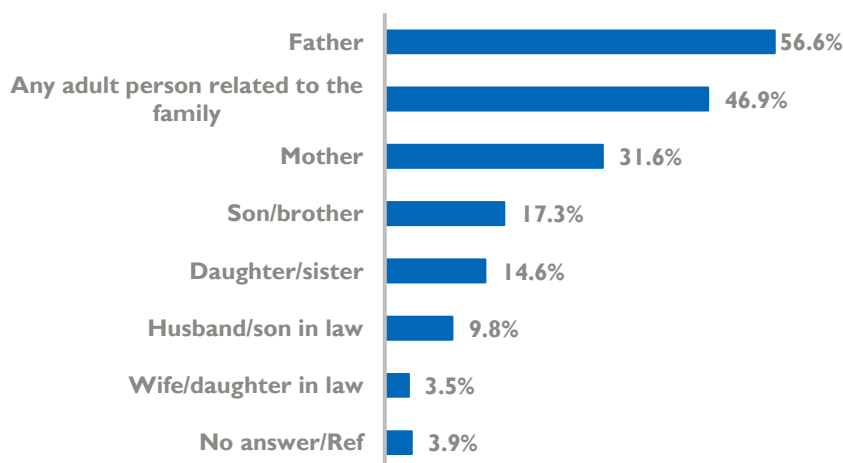


Figure 13: Do you know which members of the household can make a real estate transaction?

¹⁰ The property certificate, death certificate, ID and birth certificate are the minimum requirements for all inheritance proceedings.

¹¹ All are correct, except for the will. It is not necessary to have a will to start an inheritance proceeding. Indeed, most people in Kosovo do not make wills.

Only 29% of respondents claimed to know the basic documents needed to make a real estate transaction. Within this group, 86% thought that one would need the property certificate to complete a real estate transaction; 82% said that an ID is needed; and 68% thought that a contract and a possession list are also necessary. (A possession list is the name that was used for a property certificate prior to 2003.)

While 63% claimed that a notarized agreement is needed to make a real estate transaction, a significantly smaller percentage of respondents thought that a court/administrative decision (31%) or a property drawing (14%) were necessary. In fact, the necessary documents for a real estate transaction are the property certificate, a copy of the plan, an ID/birth certificate and proof of payment of property tax. In the event a parcel is to be sub-divided, a property survey is required. .

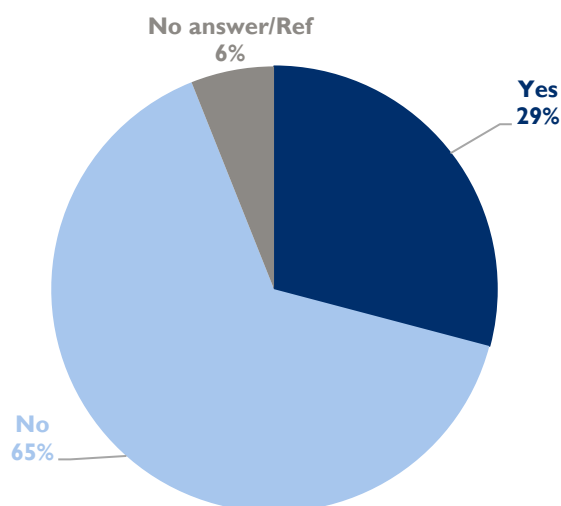


Figure 14: Do you know the basic documents you need to make a real estate transaction (sell/buy/lease/mortgage)?

The data in this section demonstrate the population’s level of knowledge of their property rights. Compared to the Baseline Survey (27%), the data from the Midterm Survey indicate a significant improvement in the number of correct responses to these questions (51%). This statistic is significant since it shows that citizens have a high absorptive capacity with respect to information about their property rights and that continued and persistent public outreach can further bridge the knowledge gap.

3.2 WOMEN’S RIGHTS TO PROPERTY: BELIEFS AND PRACTICES

This section examines people’s opinions on women’s rights to inherit property; obstacles women face in exercising their property rights equally; the frequency of women renouncing their rights to inherit; and the reasons that cause them to renounce these rights.

Although women own little property in Kosovo, respondents were overwhelmingly supportive of the idea that women and men should have equal rights to own and use immovable property (82%). While there is a difference between the percentage of women versus the percentage of men who support this idea, the majority of both genders are supportive.

	Male	Female	Total
Yes	75.4%	84.9%	80.0%
No	19.3%	12.5%	16.0%
No Answer	5.3%	2.7%	4.0%
Total	100.0%	100.0%	100.0%

Figure 15: Do you believe that women and men should have equal rights to own and use immovable property?

“What is important and what really matters is that now they know that they have right to property or inheritance, they come to courts and ask for information, and we as judges are obliged to show and explain them their rights and give them free legal advice.” (From an interview with a key stakeholder)

Eighty-five percent of respondents who were exposed to PRP’s outreach products believe in equal property rights for men and women; while a lower percentage (seventy-three percent) of those who were not exposed to PRP’s products hold the same view.

Three out of four respondents believe that sons and daughters should inherit real property from their parents equally. Around 21% thought that daughter(s) should inherit less, whereas 3% said that daughters should not inherit any property from their parents. The figure below shows the responses broken down by gender. Women (78%) are more likely than men (69%) to believe that sons and daughters should inherit property from their parents equally. There were no major differences between urban and rural responses with regard to beliefs about children’s inheritance.

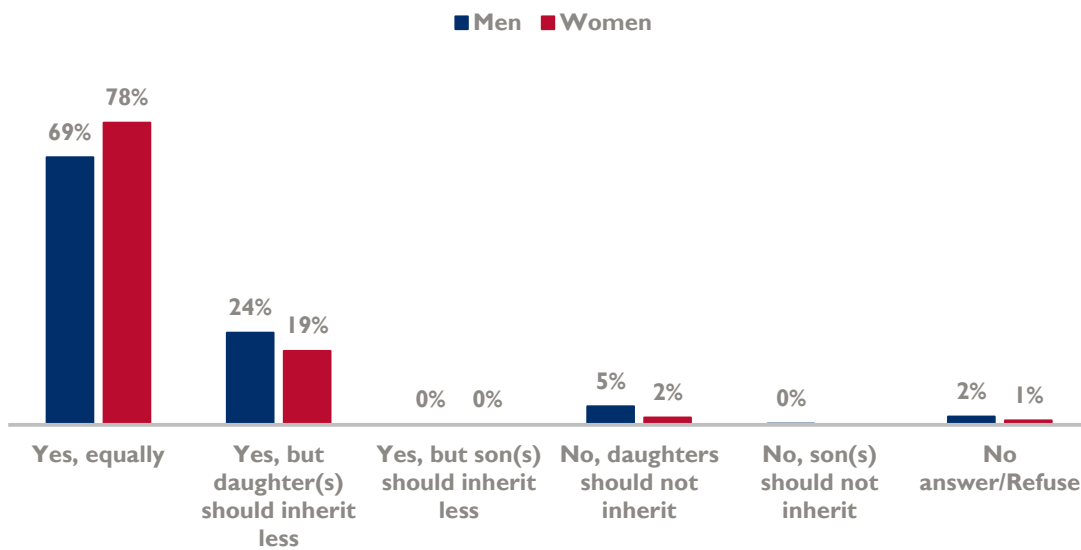


Figure 16: Do you believe sons and daughters should inherit real property from their parents?

Two out of every three respondents could not recall a single case where a daughter inherited property. Twenty-three percent said they knew of one case in their circle of acquaintances where a daughter inherited property, and around seven percent said they witnessed more than one such case.

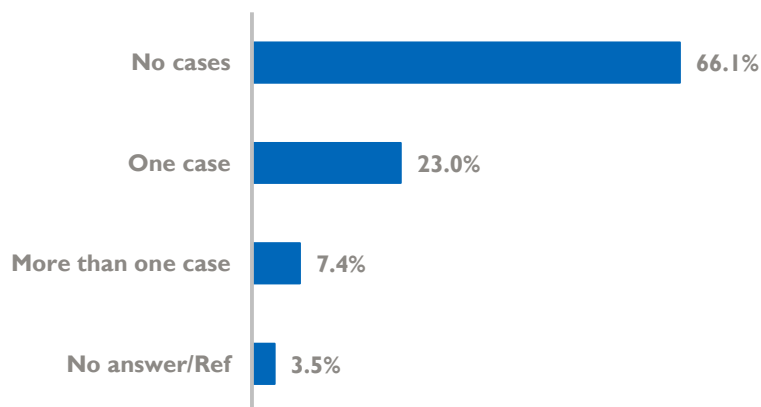


Figure 17: How many cases can you recall where a daughter inherited property in your circle of acquaintances?

This finding confirms the prevailing impression gathered from public discussions: few women are registered property owners, and few women actually inherit property from their natal families.

Kosovo institutions (57%), sisters (59%) and mothers (55%) are seen as more supportive of women's/sisters'/daughters' right to inherit. Fathers (31%) and brothers (23%) are viewed to be less likely to support their daughters/sisters in their right to inherit.

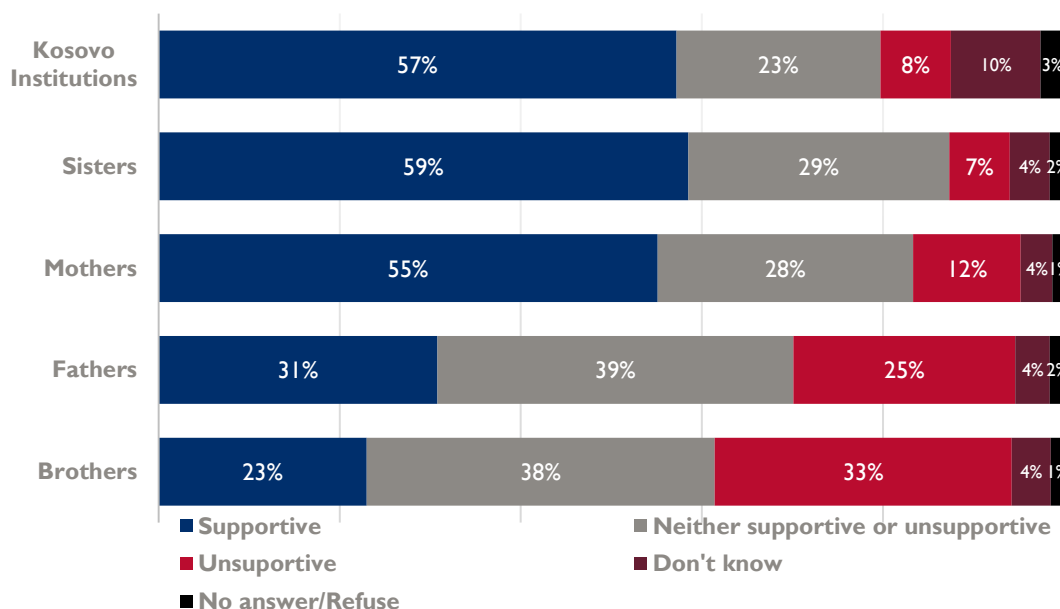


Figure 18: According to you, how supportive are the following groups in Kosovo about their daughters'/sisters'/women's right to inherit?

While fathers and brothers are the least supportive groups noted in the survey, brothers are viewed as the most unsupportive group when it comes to women's inheritance rights. This is not surprising, since they would stand to lose the most if it became common for women to inherit.

When people were asked about the obstacles that women face in Kosovo in owning property, 72% cited the cultural legacy of patriarchal society as the biggest obstacle. Other significant factors mentioned by respondents were "the social stigma for bringing legal action against primary family members" (43%); "that legal action generates hostility among family members" (30%); and "a lack of information/education about their rights to inherit property" (27%).

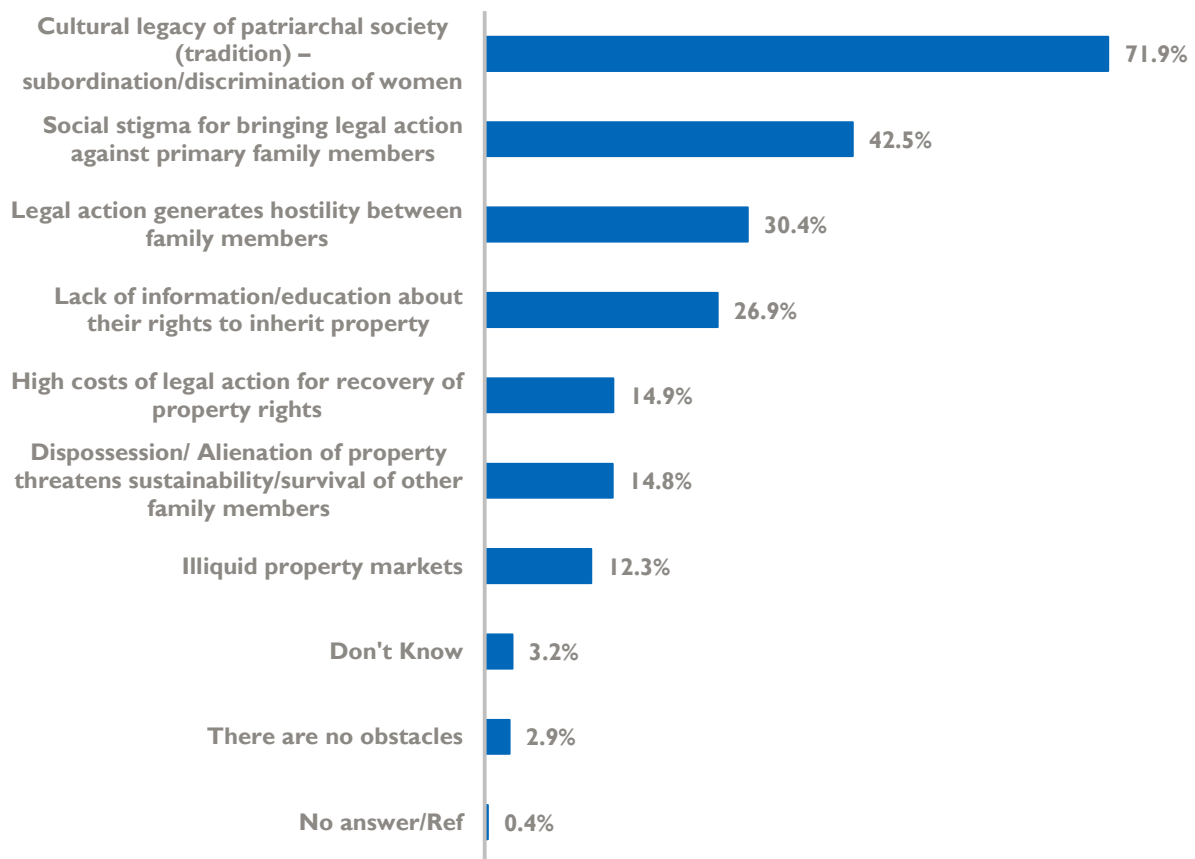


Figure 19: In your opinion, what are the obstacles to women exercising their property rights equally with men?

A similar response was noted in the in-depth interviews. One representative comment was:

“I think that property rights issues for women here go very, very deep, into very deeply held cultural beliefs.”
(From an interview with a key stakeholder)

In keeping with the responses above, approximately three out of every four respondents either somewhat agreed or completely agreed with the statement, “Women in Kosovo do not exercise their rights to inherit.” While there were no significant differences in responses between men and women or across respondents of different ethnicities on this issue, differences of opinions were identified when comparing respondents that were exposed to PRP’s outreach products with those that were not exposed to them. The ones exposed to PRP’s products were more likely to agree that women in Kosovo do not exercise their rights to inherit (82%), compared to the group of respondents that were not exposed to those products (56%).

Why do women choose not to inherit property? This is an individual choice conditioned by family experience and cultural expectations. When we asked survey respondents to identify the three main reasons why they thought women did not exercise their inheritance rights, the largest responses were “fear of transferring property to the husband’s family” (52%); “the family expects them not to inherit” (49%); “the fear of isolation from the community and neighbors” (42%); “cultural barriers that deny women’s right to inherit” (41%); and “lack of education” (37%).

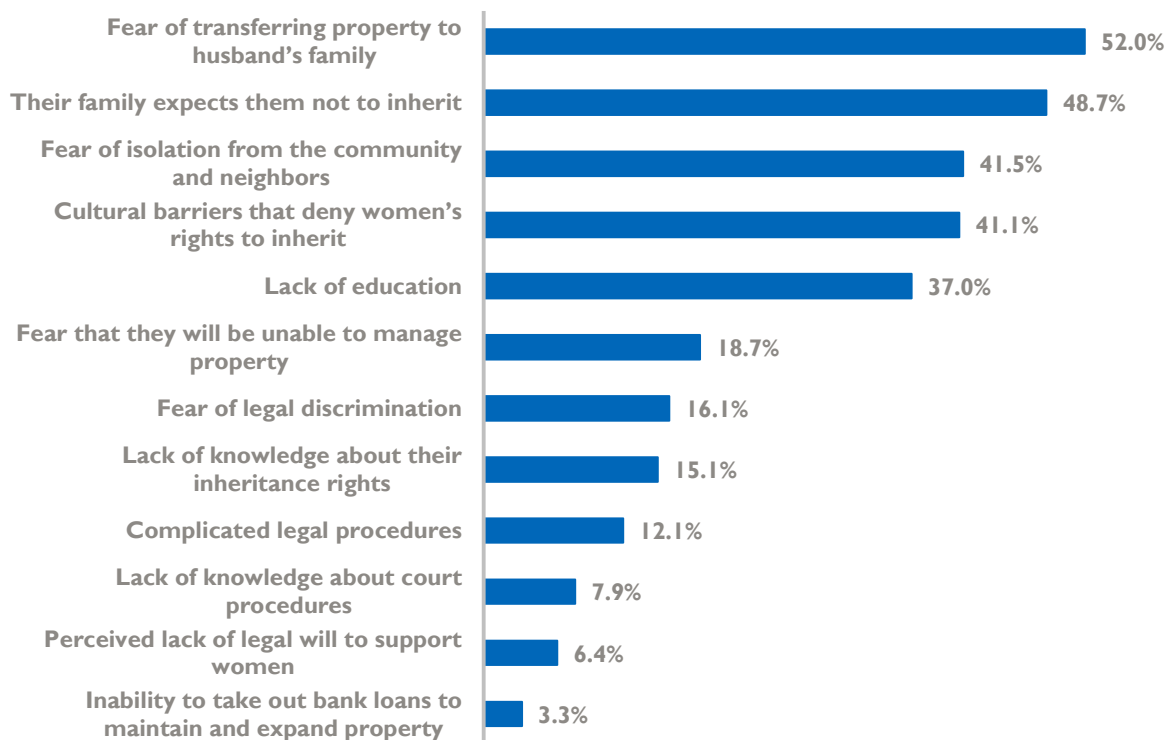


Figure 20: In your view, what are the three main reasons why women may not exercise their right to inherit?

Approximately one in every four respondents claimed that they had at one time renounced their property/inheritance rights. There is a large difference between men and women in this regard. Whereas only six percent of men said that they have renounced their property/inheritance right, forty-five percent of women indicated that they have done so.

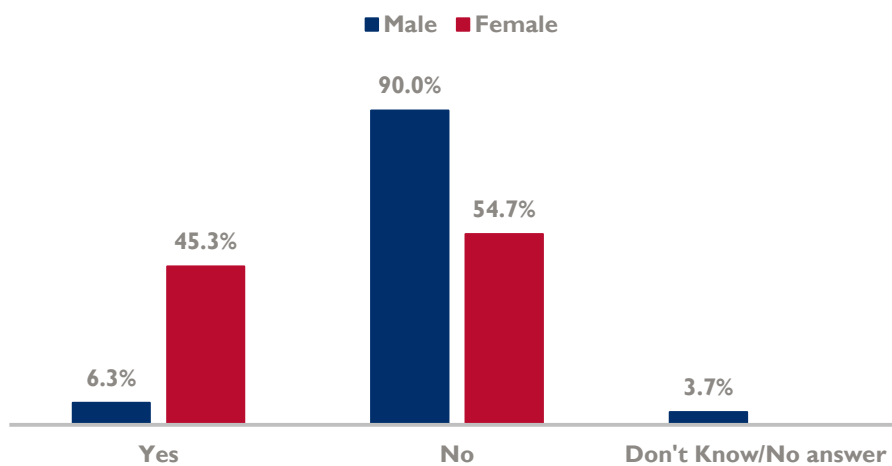


Figure 21: Did you renounce your property/inheritance rights?

This is an increase from the Baseline Survey when only 34% of women reported that they had renounced their inheritance. One possible interpretation is that significantly more women are renouncing their property rights now than from when the Baseline Survey was conducted in 2015. This is highly unlikely. A more likely explanation is that at the time of the Baseline Survey, women were less willing to admit that they had renounced their property rights, because the subject was very sensitive.

In the Baseline Survey, there were 72 cases of women reporting that they renounced their property rights. There were also 17 cases of women responding that they either did not know if they had renounced their property rights (11) or simply declined to answer (6). All of those women were under 44 years old. In this Midterm Survey, there were 73 total cases of women reporting that they renounced their property rights. Not one woman in this survey refused to answer the question or said she did not know. (The 3.7% who answered “don’t know” or provided no response for this Midterm Survey are all men). One likely explanation for this is that women’s property rights are now becoming a visible issue and part of public discourse in a way they have not been in the past. The in-depth interviews lend support to this idea.

“Their [PRP’s] greatest contribution was precisely related to women rights to property. They have conducted many meetings, workshops, etc. I think those activities had a positive impact since women’s awareness was raised and the topic of women’s rights to property is now discussed everywhere.” (From an interview with a key stakeholder)

“I believe that the issue of women’s property rights is being discussed and is visible more than ever in Kosovo. And even though these achievements cannot be attributed to PRP alone, PRP has played a major role in pushing forward the issue of women’s property rights in Kosovo.” (From an interview with a key stakeholder)

When people were asked a follow-up question of why they renounced their right to inherit property, the main reasons given were a lack of understanding and support from family members (27%); or that their family was expecting them not to inherit (21%). Interestingly, ‘Other’ was the third highest response, with almost 22% and ranking higher than “cultural barriers that deny women’s rights to inherit” (13%).

3.3 SATISFACTION WITH COURT SERVICES ON RESOLVING PROPERTY DISPUTES

Any contested inheritance case or property dispute must be resolved in the courts.¹² Relatively few such cases are mediated. Therefore court performance is very important for establishing clear title to property. Of the 1,251 respondents interviewed, 112 (9%) said they have had a property-related case filed in a court after 1999. In 95% of these cases, the person who filed the claim was a man; in 3% of the cases it was a woman; and, in 2% of the cases respondents could not recall who filed the claim.

Of all cases surveyed, 25.5% of them were uncontested family inheritance cases; 24.3% were contested inheritance cases, and 12.5% cases were legal actions related to inheritance. This makes a total of approximately 63% of all disputes over property that had to do with inheritance issues. Cases brought to recover property constituted 22% of the total, and cases brought for physical division of property, 6%. A majority of the property rights cases pertain in some way to dividing an estate.

¹² Under the current law, uncontested inheritance cases can be brought to either a notary or a court.

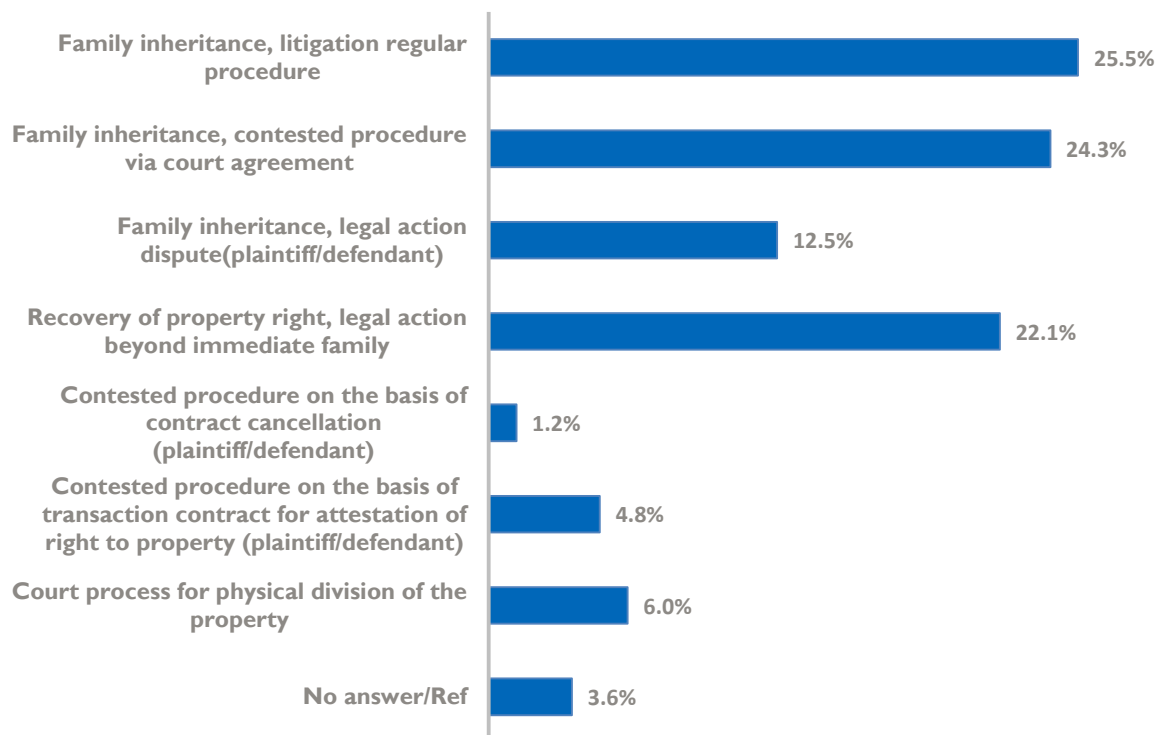


Figure 22: What was the type of court case in which you were involved? [n=112]

Of the 112 cases in which respondents were involved, only 35 were resolved. When all of the 112 cases were grouped together and the respondents were surveyed on their satisfaction as users of court services, on the basis of a five-point scale, with 1 indicating “very dissatisfied” and 5 “very satisfied”, respondents reported below-average levels of satisfaction with most of the procedures. The average scores across different categories showed little variance, starting from a satisfaction score of 2.52 with “timing” to a satisfaction score of 2.69 with “procedures” and their “costs.”

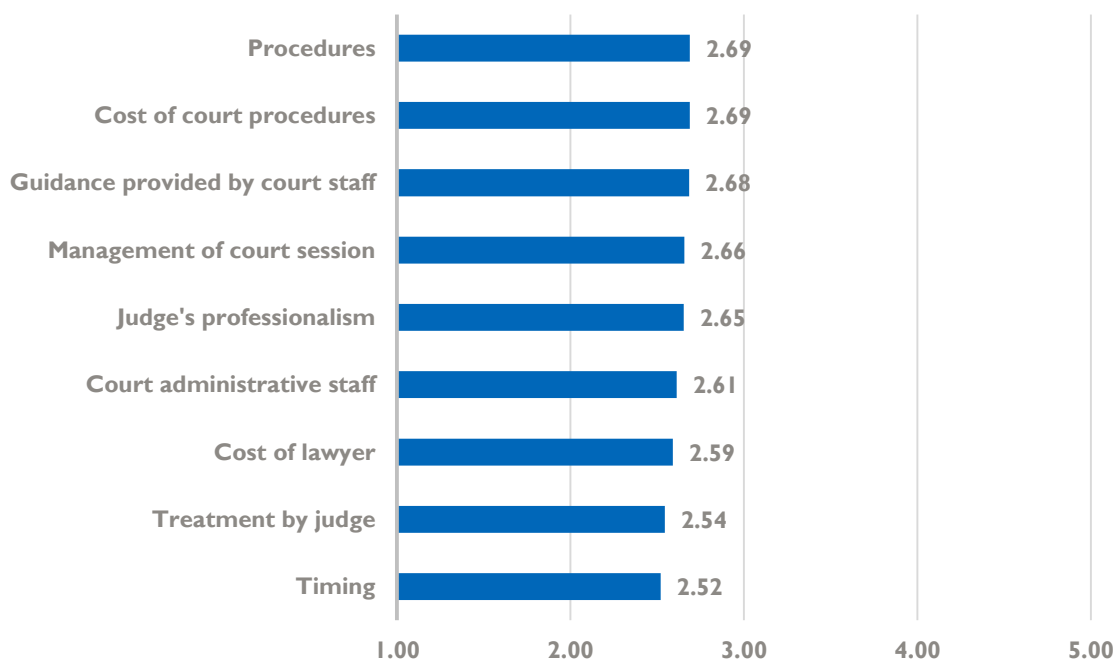


Figure 23: Can you please rate the satisfaction as a user of court services with the following categories concerning your experience in court and the related services provided by courts? [n=112]

The ambivalence we see in the data regarding court performance was also reflected in the in-depth interviews.

“Right now people don’t believe that if they have a grievance they can actually get justice in the courts, they just don’t believe it.” (From an interview with a key stakeholder)

Respondents involved in property cases considered the lack of financial resources, expensive legal services and missing or incomplete documentary evidence to be the three main difficulties they had experienced in handling their inheritance cases. Other issues mentioned by respondents included the improper identification of property or illegal construction; excessive travel to the court location; rescheduled court sessions; missing land transfer deeds; and slow court procedures.

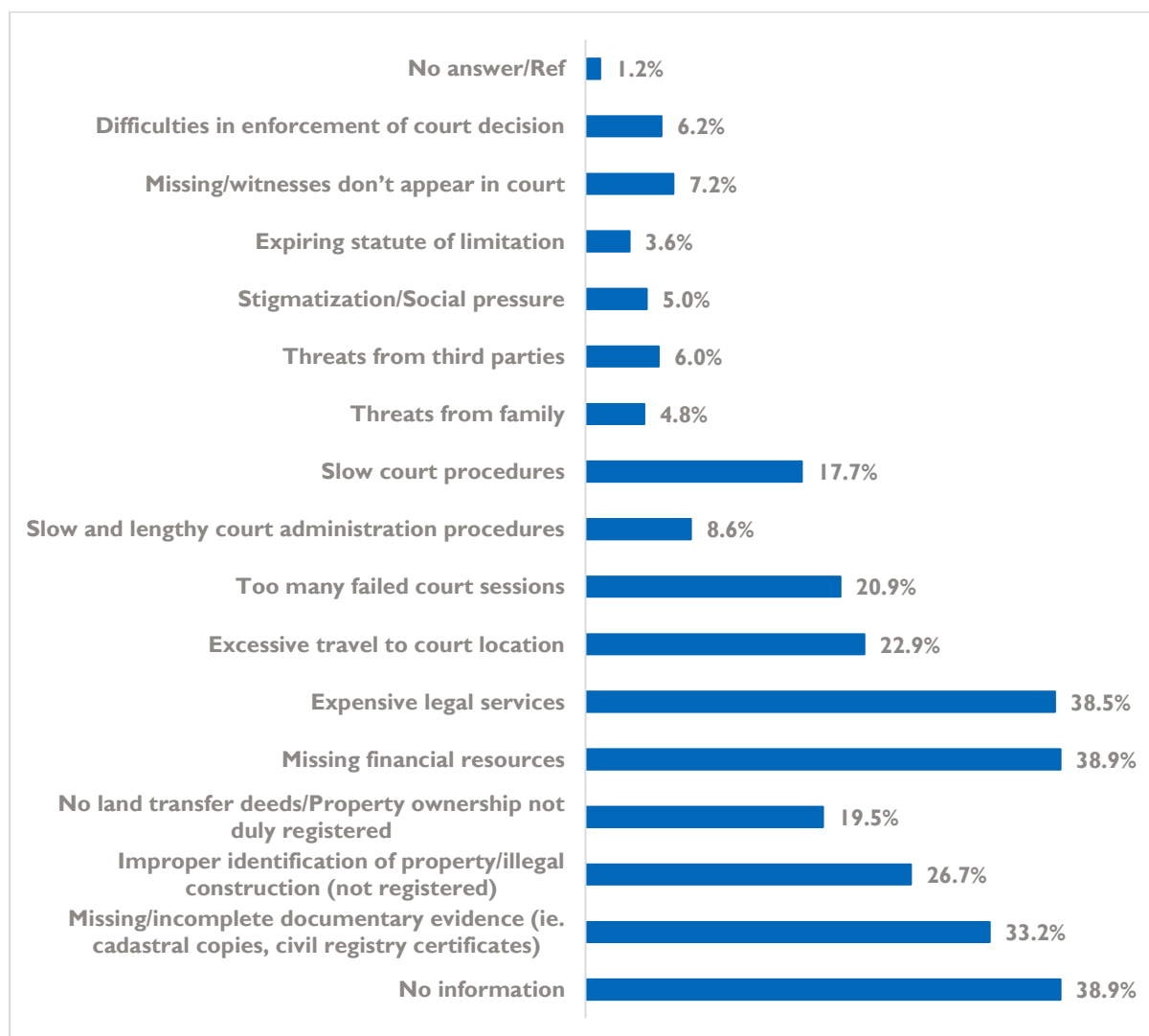


Figure 24: What were the three main difficulties that you experienced in conducting the inheritance case? [n=110]

When asked if the court had taken steps to verify that all family members and potential heirs were identified, more than half of respondents (53%) stated that the court did not do this, as compared to 23% who said the court took the necessary steps. One in every four respondents was not sure if the court had conducted the verification process of identifying all family members and potential heirs. Below is the breakdown by gender, which illustrates that women were more likely to indicate that the court had not properly undertaken the process to verify that all heirs had been identified.

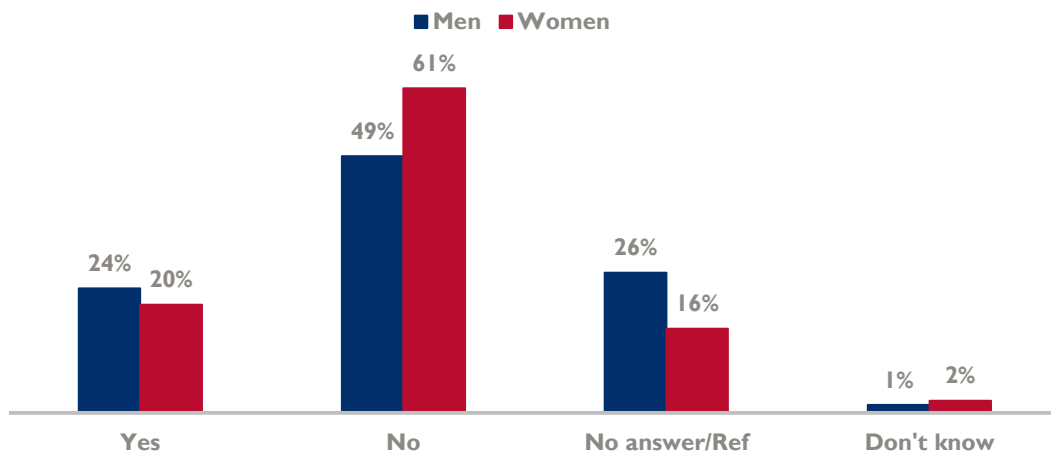


Figure 25: Did the court take steps to verify that all family members and potential heirs have been identified? [n=110]

Out of 25 respondents who stated that the court took measures to verify that all family members and potential heirs have been identified, 13 of them said that the court requested documents from the Civil Registry; nine said that the court requested documents from the court registrars; and seven of them claimed that the court used witness testimony under oath as part of the verification procedure.

Respondents were asked their opinion about the difficulty minority groups might encounter in their dealings with the courts. The breakdown of the entire sample is presented below. Surprisingly, minority ethnic groups were less likely to report difficulties in gaining access to the courts.

When asked to name some of the challenges minorities face in accessing the courts, respondents mentioned a lack of knowledge of their rights (57%); unaffordable cost (55%); and language barriers (47%) as key challenges. One-third of them also believed that minority ethnic groups do not trust or recognize the Kosovo courts, whereas 29% of them thought that they also have trouble in accessing courts owing to their lack of freedom of movement.

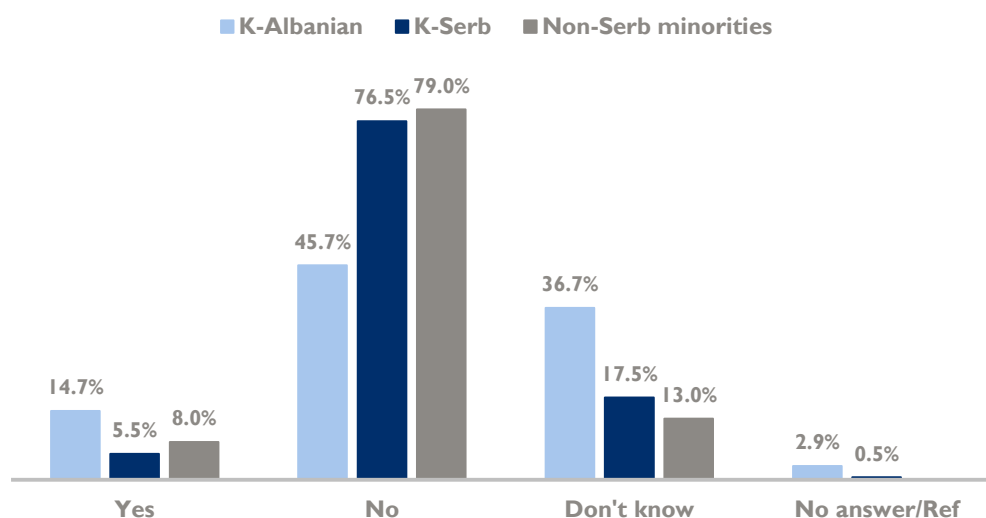


Figure 26: From your viewpoint, do minority ethnic groups have any difficulties in accessing the courts?

The respondents who believe that minority ethnic groups face difficulties accessing courts cited the following reasons:

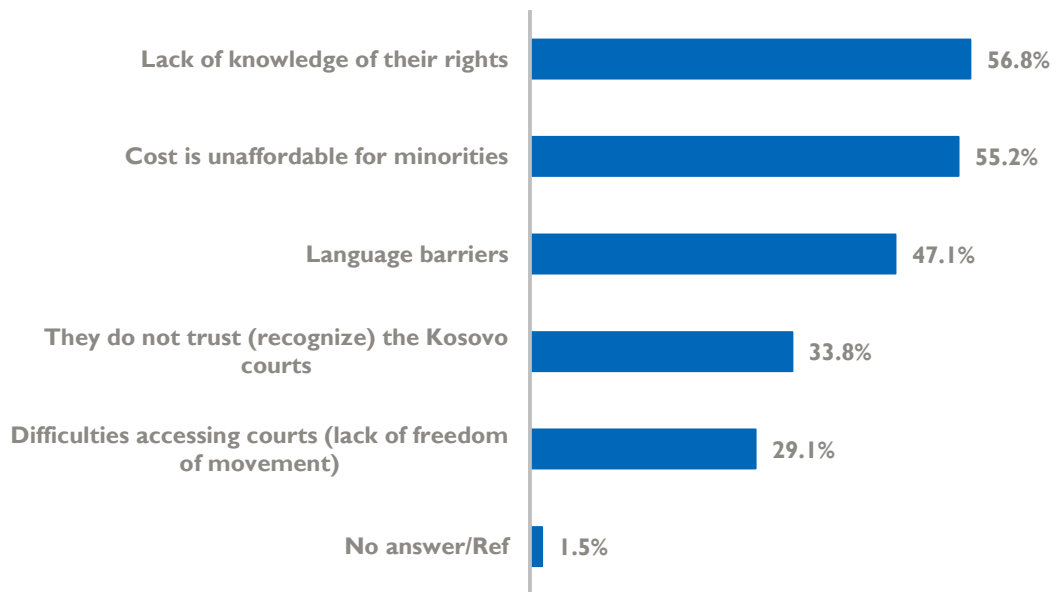


Figure 27: What are the main challenges to minorities accessing the courts and getting adequate services? [n=176]

More than half of respondents believe that in order to increase the trust of the minority communities in the court system, courts need to employ minorities in court administration (56%) and draft minority-specific provisions in court procedures (51%). Other noted measures included improvement of language services (44%), accessibility (42%) and cost reductions (38%).

When asked whether the courts treated women fairly, women's responses were very similar to those of men. Seventy percent of women either completely agreed or somewhat agreed that the courts treated women fairly, nineteen percent were neutral, and ten percent of women either somewhat or completely disagreed that the courts treat them fairly.

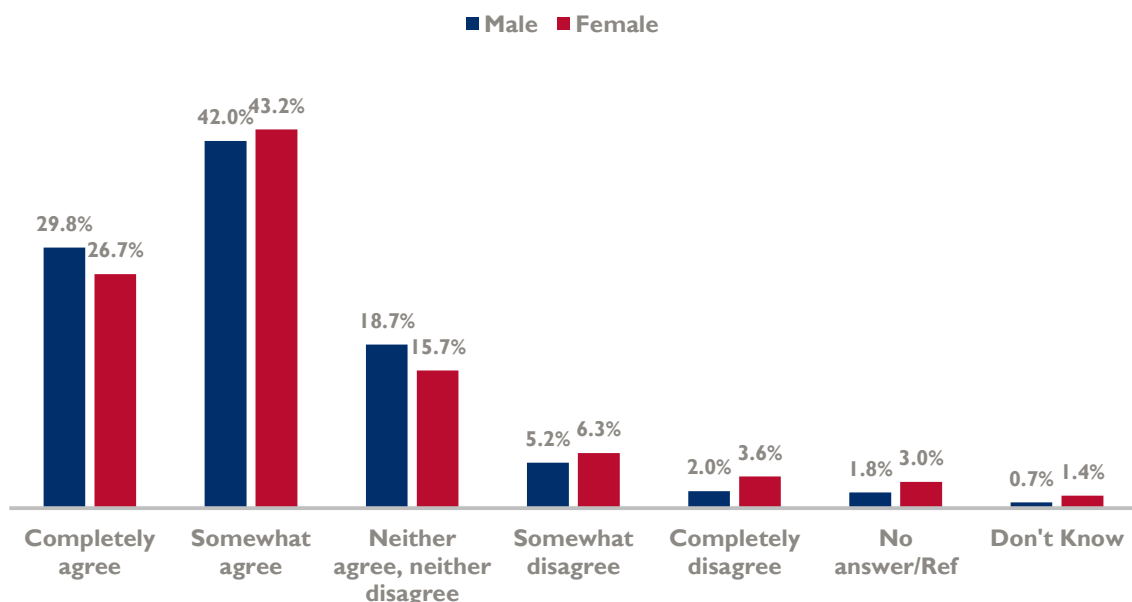


Figure 28: Do you agree that the courts in Kosovo treat women fairly and equally and provide impartial, just and fair judgements?

Though there is a general belief that women are treated fairly by the courts, access to the courts is a related question on which there is more variation. When they were asked whether women had difficulty accessing the courts, 20% of women agreed with the statement as opposed to 15% of men.

When asked about the challenges women face in accessing the courts respondents noted a lack of knowledge of their rights (72%); cost (57%); and distance to court/lack of freedom of movement (46%) as the main challenges that women face in accessing the courts.

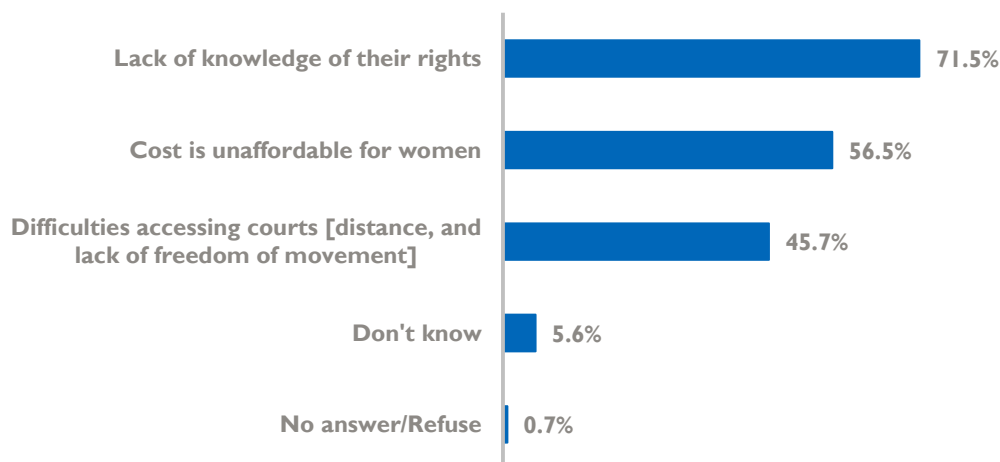


Figure 29: What are the main challenges women face in accessing the courts and getting adequate services? [n=221]

Respondents think that women’s confidence in the judicial system would be improved by more female judges (64%); more women in the court administration (59%); and greater accessibility and information (50%). Additionally, around 35% of respondents think that courts should introduce gender-specific provisions in court procedures; 30% believe that court officials would benefit from training on gender sensitivity; and 14% think that reducing costs could help courts increase women’s trust in the judicial system.

3.4 COMMUNICATION AND OUTREACH ACTIVITIES

The Property Rights Program (PRP) in Kosovo has undertaken multiple communication and outreach activities as part of a campaign to raise the awareness of different groups of Kosovo’s society regarding property rights. PRP is conducting the “For Our Common Good” social behavior change communication campaign to promote equal and transparent property rights in Kosovo. This section explores people’s exposure to different media products launched by PRP and the level of participation in discussions related to property rights.

Respondents were shown the TV media products launched by PRP and asked if they had seen them. The TV product most recognized was “PRP’s PSA News Feature targeting women”, seen by more than half of respondents (53%), followed by “PSA targeting women” (47%), and “PSA targeting men” (46%). There were no significant differences in exposure to different TV media products between respondents of different genders and ages.

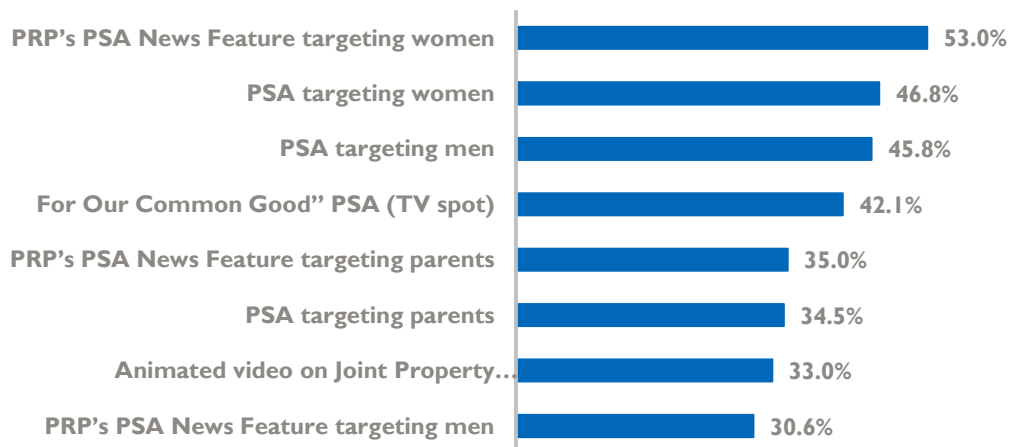


Figure 30: Have you seen any of the following TV media products?

A lower percentage of respondents recognized PRP's radio media products when they listened to them. The radio product recognized most often was "PRP's PSA News Feature targeting women" (25%), followed by "PSA targeting men" (24%) and "PRP's PSA News Feature targeting men" (22%). Other radio media products trailing closely behind were "PSA targeting women" (21%); "PSA targeting parents" (20%); and "PRP's PSA News Feature targeting parents" (19%).

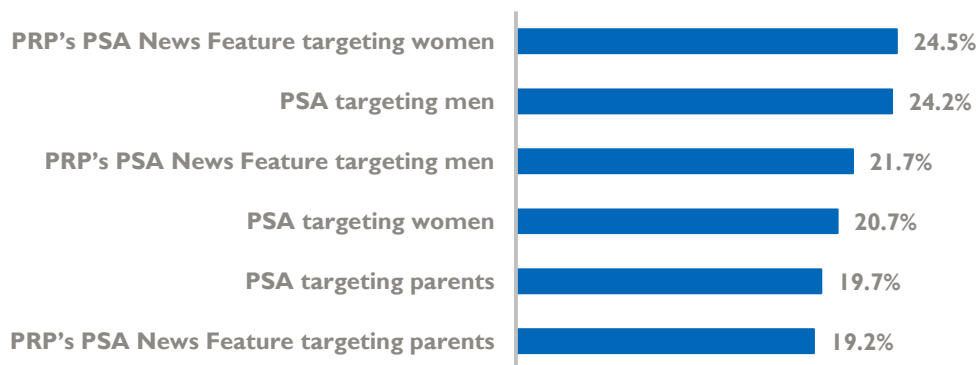


Figure 31: Have you heard any of the following radio media products?

In-depth interviews were positive in their comments regarding the content, communication style, and diverse targets of the PSAs.

"I think the outreach campaign was very good. It was simple and very easy to understand for the whole public, starting from an intellectual living in an urban area, to someone who is not educated and lives in a rural area." (From an interview with a key stakeholder)

"I think that generally the videos and the other forms of advertisement that PRP provided have been very successful in informing all groups. For instance, they launched videos that focused mostly on women, while they also created videos that targeted men or the elderly. As such, I think that their campaign has reached the whole community." (From an interview with a key stakeholder)

In regard to PRP's printed media products, 35% of respondents claimed to have seen the "For Our Common Good" information sheet and PRP's Ad that was used at the Kosovo Finance Fair, while a smaller percentage of people have seen the "leaflet on Women's Property Rights" (25%) and the "Women and Property" leaflet from the Viti/Vitina event (21%).



Figure 32: Have you seen any of the following printed media products?

Around 16% of respondents have seen at least one of PRP's billboards on the theme, "For our Common Good." A larger percentage of respondents (38%) claimed to have seen the "For our Common Good" logo, with the vast majority of them claiming to have seen the logo on TV (85%), followed by 30% of them who have seen it on Facebook and 14% who claimed to have seen it on billboards.

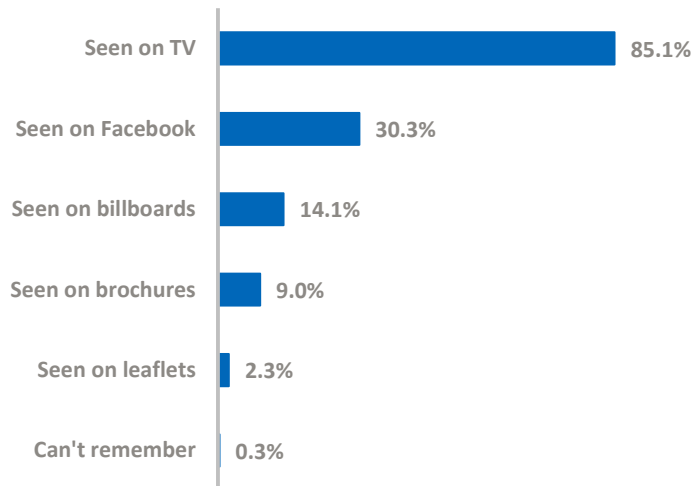


Figure 33: Where have you seen the "For Our Common Good" logo?

In addition to their exposure to these outreach products, 5.8% reported that they have participated in a property rights-related discussion organized by USAID, and a smaller percentage (less than one percent) participated in similar discussions organized by other NGOs.

Survey findings show that 76% of the Kosovo population aged 18 and above have been exposed to at least one of the outreach activities, which means that at a minimum they have seen or heard a PRP media product, recognized the "For our Common Good" logo, or have participated in a discussion on property rights organized by PRP.

4.0 CONCLUSIONS

This report provides analysis of findings from the results of the Midterm Survey, which was conducted to examine citizens' knowledge of their property rights; their attitudes and behaviors with respect to women's rights to inherit property and engage in economic activities; user satisfaction with court services on resolving property disputes; and citizens' exposure to PRP outreach products.

The survey findings confirm that informality is widespread in Kosovo's property sector: while the majority of people questioned in the survey consider themselves owners of property, a significant portion of them do not have property registered in their name. In other words, they are in possession of and exercising rights in property in which they do not hold formal legal rights. Many of them did not register the property because they believe registration to be time-consuming, bureaucratic, and expensive. For those households that have registered property, the overwhelming majority have one male registered owner. Four out of five households with registered property do not have any woman listed as a property owner. Although there are very few women registered as property owners, 80% of respondents were of the opinion that property created during marriage should belong to both partners. They did not feel the same way about property inherited from parents, or property brought to the marriage by either partner. Less than half of all respondents, both male and female, believed that such property should be co-owned by both partners. According to the Midterm Survey females constitute 20% of the population with property registered in their name, an increase of 2% from the Baseline Survey.

An encouraging finding from the Midterm Survey is that a significantly higher percentage of people understand that any adult member of the family may initiate an inheritance proceeding. Sixty-nine percent of respondents successfully identified either a notary or the basic court as the places they could initiate an inheritance proceeding. Yet only one-third of respondents said they knew which documents were needed to initiate an inheritance proceeding. The Midterm Survey also indicates that the public's general knowledge about property rights has increased by nearly double between the Baseline and the Midterm Surveys,

Approximately 82% of people in Kosovo believe that women and men should have equal rights to own and use immovable property, but women are significantly more likely to believe this. When it comes to thinking about the next generation, women are also significantly more likely to believe that sons and daughters should inherit property from their parents equally, whereas one in every five respondents (male and female) think that daughters should inherit less.

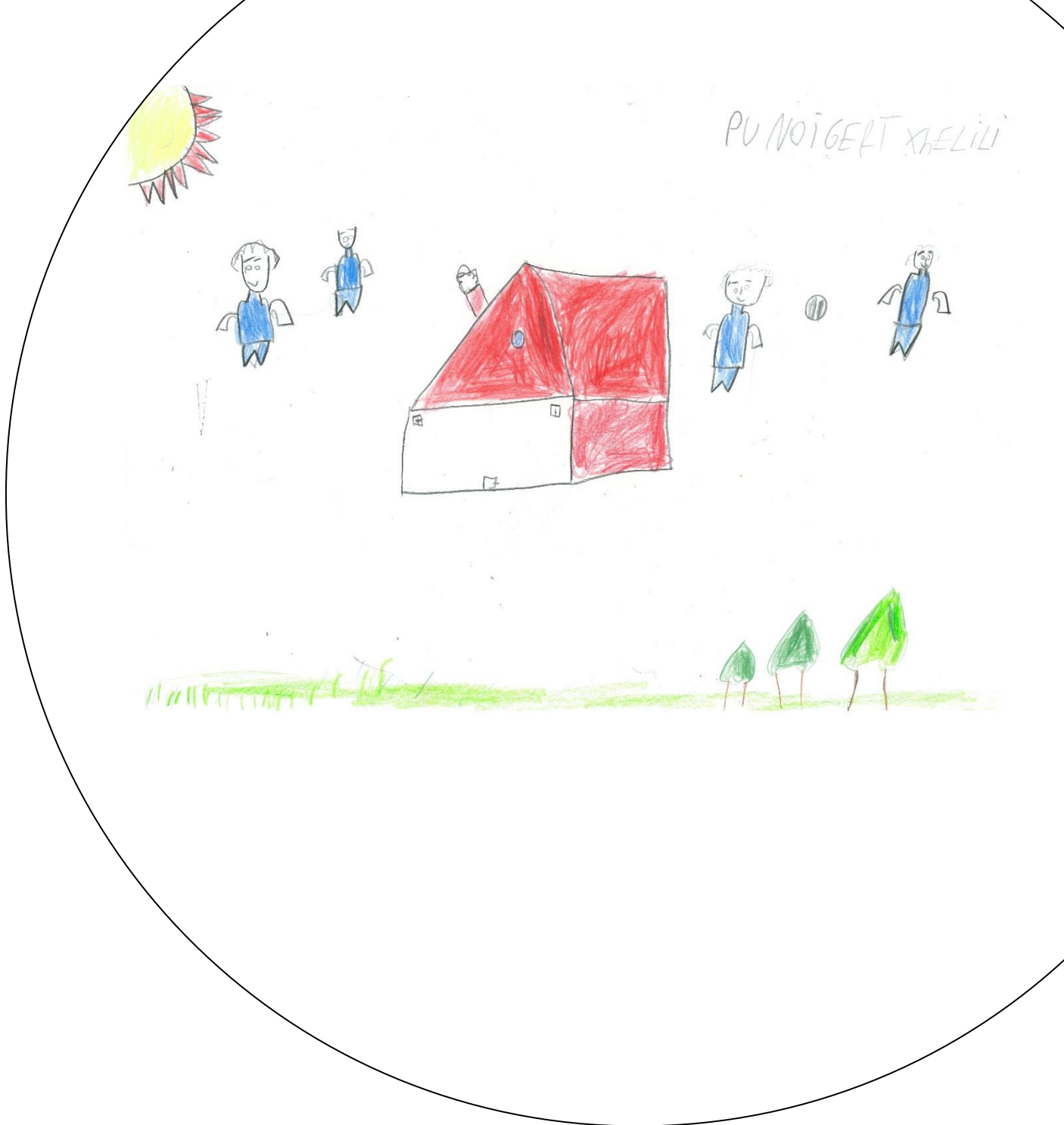
Three in four respondents agree that women in Kosovo do not demand their right to inherit. Two out every three respondents said they cannot recall a case where a daughter inherited property in their circle of acquaintances. It is clearly still an uncommon practice for a daughter to inherit property. Respondents see the causes of this as a cultural legacy of patriarchy, social stigma, and family hostility.

Survey results reveal that less than a third of the households have gone through a legal inheritance proceeding. One in every four respondents claimed to have entirely renounced their property/inheritance rights, with women (45%) significantly more likely than men (6%) to do so. While this represents an increase from the Baseline Survey as concerns the percentage of women who have renounced their property rights, there are no women in this survey who claim not to know or who refused to answer whether they had renounced their inheritance. This is a noteworthy finding. Family understanding and expectations were the main reasons that women cited for renouncing their inheritance rights.

Respondents were asked about whether they felt the courts were accessible to both women and minority groups. A small percentage of Serbs reported difficulty (5.5) and a slightly larger percentage of non-Serb minorities (8). When we asked about accessibility for women, these percentages

increased with 10% of women agreeing that they face difficulties accessing the courts. The overwhelming majority of both men and women believed that they were treated fairly and equally by the courts. When we examine the responses of the nine percent who were involved in property-related cases after 1999, however, a different picture emerges. In general, respondents showed below-average satisfaction levels with respect to their experience in court related to these cases. In connection with their inheritance cases, respondents cited financial difficulties and challenges posed by missing or incomplete documentary evidence. Moreover, over half of the respondents who were involved in property-related cases said that the courts took no action to verify potential heirs in inheritance cases.

Since its initiation, PRP has been conducting communication and outreach activities with the aim of raising the awareness of Kosovo citizens regarding their property rights. Survey findings show that three out of every four respondents were exposed to at least one of PRP's media products. Importantly, the survey shows that these outreach activities are having an impact on public opinion and on the public's awareness of legal aspects of property rights. PRP products appear to be changing people's knowledge and beliefs about women's equality in exercising property rights; whether inherited property should be held jointly by spouses; and how to initiate an inheritance proceeding.



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