

Women's Property Rights, HIV/AIDS, and Domestic Violence

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Introduction

This paper explores the associations between women's access to property rights, vulnerability to HIV/AIDS, and their risk of experiencing domestic violence in South Africa and Uganda. ICRW (Washington), AfD (Uganda), and HSRC (South Africa) are jointly engaged in conducting a qualitative research study exploring these linkages in two sites in each country.

Five main research questions guide this process: 1) What are the associations between women's secure access to, ownership of, and control over property and HIV vulnerability; 2) Is there a relationship between women's secure access to, ownership of, and control over property and their risk of experiencing family violence; 3) Is there a relationship between women's secure access to, ownership of, and control over property and risk of experiencing intimate partner violence; 4) Is there a relationship between a woman's experience of intimate partner violence and her vulnerability to HIV/AIDS?; and 5) Is there a relationship between a woman's secure access to, ownership of, and control over and risk of domestic violence and vulnerability to HIV/AIDS.

Background and Rationale

Throughout the world, ownership of land, housing, and other property provides direct and indirect benefits including a secure place to live, the means to a livelihood, and a measure of capital by which additional economic resources can be leveraged. Yet women are far less likely to own property than men. Women's lack of registered rights in or official title to land and property significantly restricts their economic options and security; factors that contribute to their low status and high levels of poverty when compared to men and can exacerbate their risk of domestic violence and their vulnerability to HIV/AIDS.

A cross-sectional study in three provinces in South Africa by Jewkes *et al.* (2002) finds that domestic violence is most strongly related to women's low status in society. Similarly, Human Rights Watch (2003) notes that women's economic dependency and their low status in Ugandan society makes them vulnerable to both domestic violence and HIV/AIDS. A recent study from Kerala, India finds that women owning land or a house face reduced risk of marital violence as compared to women who do not own property (Panda and Agarwal, 2005). On the other hand, there is also anecdotal evidence that suggests that property ownership by women or the process of trying to assert their ownership rights invites greater violence against them. The relationship between property ownership and the risk of experiencing violence for women, therefore, need not be one-directional; it is likely that it depends on the cultural and economic context.

Improved economic independence and secure livelihoods for women will likely reduce their exposure to high-risk behaviors (transactional sex, for example) that could contribute to HIV infection. Property ownership may provide for the means of sustaining livelihoods in the short-term or the long-term and also serve as collateral for credit,

enabling HIV/AIDS-affected households to deal better with the personal and financial impacts of the disease (Strickland 2004). The economic empowerment of women, via improvements in their access to productive resources, which enhances their decision-making power within the household and community, is therefore an important approach to reducing women's risk of experiencing violence and their vulnerability to HIV/AIDS.

These issues are particularly relevant to sub-Saharan Africa -- where property rights are determined by a complex set of factors that often do not protect women's property and inheritance rights, where women are disproportionately impacted by HIV/AIDS, and where for many women, experience of violence is a part of daily life. In Uganda, as in South Africa, there is evidence that women's reliance on land for economic security and survival is deepening as the number of female-headed and child-headed household are increasing due to the HIV/AIDS epidemic. Violence against women is also a concern in these countries. In South Africa, a recent survey of 4,000 women ages 18 years or older, revealed that one in five women are survivors of violence; one in 13 women reported having experienced physical violence while one in 62 recounted experiencing sexual violence (Social Surveys Africa 2006). In their 2003 study in Rakai, Uganda, Koenig *et al.* found that 30% of women had experienced physical threats or physical violence in their current relationship.

Methodology and Preliminary Findings

Property in this study is defined as immovable property (land and housing) as well as high-value movable assets such as livestock. The definition of property is flexible keeping in mind the specific country context. In Uganda, for example, in the rural areas, land, bicycle, and cattle are considered important, while in urban areas, houses, land, motorcycles and cars are considered valuable.

Property regimes are derived from several sources – statutory law, customary law, tradition in use, remnants of colonial law – which in turn govern the disposal of property and control over proceeds from the property. Thus, the concept of property rights is not limited to holding individual titles, but also includes communal rights, individual rights, joint rights (in-common, collective, e.g., trusts) and different methods of securing and registering rights.

The definition of domestic violence has been expanded beyond intimate partner violence to include violence by immediate and extended family members. Threats of physical and sexual violence by members of the larger family are not uncommon experiences in the fight for property ownership. Thus, the definition of violence in this study will include violence by in-laws, extended family members, adult children, and intimate partners. In this study we consider the following forms of violence: physical, sexual, psychological, and economic.

The study was initiated in 2005 and data collection is almost complete in two sites, rural and peri-urban, in Iganga district, Uganda and Amajuba district, KwaZulu Natal

Province, South Africa. In addition to secondary data analysis and literature review, we use a variety of qualitative methods including key informant interviews, focus group discussions, and in-depth interviews with women. These were to gather information on customary and judicial property laws and application of those laws in study sites; women's personal experiences with property rights and inheritance; women's status in the household and experience with domestic violence and HIV/AIDS; and social norms around women's property rights, attitudes and norms around domestic violence as well as HIV.

Two to three focus groups, six to ten key informant interviews, and 60 in-depth interviews were conducted in each study country. The following domains of information are collected in each in-depth interview: demographic information, gender roles and responsibilities, livelihoods and income, property and land ownership, significance of owning property, conflicts around property and land, health and HIV/AIDS, marriage and intimate partner relationships, and history of violence. Of the 60 women sampled for the in-depth interviews in each country, 30 women are HIV positive women and 30 women are status unknown. The HIV positive women were recruited purposively through HIV/AIDS support groups and service organizations. The status-unknown women were recruited with the help of key informants or local councilors, keeping in mind that we need a range of tenure categories in the sample. In polygamous households (fairly common in rural households in Uganda), the senior wife was considered first for interview participation.

Follow up in-depth interviews with a selected, small number of participants are currently under way to more fully explore salient themes. This second series of interviews will include no more than ten participants in each study country across the two sites.

The preliminary findings indicate that in both Uganda and South Africa, property and asset ownership is important to women; it is viewed as a tool for intergenerational transfer of wealth and security. There is also a suggestion that property ownership (particularly house) could potentially act as an option for women to leave abusive relationships. However, it is also interesting that property itself is sometimes a cause for conflict, particularly in the presence of co-wives (Uganda) or extended families. There are a few cases when property has helped smooth consumption or financed health expenditures for households through the sale of land or assets or other arrangements that involve leasing of land to day laborers.

We anticipate our research results will make a valuable contribution to understanding how secure property rights may affect the process of social and economic empowerment among low income women within the context of HIV/AIDS and their risk of experiencing domestic violence.