

Women's property rights, HIV and AIDS, and domestic violence

Research findings from two rural districts in South Africa and Uganda

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International Center for Research on Women

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EXECUTIVE SUMMARY

The importance of women's property and inheritance rights (WPIR) is recognised in international legal instruments and in a growing number of national laws. Yet in many developing countries, women do not have the right to own or inherit property. This issue goes beyond being a denial of basic human rights in the context of the AIDS epidemic, but also affects women's ability to meet their most basic needs. Women are increasingly becoming household heads and therefore in critical need of land and property for economic security and basic survival. Further, lacking secure property rights deprives women of the bargaining power that could be a factor in diminishing their risk of contracting HIV that results from sexual violence and from experiencing other forms of violence.

To better understand the role played by tenure security in protecting against, and mitigating the effects of, HIV and violence, the ICRW, HSRC, and AfD conducted research over a two-year period, beginning in 2005, that explored these linkages in Amajuba district, South Africa and Iganga district, Uganda. The current rates of HIV infection among the adult population in South Africa and Uganda are 20 per cent and 6 per cent, respectively. Amajuba is more urban (more than 56 per cent), while Iganga is predominantly rural, with only about 5 per cent of its population living in urban settlements.

Qualitative research methods were applied across the two site countries to examine women's experiences with land and property ownership, HIV and AIDS, and domestic violence. In-depth interviews were conducted with 60 women in each site. Overall, this study found that property ownership, while not easily linked to women's ability to prevent HIV infection, can nonetheless mitigate the impact of AIDS, and can also enhance a woman's ability to leave a violent situation.

Women's property use, ownership and tenure security in the two study sites

In Iganga, where agriculture is the main occupation, land is a productive asset and an essential part of a livelihood strategy. In Amajuba on the other hand, land and housing are primarily used as places of residence, with less than a quarter of the respondents using the land to grow food. Livelihoods in Amajuba seem to depend more on government programmes and less on productive assets or property.

Differences also were evident in how women acquired property. In Iganga, women more often rely on the institution of marriage to access and acquire land. This does not appear to be the case in Amajuba, where many women have been able to independently access and acquire property through various options – renting stands, registering for own place through the government's housing programme, or even building informal shelter in a squatter camp.

In both sites, tenure security depended to a large degree on the quality of women's intimate partner relationship – more so than even the legal structures of ownership. In Iganga, women's sense of comfort with a joint ownership arrangement (if it were to occur) was conditioned by several factors, with one of the most important being the quality of their relationship with their partners and, to a lesser extent, in-laws and other clan members. Similarly in Amajuba, women perceive that tenure security is mediated by the quality of personal relationships – most significantly with their intimate partners, and with the larger extended family, both marital and natal. This may be true even when women are clearly the property owners, based on a land agreement or title deed.

Links among property, HIV and violence

In both sites, evidence suggests that secure property rights and property ownership can help mitigate the consequences of HIV and violence. In Amajuba, mitigation was more apparent in alleviating the social impact of HIV and AIDS and stemmed from women's relative ease in purchasing property and housing. This could be an important safe haven for women in need of escaping unpleasant situations, including violence, stigma, or lack of control of sexual relationships with intimate partners. For instance, a recurring theme in both sites was rejection of condom use within marital and long-term relationships. Many women in Amajuba regarded a partner's refusal to use condoms as violence or abuse, which they mentioned as the reason for ending a relationship. In these cases women were able to leave, though some who had no alternative property were forced to continue to live in abusive situations. Women's ability to leave harmful situations in Iganga, on the other hand, is circumscribed unless they are able to return to their natal families.

Yet at the same time, the women in Iganga have other ways that they can use property to mitigate AIDS. Women there perceived their right to access and use land and housing as being conferred through marriage, formal and informal. In addition to meeting food security requirements (with food both to eat and sell), availability of land also benefited a few households through renting or other labour-sharing arrangements. These options are particularly useful when women are too sick to cultivate the land. In addition, most of the widows have continued to live on marital land and seem to be enjoying tenure security to some degree, along with certain benefits that can mitigate the impact of AIDS. However, the bundle of rights that widows enjoy with respect to marital land lies along a spectrum ranging mainly from use/access rights to the right to rent out land or housing as a source of income. Women are mostly clear that they cannot sell the land due to clan restrictions or because they are holding the land in trust for their children.

Property is one of several factors needed to protect women

While lack of land access and tenure security is an indicator of poverty for a household, having only this resource does not ensure an adequate livelihood for most. Other income-generating options or financial support appears to be essential to maintain a livelihood and potentially reduce the risks women face, even when basic food security is met as shown in Iganga or when women have access to state housing as in Amajuba. In Amajuba, the perception was that women with their own place have greater control over their sexual relationships and can more easily demand condom use or refuse sex. This, however, was not evident in terms of women's personal experiences.

Though the qualitative nature of the study does not allow for generalisations, it helps to better understand the central role property plays in women's ability to better mitigate the consequences of HIV and AIDS. Property in some ways may also enhance women's capacity to leave violent situations. The protective role of property less clearly emerged but may have some role in creating alternative ways to negotiate sexual behaviour with intimate partners. Results of this study also provide evidence of the importance of social networks and the quality of relationships within those social networks in women's ability to access and acquire property. Each of these points form new avenues for research in understanding the role of securing women's property rights and the direct or indirect benefits women may gain through securing their access to, and ownership of property.

SECTION I

Introduction

Chapter 1: Conceptual framework and
literature review

Chapter 2: Research design and methods

Conceptual framework and literature review

Hema Swaminathan

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The importance of women's property and inheritance rights (WPIR) is recognised in a growing number of national laws, as well as in international legal instruments (for example, in the Convention for the Elimination of all Forms of Discrimination Against Women (1979), International Covenants on Economic, Social, and Cultural Rights (1966) and on Civil and Political Rights (1966), and in the Platform of Action adopted at the 1995 World Conference on Women). Yet, in many developing countries, women often face legal, cultural, or religious discrimination that restricts their ability to own or inherit property.

The rationale for promoting WPIR is well entrenched in the literature. Development arguments emphasising the benefits of secure WPIR draw from research which shows that improving women's property rights increases efficiency in food production and, as a result, enhances family food security (FAO 1996). Various studies have also uncovered a correlation between women's control over assets and the level of investment made in children's education, healthcare and other basic needs (Katz and Chamorro 2003; Agarwal 2002; Quisumbing and Maluccio 2003; Beegle et al. 2001). Furthermore, income that women can potentially generate and control through secure property rights – through market-oriented production, renting the property out, using it as a guarantee on a loan, or possibly selling it – is also central to household welfare as women and men tend to spend their income differently. Finally, while it is indisputable that property ownership confers clear economic benefits, the empowerment effect of secure rights and ownership also plays a critical role in improving the lives of women and children. Property rights to land strengthen women's negotiating position in terms of household decision-making and give them greater ability to address their own needs and priorities, whether due to increased authority to allocate household resources or a stronger voice in civic participation and demanding public services (Katz and Chamorro 2002).

In many settings, the current state of WPIR is both a symptom of and a contributor to gender inequality. The lack of WPIR is a critical factor that explains the transmission of HIV and how individuals and households adapt to the shock of infection (Rao Gupta 2007). Domestic violence, it is argued, is the gravest manifestation of gender inequality in societies, and has broad consequences for women's health and wellbeing (WHO 2005). Accordingly, its relationship to WPIR needs to be examined. Thus, the focus of this research is to explore the intersections between security of tenure and property ownership, women's vulnerability to HIV and AIDS, and their risk of experiencing domestic violence.

This is a complex set of issues, all of which hold particular relevance for sub-Saharan Africa (SSA). Land-tenure reform is a priority, albeit a contentious one, for most national governments in the region and comes at a time of growing population pressure (FAO 1996), increasing value of land, and hotly contested debates about the merits of different tenure systems. Gender equity within land reform, while an avowed goal for policy-

makers, is frequently not backed up by concrete interventions. The HIV epidemic continues to be a major contributor to the region's socio-economic upheaval. Women's need for land for economic security and survival is deepening as the number of female-headed and child-headed households grows due to the epidemic. Although the complete set of factors determining the spread of HIV are not yet clearly characterised, the impact of the epidemic on national economies and social structures is slowly beginning to be understood and points to a grim future unless effective policy interventions are set in place. What is more, increasing attention is being paid to women's experience of domestic violence, largely fuelled by the realisation that it is a risk factor for HIV infection. The key research areas – WPIR, HIV and AIDS, and domestic violence – are in fact, all interlinked through 'messy' economic and sociological processes that characterise gender inequality, making the study challenging as well as unique.

Funded by the Ford Foundation and an anonymous donor, the overall goal of the study is to contribute to reducing women's vulnerability to HIV and AIDS and their risk of experiencing violence through a better understanding of the role played by tenure security in protecting against, and mitigating the effects of, HIV and violence. Using qualitative methods, the research was undertaken in Amajuba, South Africa and Iganga, Uganda over a two-year period, beginning in 2005.

Key themes of the study guided the selection of the two above-mentioned countries as study sites. Both South Africa and Uganda have been undertaking major changes to their land laws and policies, and hence have a critical mass of work to which this study could contribute and interested stakeholders to whom we could reach out. Moreover, although they are in different stages in their fight against HIV, in both countries the epidemic is the most critical public-health issue. South Africa has the highest number of people living with HIV worldwide, while in Uganda falling national HIV and AIDS prevalence rates mask significant gender disparities in these rates. Finally, in both countries violence against women is a very common occurrence.

Conceptual framework

The conceptual framework relating property rights and HIV and AIDS builds upon the framework presented in Strickland (2004) and also draws upon the household decision-making literature from economics (Quisumbing 2003).

The framework suggests that both the prevention and the mitigation aspect of secure property rights in the context of HIV operate by promoting women's economic independence and security as well as by enhancing women's empowerment. A combination of these factors will contribute to women's secure livelihoods, thus making it less likely they will engage in high-risk behaviours (transactional sex, for example) that could contribute to HIV infection. This implies that secure property rights for women could help in the prevention of HIV infection. Ownership and control over assets also constitute a resource base for households that could be used to deal with the consequences of HIV, including the cost of medicines, funerals and other associated expenses. Property ownership may provide the means of sustaining livelihoods in the short term or the long term and also serve as collateral for credit, enabling HIV- and AIDS-affected households to deal better with the personal and financial impact of the disease (Strickland 2004).

It is recognised that several factors will mediate the pathways between secure property rights and their potential mitigation and preventive aspects in the context of HIV. Examples of such factors include laws that explicitly guarantee women's right to own and inherit property, the presence (or absence) of enabling institutions that help women actually realise their rights, the economic environment and opportunities, availability of social support, and a socio-cultural environment that is conducive to women's empowerment.

The framework also suggests that empowerment effects of property ownership can also protect women against the risk of domestic violence. Research by the International Center for Research on Women (ICRW) has identified ownership of property by women as one of the critical factors that helps reduce women's risk of violence (Bhatla et al. 2006). 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, may not be one-directional; it is likely that it depends on the cultural and economic context.

As discussed earlier, there is also a link between women's risk of experiencing intimate partner violence and their vulnerability to HIV infection in situations where women are unable to negotiate safe sex with their partners due to fear of violence. Women who have experienced violence are also more likely to engage in casual or transactional sex and other risky behavior (WHO 2005). It may be that such behavior overrides the preventive aspect of property ownership in the context of HIV.

Guided by this broad framework, the study is focused on exploring the linkages between women's secure access to, ownership of, and control over property and HIV and AIDS vulnerability as well as their risk of experiencing family and intimate partner violence. Another main question that guides the study is whether there is a relationship between a woman's experience of intimate partner violence and her vulnerability to HIV and AIDS.

Literature review

While there is extensive literature on gender and property rights in SSA, the majority of this research has focused primarily on the structural factors that shape this relationship, with less attention being paid to the effect on women's lives. As a result, we have a somewhat fragmentary understanding of the ways in which women's tenure security could be related to other major social and economic life events such as HIV and AIDS and gender-based violence. This literature review provides a brief overview of the current debates on women's property rights in the region, with an emphasis on land rights and focusing primarily on how the literature informs our key research interest in exploring the interlinkages with HIV and AIDS and gender-based violence.¹

Women's land rights in sub-Saharan Africa

The question of women's land rights has attracted recent attention in large part due to the renewed efforts by a number of governments in the region to reform their land-tenure systems and implement other land policy initiatives. Despite the rapid urbanisation that has taken place throughout SSA, land remains a key indicator of wealth and socio-economic status, both for cultural reasons and because of its value as a productive asset.

¹ A number of excellent recent articles and reports provide a more general discussion of women's land rights in SSA, including Peters 2004; Walker 2003; Whitehead and Tsikata 2003; and Yngstorm 2002.

At the same time, urbanisation is also responsible for the increasing importance of housing as a key policy issue. Because women are a particularly vulnerable group in most societies in SSA, their tenure security has a number of social and economic implications, many of which remain poorly understood. Research in this area has increasingly highlighted the need to situate the issue of women's land rights within the context of other socio-economic processes that have implications for how land relations are understood and mediated in the broader economy. These socio-economic processes include population pressure, urbanisation, and increasing value of land, changing livelihood patterns, and HIV and AIDS (Cotula 2007). As a result, exploring the social and economic implications of changes in women's rights to land is a complex undertaking and involves a web of interrelated factors.

Women's access and secure tenure to land in SSA is primarily determined by their marital status and their membership in other kinship groups, which allow them at least some claim to familial land holdings (Walker 2002, Whitehead and Tsikata 2003, Yngstorm 2002). In this context, women may have multiple social identities and/or roles that play an important part in determining their land rights. It is important to understand these roles/identities because tension may result from women's potentially contradictory claims on land stemming from their various different social statuses within their household and community (Chaveaux 2006: 213–240). Women's land rights are typically assumed to be hierarchically ordered within the household, with the assumption being that men's rights are 'primary' and stronger, implying that those of women are both 'secondary' and weaker (Toulmin & Quan 2000; Lastarria-Cornhiel 1997: 1317–1341). However, recent research has viewed the realities of land relations as experienced by both men and women as more complex; they depend on negotiations within the conjugal unit as well as on the ties with natal kin and extended family, and are mediated by broader institutional and social change (Aliber & Walker 2006). Several authors (Whitehead & Tsikata 2003; Yngstorm 2002) reject the terminology of ordering and instead describe 'overlapping claims' that are tied to social responsibilities and obligations within the household, either as wives or as community members. However, there is growing recognition that these relationships are fluid and that 'dynamics occurring within domestic units are seen both to shape, and be shaped by, wider economic processes' (Yngstorm 2002: 27).

Whether or not women's claims to land are secondary to men's, there is consensus that, despite some ability to negotiate land rights, women are usually more vulnerable to losing their access to land due to their relatively low social status, particularly in contexts of rapid social and economic transformation. This situation is further complicated by the social and legal framework governing women's land rights in SSA, rights that are determined by a complex web of statutory law, customary law, and local norms and practices. Although gender equity is a policy goal of land reform in most countries, this has not resulted in concrete interventions. The various legal instruments regulating different aspects related to gender equality in land tenure or inheritance often operate at cross-purposes (Walker 2002).² Recently, there has been a trend towards 'returning' to customary systems and involving traditional structures in the land-reform process. The argument advanced here is that customary institutions are more flexible and accessible to women compared to formal institutions and are thus better able to safeguard their rights (Toulmin and Quan 2000). It is argued that land relations are embedded in larger social institutions, which customary structures are better able to address due to their

² Through case studies on Tanzania and Uganda, Manji (2006) provided an example illustrating the disconnection between high-level policy commitments and implementing laws to realise them.

'negotiability, flexibility, and ambiguity in relations governing land access' (Peters 2004: 278). This approach, however, has prompted concerns among some scholars, who point out that even though customary rights are more flexible and could potentially protect women's interests, the institutions governing these rights are also the sites of local power struggles that reflect unequal social relations (Whitehead and Tsikata 2003; Peters 2004; Classens 2005; Cousins and Classens 2006).

The social, economic and demographic changes of recent decades in SSA have placed severe strain on a number of social institutions that play an important role in shaping women's property rights and the effects of these rights on women. Among a number of other factors, Walker (2002) says that the increasing instability of the institution of marriage is particularly central to the weakening of women's right to land. She suggests that women's 'vulnerability becomes most exposed during times of crisis – when the household breaks up either through marital conflict leading to divorce or separation, or upon the death of the husband'. With regard to land rights and tenure, women whose husbands have died are particularly vulnerable to competing land claims from other family members, further magnifying the effect of HIV and AIDS. This circumstance highlights the need to understand women's land rights within the context of the social and economic environment in which decisions on land access and tenure are made. In the following sections, we review the literature on the relationships between land rights, gender inequality, HIV and AIDS, and intimate partner violence.

Gender inequality, HIV and AIDS, violence and land

Women and girls are increasingly bearing the burden of the HIV and AIDS epidemic, particularly in SSA, where over 60 per cent of persons who live with HIV are female (UNAIDS 2006). The HIV and AIDS pandemic in SSA has greatly increased the number of widow-headed households, resulting in substantial economic and social pressure on women. Gender inequality has played an important role in the increased 'feminisation' of the epidemic, greatly increasing women's vulnerability by lessening the degree to which women can protect themselves from infection, cope with the illness once infected, and deal with the illness and death of other household members, particularly that of their husband.

Gender inequality also greatly limits women's decision-making power within sexual relationships and contributes to their experience of intimate partner violence, both of which increase women's vulnerability to HIV. The lack of power within sexual relationships lessens the ability of women to make decisions that protect them from infection, such as the use of condoms or other barrier methods, while it increases the likelihood of intimate partner violence. In a study conducted in Dar es Salaam, Tanzania, HIV-positive women report more life-partner violence than HIV-negative women. Specifically, the odds of reporting at least one violent event were significantly higher among HIV-positive women than among negative women (Maman et al. 2002). Dunkle et al. (2004) explored the same link in a more recent study in South Africa. Controlling for a set of demographic and behavioral variables, the study found that intimate partner violence and high levels of male control in women's current relationships (measured against the South African adaptation of the Sexual Relationship Power Scale³) were

³ Developed by Pulerwitz, Gortmaker and DeJong (2000), the Sexual Relationship Power Scale (SRPS) measures power in sexual relationships and explores the role of relationship power in sexual decision-making and HIV risk. The SRPS consists of two subscales: relationship control and decision-making dominance and consists of questions such as control over decision-making, commitment to the relationship, ability to negotiate condom use, and freedom of action within the relationship.

associated with HIV seropositivity. Finally, Jewkes et al. (2006) explored the factors related to HIV sero-status in young, rural South African women with emphasis on the links between intimate partner violence and HIV status. They found that intimate partner violence was strongly associated with most of the HIV risk factors.

Economic vulnerability

There is a growing body of literature that demonstrates the links through which gender inequality contributes to women's vulnerability to HIV as well as to their disadvantage in dealing with the consequences of the disease. A recent study in South Africa found that relative socio-economic status, captured by an asset-based index of household wealth, had an impact on sexual behaviour among young women and men (Hallman 2004). Controlling for other factors, the study found that, while relative disadvantage had a higher likelihood of explaining unsafe sexual practices for both men and women, the effect was more pronounced for women. Another study conducted in Botswana and Swaziland explored the association between food insufficiency and risky sexual behavior. It found that food insufficiency resulted in 80 per cent higher odds of sex exchange. Moreover, even though 15 per cent of both men and women reported having intergenerational sex, food insufficiency was significantly correlated with reported intergenerational sex for women. The correlation did not exist for men (Weiser et al. 2006).

However, research has found evidence for both a positive and a negative effect of wealth on HIV infection. For instance, in their study using Kenyan data, Beegle and Özler identify that higher levels of household-asset ownership is in fact positively correlated with HIV risk. Using a different indicator of economic status, this study also finds that higher gender inequality in terms of economic status at the community level is positively correlated with HIV risk (for a discussion of these studies, see Beegle and Özler 2006).

The relationship between gender, land and HIV is also being increasingly explored. The focus of the emerging literature has primarily been on the effect of HIV and AIDS on land tenure and access, commonly referred to as 'property grabbing'. The evidence from the studies is mixed, reflecting the complex nature of tenure arrangements, women's social status in the household and community, and other structural factors. A number of studies report the widespread experience of loss of ownership and access rights to property when women are widowed due to HIV and AIDS (Izumi 2007; Mendenhall et al. 2007). In Uganda, a qualitative study among 17 rural and 12 urban women living with HIV and AIDS found that the death of their husbands resulted in strained relationships with their in-laws. Only one of the 29 women did not experience problems with land after her husband's death (Eilor and Mugisha 2002). Using prime age adult mortality as a proxy for HIV deaths and cultivated land area as a proxy for land access, Chapoto et al. (2006) found that in Zambia, land cultivated between 2001 and 2004 declined among both afflicted and non-afflicted households, but the decline was more significant among those households who became headed by widows.

While tenure security is a problem for most marginalised populations and while all widows face these threats to some extent in SSA, the risk of property loss is particularly acute when the death is attributed to AIDS. This is partly due to the associated stigma (Drimie 2002, Izumi 2007) and partly due to changes in customary institutions, such as *levirate* (wife inheritance), that used to give women access to land after the death of a husband (Villalreal 2006). A recent study by Aliber and Walker (2006), however, found that HIV and AIDS was not the only factor causing tenure insecurity among households in rural Kenya. The authors found that several factors threaten land rights – poverty,

population pressure on land, gendered power relations. HIV and AIDS was an additional factor but not the main one.

Comparatively little research has been done on the links between secure property rights and violence against women, particularly in the SSA context. The few studies that exist are from South Asia. Using data from Kerala, India, and controlling for a range of demographic and economic characteristics, Panda and Agarwal (2005) found that women who owned immovable property in the form of either land or the household home were considerably less likely to experience marital violence than women with no property. The authors suggested a number of reasons for this finding, key among them being that property ownership implies a greater degree of empowerment within the household and provides a tangible avenue for women to exit the relationship.

Bhatla et al. (2006) also found immovable asset ownership to be a protective factor in terms of domestic violence in India and Sri Lanka, although this protection also depends on a range of other factors such as the magnitude of the contribution made by the woman's asset to the household asset base, the woman's level of support from her community and natal family, and her husband's alcohol consumption. However, anecdotal evidence from SSA has found that this protective effect is not universal; it may sometimes invite violence against women from extended family members trying to take over their land or other assets (Izumi 2007).

The current study is unique in that it explores the links between women's rights to key assets – namely land and house – and their vulnerability to HIV, as well as their risk of experiencing violence. More specifically, though limited in its ability to draw generalisable conclusions due to the qualitative nature of the study, it contributes to a deeper, more nuanced understanding of women's tenure and property as it relates to HIV. Also, in trying to disentangle the complex association between women's property and inheritance rights and their experience of violence, this study addresses a significant gap in the literature.

This book brings together the findings from Amajuba and Iganga as well as a comparative analysis of similarities and differences across the two study sites. The report is organised as follows: The following chapter in this section provides an overview of the methods used in the study. Sections 2 and 3 present the country-level reports and findings, while Section 4 presents the comparative analysis and conclusions.

Acknowledgement

The authors are grateful to Jeff Edmeades for his invaluable research support in helping to complete this chapter.

Research design and methods

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Overview

Qualitative research methods were applied across the two countries to examine women's experiences with land and property ownership, HIV and AIDS, and domestic violence. In-depth interviews, focus group discussion and key informant interviews were used to explore specific themes, including the meaning and importance of property and land ownership and access, and women's experiences with HIV and AIDS and domestic violence in relation to property and land. The primary data collection was supplemented by secondary data analysis to provide historical, economic and political contexts at both country and district levels. This chapter covers the following issues: sampling, qualitative methods, research ethics and data collection, data management and analysis, and a discussion of the methodology.

Sampling

In South Africa, the study was conducted in the Amajuba district municipality of KwaZulu-Natal. The selection of this particular district was based on several parameters, including the presence of a range of property and tenure regimes, high HIV prevalence rates, and rapid urbanisation. In Uganda, Iganga district was chosen as the study site; the HIV epidemic in this district is on the rise and polygamy and violence are very prevalent. The land tenure system is largely informal customary with individualised ownership. Iganga also reports high levels of land disputes and evictions.

Purposive sampling was used to recruit study participants from four specific sub-groups of interest in each country: women living with HIV or AIDS, and women with unknown status living in urban and peri-urban settings. Male and female residents of the study communities were also recruited for focus group discussions (FGDs) to explore social norms and attitudes regarding violence, HIV and property ownership. All study participants were aged 18 years and above and were residents of the study communities at the time of data collection. In both countries, women living with HIV or AIDS were recruited through local non-governmental AIDS organisations. In Amajuba, women with unknown HIV status were selected using a form of convenience sampling to capture tenure status and settlement conditions; in Iganga, purposive sampling was based on tenure status, marital status, as well as on administrative information on incidence of domestic violence and property conflict at the household level. The classification of HIV-positive and status unknown is maintained in the analysis. During the course of the interview, if status unknown women were discovered to be positive, they were moved to the HIV-positive group.

Six focus group discussions in South Africa – two with women and four with men – and seven in Uganda – four with women and three with men – were conducted to collect information on prevailing attitudes among both women and men towards women's land rights in the context of HIV and AIDS and gender-based violence. Participants in these discussions were recruited using snowball sampling through informal networks. Finally, key

informants at each site were identified in collaboration with project staff through local community leaders, and governmental and non-governmental organisations in the fields of HIV, violence and land policy. These are described in greater detail in the country reports.

Qualitative methods

The rich narratives resulting from qualitative data collection methods provided the depth and reflection of individual life experiences necessary to examine the complex social and economic phenomena being explored. Fundamental to qualitative research methods is the emphasis on the perspectives of the 'insider', those who experience the phenomena being studied, rather than the outside observer's point of view. However, as with this study, the interpretation/analysis of the data eventually rests with the 'outsider', the researcher. This research aims to understand the linkages between women's property rights and the protection these rights may or may not provide in confronting HIV and violence. Therefore, in unravelling these questions, it is essential to analyse women's own stories, and the meaning of property within their own experiences. A triangulation of methods, namely in-depth interviews, focus group discussions, and key informant interviews, was applied in this research to provide a means to better understand the social context of the study communities and to aid in interpreting the narratives.

The in-depth interviews were a key research source of data in this study. A semi-structured field guide was designed to reflect seven major domains addressed in the research questions. These domains were property, tenure, livelihoods, gender, violence, HIV and AIDS, and empowerment. The interviews were conducted to explore the importance in women's lives of land, house and property ownership and access. Also discussed during these interviews were women's perceptions of marriage and intimate partnerships including experiences with HIV and AIDS and violence. In South Africa, after a very preliminary analysis of the data, a second round of follow-up in-depth interviews was conducted with a select group of six women in order to provide depth and clarity on specific salient themes. Criteria for selecting these second-round participants included their having experienced some violence or their having been personally affected by HIV or AIDS. These participants were also individuals who had stories that exemplified unique experiences but were not considered to be anomalies within the study community.

Focus group discussions were conducted using a semi-structured field guide with vignettes to explore the nature of women's property rights at the community level, how women acquire and transfer property and how disputes over property are resolved, community attitudes about women's property ownership, and norms and community attitudes about violence and HIV. Short scenarios, or vignettes, were developed for these groups to initiate discussion about HIV and violence in relation to property and land ownership. Vignettes have been used in qualitative research to broach sensitive topics, to clarify individual participants' judgements on certain, often moral, issues, and to interpret the behaviours and actions within a particular cultural context (Finch 1987). Vignettes are typically written as short stories featuring several main characters, and though fictitious, they are designed to be as realistic as possible within the cultural context of the study community. Breaks at different points in the story or between a series of short stories are used to ask questions regarding the story and to have the group reflect on what they think will happen next or what decision will be made and why. One continuous vignette was developed for each country team. Various breaks throughout the vignette were used to process each stage of the scenario with the focus group participants.

Key informant interviews were conducted using unstructured field guides at the community level among community leaders, staff from governmental and non-governmental agencies, including AIDS service organisations, health care providers, police officers, and local council members. The purpose of the key informant interviews was to better understand tenure and property ownership, HIV and AIDS epidemiology and services accessible in the community, attitudes and social norms concerning violence, and tenure history in the study communities. Key informants were helpful in providing information on how land and property is typically acquired and transferred among women, and how land and property disputes are typically dealt with in the communities of interest.

Research ethics and data collection

The study protocol, including the written informed consent process, was reviewed and approved by research entities of each country, the Institutional Review Board of the Human Sciences Research Council (HSRC) in Pretoria, South Africa and the National Research Council in Kampala, Uganda. Informed written consent was acquired prior to beginning any data collection sessions. Interviewers read the informed consent form to the participant and responded to any questions or concerns of the participant at that time. The form was then signed, first by the participant and then by the interviewer. The participant was given a copy of the informed consent form. The study coordinator's name and contact information was included on the informed consent sheet for the future reference of the participant. In South Africa, interviews and focus group discussions were conducted in Zulu, while most of the key interviews were conducted in English. In Uganda, all interviews were conducted in Lusoga. With the consent of the study participants, all interviews were recorded and transcribed for future analysis. The focus group discussions were also recorded in both countries but were not transcribed in South Africa due to cost and time constraints. At the recommendation of study country investigators and in accordance with local research practices, no incentives were provided to study participants. In both sites participants were reimbursed for their travel costs and were presented with small gifts of appreciation only after the interviews were concluded to ensure that the prospect of a gift did not affect the decision to participate.

Experienced data collectors were recruited in both country sites and were trained in qualitative data collection methods. Data collectors in South Africa were recruited from an ongoing longitudinal study on the impact of HIV on economic and social wellbeing at the household level, the Health Economic and HIV and AIDS Research Division (HEARD)/Amajuba Child Health and Welfare Research Project (ACHWRP) study. They were experienced in implementing quantitative survey instruments and were very familiar with the study population. Data collectors in Uganda were all interviewers who had worked on previous qualitative research projects with Associates for Development (AfD).

Interviewers received intensive training in qualitative research principles and methods, data collection management and logistics, practical skills-building exercises using the study instruments, and the ethics of conducting research on HIV and AIDS and violence. As part of their task to familiarise themselves with the field guides, interviewers translated them into the local languages. Interviewers then conducted practice interviews using the translated and English versions among each of the sub-groups to check language and ease of comprehension and cultural relevance of concepts in the guides.

Confidentiality was emphasised during training due to the sensitive nature of violence and HIV within the study communities. The WHO Guidelines for conducting research on violence against women were applied in the data collection protocol and study design. Only one participant from each household was selected for study participation and effort was made to ensure that focus group discussions were not held in the same communities where in-depth interviews were conducted. Interviewers were provided a mock series of questions that they could discreetly turn to in case the interview was interrupted during discussion of experiences of violence or other sensitive topics. Training was intended to include a component on violence to provide an opportunity for interviewers and investigators alike to clarify their own feelings about violence against women and to provide some background on the epidemiology and psychology of violence. This component was included in Uganda but for logistical reasons was not included in the training in South Africa. However, in South Africa, arrangements were made for debriefing and counselling for interviewers if required.

A referral protocol was established in both country sites to address any emotional or psychological trauma as a result of participation in the study. Links were also provided to services for concerns regarding land and property, domestic violence, and HIV as these issues were raised during interviews. In South Africa, the study site operated out of the HEARD study office. Project staff were able to use the same referral system established by the HEARD study to link study participants to services as needed. In Uganda, referrals were made through networks of the collaborating non-governmental organisation, the National Community of Women Living with HIV and AIDS (NACWOLA), which also assisted in recruitment of women living with HIV and AIDS.

Data management and analysis

The digital recordings of all in-depth interview data were transliterated into English for analysis. In Uganda this was done by interviewers themselves while in South Africa an external transcription and translation service was used. English translations of the transcripts were shared across study sites. These data were analysed at the country level and comparatively across the two sites. The triangulation of methods used in this study provides sources of data from different groups and in various formats to illuminate both individual experience and views on social norms and attitudes within the community. Triangulation of methods and sources of data can give insights into individual behaviours and attitudes that are acceptable by community or social standards, and it can also provide an understanding of social reality as individuals experience it.

Content analysis of the text was used to analyse emerging themes and conceptual categories. A core set of common themes based on the research questions was developed as an initial framework from which to identify unique themes at the country level as they emerged from the data. Content of the textual data was analysed using various analytical tools that included summary tables and spreadsheets to mark, categorise, and summarise text for the analysis. The project team discussed the use of qualitative software, ATLAS.ti, but due to time constraints, it was not extensively used for the analysis; rather, it was used for data management and coding of text to be extracted for analysis in the comparative chapter.

Assessment of the study methodology

It is important to note that, given the small scale and non-random nature of our sample, the results from the study are not statistically reliable or freely generalisable to the experiences of women in other parts of Uganda and South Africa. A qualitative approach was specifically adopted to understand the multi-faceted issue of the relative importance of secure property rights for women in terms of their vulnerability to HIV and AIDS and the risk of experiencing domestic violence. The methodology made it possible to explore the intersection of these issues as they play themselves out over time in the lives of a relatively large group of women, who were living under conditions which were not dissimilar to those found in other parts of the study countries.

One of the limitations of the study was that men's voices were not heard directly, apart from through the focus group discussions. The primary interest in the study was the experience of women, and the size of the sample provided the analysts with a rich source of data through which to explore this. Nevertheless, given the centrality of women's relationships to men for the issues researched, the study would have gained by extending it to include men's views and experiences more directly as well; this constitutes an important area for follow-up research.

The question of language is also an issue to consider. The interviews were all conducted in the mother tongue of both interviewers and respondents. However, it is possible that in the process of translation into English and interpretation in the analysis that certain nuances and specificities of language have been missed or even misrepresented. The researchers attempted to guard against this through the discussion of emerging findings and the checking of particular interpretations with the field team.

These problems notwithstanding, the in-depth interviews constitute an enormously rich repository of material, encompassing not only attitudes and memories but also information on tenure histories, household structure and family relationships in the study sites over time. In working with and abstracting from this material, the researchers endeavoured to act with due respect for the women who shared their stories.

The study was put together and coordinated by the ICRW with participation from the country teams. The partnership of the project team spanning three countries was collaborative, engaged, and spirited, even as the team straddled time differences and busy schedules. The research design and methods, study instruments, analytical framework, report outline and emerging findings were discussed and debated by the project team at two workshops that were held in Pretoria and Kampala during the course of the study. Preliminary analysis was shared across the team on an on-going basis. The success of our collaborative effort notwithstanding, one of the lessons learnt for future endeavours is to allow for more time and resources for face to face interaction amongst the project team.

SECTION 2

Research findings from Amajuba, South Africa

Cherryl Walker, Michael Aliber and Busi Nkosi

Chapter 3: Background to the South African site

Chapter 4: Socio-economic profiles, Amajuba

Chapter 5: Intimate partnerships and
domestic violence

Chapter 6: Tenure security and property rights

Chapter 7: Domestic violence and property rights

Chapter 8: Focus group discussions

Chapter 9: Linkages and implications

Background to the South African site

Overview

Section 2 of this book presents the South African component of the two-country study examining the linkages between women's access to property rights, vulnerability to HIV and AIDS, and risk of domestic violence. The discussion is divided into seven chapters. This chapter provides essential background on the selection of the research site – Amajuba district in the north-west of the province of KwaZulu-Natal – and gives a brief overview of South Africa in terms of the major issues covered by the research. It also provides a profile of Amajuba district and a brief commentary on the application of the research methodology of the larger project to the South African study.

Our research findings are presented in the next five chapters. First, Chapter 4 provides an overview of the 60 respondents who participated in our in-depth interviews in terms of: their birthplace, current residence and household structure; their demographic profile; and their livelihood strategies.

Chapter 5 reports findings relating to women's intimate relationships and experience of domestic abuse, and also addresses the issue of HIV and AIDS as a catalyst for consciousness-raising on the part of some women.

Chapter 6 presents our findings on tenure, including: respondents' perceptions of ownership as well as with whom these rights reside in their respective households; tenure options and tenure security for women by settlement type; and the likely tenure situation of those respondents who are HIV-positive at the time they became infected.

Chapter 7 explores the possible linkages between women's property rights, experience of domestic and intimate partner violence, and vulnerability to HIV and AIDS in each of the major configurations of women's relationship to property that have emerged through our research. Chapter 8 presents the results of the focus group discussions.

Chapter 9 concludes this study. It provides a concluding overview of our research findings as well as a brief discussion of the implications of this work for policy and for further research to deepen the analysis.

Selection of research site

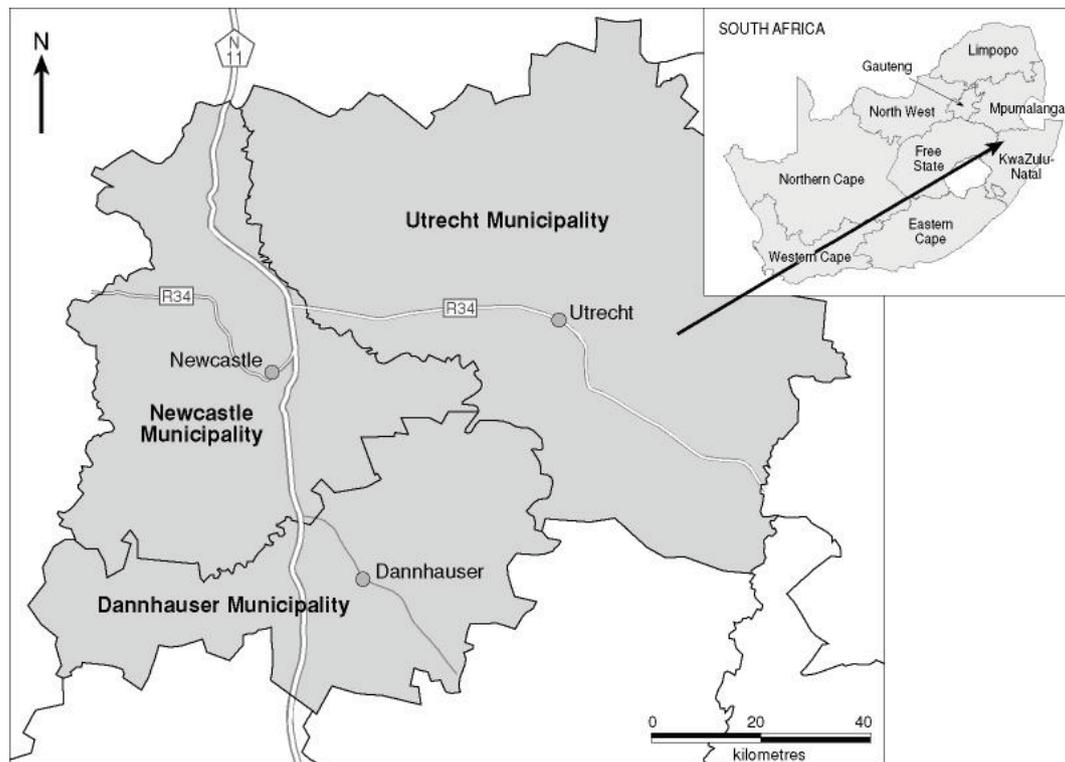
Research for the South African country study was conducted in the Amajuba district municipality of KwaZulu-Natal, in the north-western corner of the province (Figure 3.1). KwaZulu-Natal is the most populous province in South Africa and one where the scale of the HIV and AIDS pandemic is particularly severe. Amajuba district was chosen as an appropriate study site for a number of reasons:

- The district presents a range of property and tenure regimes and illustrates the dynamism and complex hybridity of contemporary tenure systems and practices in the South African countryside, including with regard to women's rights to property.
- The district has a very high HIV prevalence rate, with antenatal data from the district showing the rate among pregnant women to have been 35.8 per cent in 2005 (Amajuba District Municipality 2007: 17).

- The district is experiencing rapid urbanisation, with the growth of both formal and informal settlements on the outskirts of the town of Newcastle. Urbanisation is an important trend that is impacting not only on tenure practices but also on gender relations and the trajectory of the HIV pandemic. A national study in 2002 found the HIV prevalence rate to be at its highest in urban informal settlements (Shisana and Simbayi 2002: 6).
- An additional consideration was the opportunity to partner in our fieldwork with the already well-established Newcastle research office of the Health Economic and HIV and AIDS Research Division (HEARD) of the University of KwaZulu-Natal. HEARD and its research partners are running a major five-year study on child welfare in the context of HIV and AIDS in the district (the Amajuba Child Health and Welfare Research Project or ACHWRP). In addition to providing us with an experienced field research team and the possibility of reciprocal exchange around research, the ACHWRP project also offered us valuable support in terms of logistics, local credibility and access to community structures.

The choice of Amajuba district as our research location means that the South African study looks at women's rights to property (understood here as land and housing) in a context where access to land is more about accessing housing, residential sites, services and economic opportunities in a peri-urban context than it is about land for agricultural purposes and social investment in rural communities. These latter considerations are not absent in our study area, but they do not define land use and property relations, certainly not to the degree that they do in the Uganda study.

Figure 3.1: Amajuba district municipality in north-western KwaZulu-Natal



Country profile

Demographics and socio-economic profile

The population of South Africa was estimated to be 47.4 million in mid-2006, up from just under 45 million in 2001. Slightly more than half the population (51 per cent) is female. Life expectancy has been declining in recent years, in large part due to the impact of the HIV pandemic, and currently stands at 49 years for males and 53 years for females. There are, however, major variations in life expectancy by region as well as by population sector in the country; life expectancy for women in KwaZulu-Natal has now dipped below 50 years, lower than in any other province (Statistics South Africa 2006a: 1, 5).

Unlike most other countries in sub-Saharan Africa (SSA), South Africa is not a predominantly rural country. The definition of urban is complicated but according to a recent Statistics South Africa report (2006b: 19), in 2001 56 per cent of the population could be classified as urban and the share of the population that is urban continues to grow. However, the national figure conceals major differences between population groups and regions. In 2001 just under half of the population classified as 'African' was classified as urban (Statistics South Africa 2006b). In 2004, 54 per cent of the total population of KwaZulu-Natal was classified as living in areas that are not defined as urban; however, Amajuba district was one of three districts in the province (out of 11) that was classified as predominantly urban, with 55.6 per cent of its population, approximately the national figure, falling in that category (Statistics South Africa 2004a: 28).

South Africa, as is well-documented, has very high levels of inequality among its population in terms of wealth and access to health and education services. The Gini coefficient was estimated to be 0.73 for 2001 (Leibbrandt et al. 2006: 101). Current estimates suggest that, using the US\$2 per day poverty line, 28 per cent of the national population lives in poverty (ibid: 106), but the extent of poverty is higher in the rural areas, with 46 per cent of the rural population classifiable as poor (ibid: 113). Wealth continues to be stratified along gender and racial lines. Female-headed households are, on average, poorer than those headed by men (Hoogeveen and Özler 2006: 83–84), while the white minority (currently standing at some 4.4 million people, a little under 10 per cent of the population) dominate the upper income strata. However, the transition to democracy in 1994, coupled with policies to promote more equal opportunities for black South Africans, has seen the rapid expansion of the black middle class, mainly in the metropolitan centres.

Unemployment levels are high. Estimates in terms of South Africa's official definition of unemployment put the rate at 25.6 per cent for 2006 (Statistics South Africa 2006c: ii), but if 'discouraged work-seekers' are included in the calculations, then the unemployment rate for 2006 rises to 39 per cent. While the country's economy has been growing at a solid rate, calculated at 4.7 per cent in the first quarter of 2007 (Statistics South Africa 2007), increased growth has not translated into major job creation in the formal sector and approximately a quarter of those classified as employed are located in the informal sector.

Compared to other countries in SSA, South Africa has a relatively well-developed welfare system, encompassing a range of grants, including state old-age pensions, disability pensions (including for people with AIDS, based on their CD4 count), and the child support grant. The latter provides a small monthly grant to the caregivers of eligible children 14 years and younger, and has become a major source of household income among the poor and the indigent (Goldblatt 2005).

Gender relations

South Africa is witnessing major changes in the position of women and gender relations can be described as not simply unequal, overall, but also in considerable flux. Nationally female-headed households accounted for 37 per cent of all households in 2004, but constituted 44 per cent of all rural households (Statistics South Africa 2005).

The principle of gender equality is enshrined as a fundamental right in the 1996 Constitution and since the political transition of 1994 there have been major advances for women in certain areas, most notably in the political and legal spheres. These have co-existed with extremely high levels of gender-based violence and the widespread persistence of social norms that continue to regard women as subordinate to men.

Compared to men, women in South Africa are generally poorer and less likely to be employed. In 2006 the official unemployment rate for women was 30.3 per cent versus 21.6 per cent for men (Statistics South Africa 2006c: xvi); however, women account for over 60 per cent of 'discouraged work-seekers' (ibid: xix) and are also over-represented in informal employment. While 'equal opportunity' legislation has begun to change the gender profile of the workforce in certain sectors of the economy, including in management in the public sector, most women are not sufficiently well resourced or educated to benefit from these developments.

According to Statistics South Africa, fertility has declined from a national average of 2.9 children per woman in 2001 to 2.7 children per woman in 2006. In 2006 fertility in KwaZulu-Natal was above the national average, at just on three children per woman, but not as high as in the three more rural provinces of the Eastern Cape, Limpopo and North West (Statistics South Africa 2006a: 2, 4).

Gender-based violence against women

A recent article by Lisa Vetten (2007) draws various research reports together to provide a grim summary of what is currently known about the extent of gender-based violence against women in the country:

- Police statistics for 2004–05 show a total of some 55 000 reported rapes nationally, and given what is known about the extent of under-reporting of rape to the police, this points to between 110 000 and 490 000 'actual rapes' every year (Vetten 2007: 429).
- Community prevalence studies undertaken in the Eastern Cape, Mpumalanga and Limpopo in 1997 revealed that between 19 per cent and 28 per cent of women reported experiencing physical abuse in their lifetimes at the hands of current or former intimate partners (Vetten 2007).
- The number of women murdered by their intimate partners translates into a rate of 8.8 per 100 000 of the adult female population (14 years and older), which is 'the highest rate yet reported by research anywhere in the world' (Vetten 2007: 430).

Vetten identifies a number of weaknesses in the implementation of the Domestic Violence Act of 1998. She also points to the importance of a better understanding of 'how women's lack of access to tangible and material resources entraps them within abusive and sexually exploitative relationships' and highlights the need for interventions that will 'reduce women's economic dependency upon abusive men', including in the sphere of housing policy, poverty alleviation and job-creation (Vetten 2007: 441–2).

An unpublished study by Social Surveys Africa (2006) has looked at the extent and distribution of violence against women by community type. Overall it found that while violence against women is found in all community types, it is more prevalent in urban than in rural communities and, within urban areas, is more prevalent in low-income than high-income areas. Within rural communities it is less prevalent in 'traditional communities' than in small town communities (Social Surveys Africa: 51). Psychological abuse was most widespread, followed by physical abuse (one in 13 women in both urban and rural areas) and then sexual abuse (one in 52 women in urban areas and one in 74 in rural areas). In terms of physical violence, the most prevalent form (approximately one third of all cases) was hitting, beating and slapping. Just under 60 per cent of survivors reported that they had been victims of physical violence in the past 12 months; approximately half of all incidences were reported to have occurred in the survivor's own home and approaching 30 per cent in that of the perpetrator. Of all reported violence against women, 89 per cent was domestic, that is, the perpetrator was an intimate partner or family member; 44 per cent of perpetrators were husbands or boyfriends of the victim and 30 per cent were ex-husbands/partners (Social Surveys Africa 2006: 56).

With regard to sexual violence, the study found that whereas 'within rural communities, more than 60 per cent of survivors identified the perpetrator to be an intimate partner... in urban communities the perpetrator [was] more likely to be someone known to the survivor but not part of her family' (Social Surveys Africa 2006: 89). Nationally, approximately one third of perpetrators (32.7 per cent) were reported to be persons known to the victim, but not relatives. The next largest category was an ex-husband/partner or boyfriend (31 per cent), followed by a current husband/partner or boyfriend (19 per cent). Strangers accounted for 7.7 per cent of all perpetrators, followed by grandfather (4.3 per cent), stepfather (1.9 per cent), 'other male relative' (1.5 per cent), gang rapists (0.8 per cent) and father (0.2 per cent), according to the study.

HIV and AIDS

South Africa is in the midst of an acute health crisis with regards to HIV and AIDS, with grave social and developmental implications. While estimates vary depending on the precise methodology deployed to derive the national projections, the scale of the pandemic is not in doubt. The UNAIDS estimate for 2005 (2006) puts the total number of South Africans infected with the virus at some 5.5 million people, of whom 240 000 were under 15. Statistics South Africa (2006a) puts the figure a little lower, at approximately 5.2 million, translating into a national prevalence rate across the entire population of 11 per cent.

The national figure, of course, conceals major differences in levels of infection among different sectors of the population and in different localities. The gender dimensions of the pandemic are deeply disturbing. Women are more at risk of infection than men and young women in their 20s are particularly vulnerable. Thus young women between the ages of 15 and 24 are four times more likely to be infected than men in this age cohort, while one in three women between 30 and 34 are infected, compared to one in four men in the 30–39 age group (Statistics South Africa 2006a).

Citing data from South Africa's Department of Health, UNAIDS (2006: 11) reports a 'continuing, rising trend nationally in HIV infection levels among pregnant women attending public antenatal clinics from 22.4 per cent per cent in 1999 to 30.2 per cent in 2005 (a 35 per cent increase)'. However, the report also notes evidence that 'HIV prevalence among young people may be stabilising. Antenatal surveillance suggests that HIV prevalence among 15–24 year-old pregnant women has remained relatively stable

since 2000 at 14–16 per cent among 15–19-year-olds and 28–31 per cent among 20–24-year-olds'. Most recently the Department of Health announced that the national HIV prevalence rate among pregnant women has dipped to 29.1 per cent (Thom 2007) – an improvement since 2005 but still higher than the 1999 level of 22.4 per cent.

The marked gender imbalance is attributed to the interplay of several factors. While physiologically women are at greater risk of HIV infection than men, the pandemic is being driven by social factors. Key among them is gender inequality, in particular the inability of women to negotiate safe, consensual sex with their partners. A recent quantitative study in 70 rural villages by Jewkes et al. (2006) found that there was a strong relationship between women's experience of intimate partner violence and the risk factors identified with HIV. High levels of migration, poverty, resistance especially among men to the use of condoms, multiple sexual partners and a confused political response by the state have all been implicated in the dramatic spread of the pandemic since the early 1990s (Nattrass 2004).

In 2002 a major study conducted by the Nelson Mandela Foundation and the Human Science Research Council (HSRC) looked, *inter alia*, at the spatial distribution of HIV and AIDS. This study identified Free State province, not KwaZulu-Natal, as the province with the highest HIV prevalence rate in the country, and also identified urban informal settlements as having higher prevalence rates than other types of communities. Recent data from the Department of Health's antenatal survey, however, shows KwaZulu-Natal with the highest prevalence rate among pregnant women of all the provinces, at 39.1 per cent in 2005; this is slightly down from the 40.7 per cent rate in 2004 (Amajuba District Municipality 2007: 16).

The pandemic has been characterised by high levels of stigma against people living with, or suspected to be living with, AIDS, while the state's response to the crisis has been mired in medical and political controversy. Mobilisation around HIV and AIDS has seen the emergence of strong social movements, most notably the Treatment Action Campaign (TAC), in which women activists have been playing a prominent part. Recently, evidence of greater levels of cooperation between the state and civil society has begun to emerge.

Land tenure and property rights

Struggles over land are central to the history of South Africa in the colonial as well as the apartheid eras, and the hugely unequal distribution of land between black and white South Africans has remained a point of political tension since 1994. At the same time, tenure patterns are extraordinarily complex, as a result of the intersection of two very different systems – an economically dominant, legally formalised (statutory) system of private, freehold tenure on the one hand, overshadowing but not eclipsing a less clearly defined system of communal tenure on the other. Within the latter, land is understood primarily as a social asset, not a marketable commodity. Rights to land are 'socially embedded' (Cousins and Claassens 2006), negotiated through membership in families, households and communities, and regulated by customary law. What constitutes customary law is itself not fixed, with distinctions being drawn in law and in practice between 'statutory' customary law, that is, customary law as written into the statute books by the state over the years, and what is termed 'living' customary law. The latter refers to the far more fluid and locally specific set of practices in a given region or community that derive from social norms and accepted rules of behaviour. Although they invoke 'tradition', these precepts are not codified and are themselves subject to re-interpretation

and social change over time, including with regard to land use, land access and where authority over land is vested.

Formally, some 87 per cent of South Africa falls under the freehold system and only 13 per cent under 'communal' or 'customary' tenure, the latter comprising the patchwork of areas that were set aside as 'native reserves' in the colonial period and subsequently turned into ten ethnic 'homelands' or 'bantustans' for the African majority under apartheid. In practice, however, a communal ethic informs understandings of land and tenure relationships well beyond the boundaries of the former 'bantustans', while tenure norms and practices in the 'communal' areas are themselves strongly influenced by the institutions of private property as well as by the operation of both formal and informal markets.

Negotiations around a future land reform programme were critical in the shaping of South Africa's transition to democracy in the early 1990s. The final 1996 Constitution contains a 'property clause' which provides the constitutional basis for a land reform programme with three major thrusts: 1) restitution for the millions of black South Africans who were unjustly dispossessed of property rights in the twentieth century; 2) land redistribution aimed at distributing land more equitably; and 3) tenure security. The land restitution and redistribution programmes together are currently targeting the transfer of 30 per cent of land to black ownership by 2014, while the tenure security programme aims, in the main, to upgrade the land rights of two major social groupings: black residents and workers living on white-owned commercial farms; and the approximately four million households currently living in the former 'bantustan' territories under poorly administered and frequently contested communal tenure arrangements. The implementation of the state's land reform programme since 1994 has been criticised on a number of accounts, including for being too slow, for failing to redress adequately the inequities of the past, and for being counter-productive in terms of poverty reduction, the promotion of rural livelihoods and the strengthening of South African agriculture. (See *inter alia* Ntsebeza and Hall 2006, Walker 2005.)

The ANC government has identified women as an important constituency within its land reform programme, but it has struggled to turn broad constitutional and high-level policy commitments to gender equality into strong operational policies and effective implementation at project level (Walker 2003). The rights of women under communal tenure systems have been a particularly controversial area of public debate and policy contestation. The passage of the Communal Land Rights Act in 2004 was criticised by organisations in civil society for failing to secure women's rights vis-à-vis the authority it awarded to the strongly patriarchal institutions of traditional leadership to govern communal land on behalf of 'communities'. Political contestations around how best to ensure tenure security in the communal areas have operated alongside a major debate concerning the relative advantages and disadvantages for women of individual rights in land, as opposed to rights premised on the more communitarian understandings of rights as deriving from membership of households and communities.

Some analysts argue that historically women enjoyed far stronger rights in land under communal tenure systems than are commonly recognised today, and, furthermore, that these systems hold out important advantages for women, poor women in particular, precisely because the conception of land rights within them is neither exclusive nor commodified (and hence cannot be alienated) (Cousins and Claassens 2006). However, it is generally recognised that communal tenure in South Africa is based on a conception

of family, household and community that is historically and still today strongly patrilineal, in which women's rights to land are mediated not simply through their membership in households, but through the maintenance of good relationships with their male kin in those households, as well as enforced by authority structures that are male-dominated (Walker 2003). While today patriarchal norms and practices are no longer uncontested, they continue to exert a powerful influence on the context within which women are negotiating claims to land, houses and tenure security.

Another area of debate concerns the most appropriate targeting and orientation of the land redistribution programme. The government maintains that its current approach to land redistribution accommodates a wide range of needs and uses (Ministry of Agriculture and Land Affairs 2001). Critics argue, however, that the programme over-emphasises the redistribution of land for commercial agricultural purposes at the expense of poverty reduction (see for example Hall 2004: 8–9). Recent research supports the conclusion that the current thrust of redistribution is at odds with the predominant form of land demand within the country, which is for small parcels of land with which to produce crops for home consumption (Aliber et al. 2006). This research also shows that overall women want land on a par with men, but that their preference is even more strongly in favour of small plots, which they can use for subsistence purposes.

Profile of Amajuba district

Amajuba district exemplifies many of the conditions described above, in terms of the history of tenure, trends around urbanisation, growth of peri-urban informal settlements and high rates of HIV prevalence. Background information on the tenure, demographic and socio-economic profile of the district, including what is known on the extent of HIV and AIDS and gender-based violence, is considered essential for understanding the context within which our research data must be analysed.

Geography and local government structures

Amajuba district covers a total area of 691 000 hectares in the north-western corner of KwaZulu-Natal (Amajuba District Municipality 2007). Its economic hub is the town of Newcastle, which is located on an important secondary highway (the N11) that links the city of Johannesburg, 285 km to the north-west, to the port city of Durban, 335 km to the south-east.

The district's current boundaries and structures of local government were created in 2000 as a result of major changes to the local government system nationally. Falling under the Amajuba district municipality are three local municipalities: Newcastle, Dannhauser and Utrecht.⁴ The local municipality of Newcastle is by far the most populous of the three, with 72 per cent of the total population of the district. This municipality is centred on the town from which it derives its name, but it includes a substantial commercial farming area as well. The municipality of Utrecht, in contrast, is predominantly a commercial farming area that contains only 7 per cent of the district's population. The Dannhauser municipality, with 21 per cent of the population, is also predominantly rural, but is divided between commercial farmland and a relatively densely populated communal tenure section in its eastern corner.

⁴ Newcastle local municipality should not be confused with Newcastle town; the latter is no longer a unit of governance but is still used to designate the core business and residential area of the town as it was known historically.

Amajuba district is the second most urbanised district in KwaZulu-Natal, after eThekweni district (encompassing the city of Durban). Its urban population is 55.6 per cent, compared to 46 per cent for the province (Statistics South Africa 2006b). As described further below, settlement patterns continue to be shaped by the legacy of the apartheid era. This saw the establishment of black satellite suburbs located some distance from the historically 'white' town of Newcastle, and laid the basis for a pattern of sprawling peri-urban settlement around the town that has persisted, and even become consolidated, in the post-apartheid period.

This is a district with a relatively well-developed public transport network based on mini-van taxis and buses, and mobility both within and beyond the district is high. In many households individuals utilise kinship and intimate partner links to move regularly between different residential localities within the district, for instance, to attend school, find work, maintain a relationship, or assist or be assisted by a family member in times of crisis, including sickness.

Tenure and property rights

Table 3.1 reveals the marked differences in tenure arrangements in Amajuba district not only among households but also across the three local municipalities.

Table 3.1: Tenure type in Amajuba district (2007)

Tenure type	Description	Dannhauser	Newcastle	Utrecht	Amajuba
Ownership	Purchased	2.0	37.9	4.9	26.2
	Purchasing	2.1	6.9	0.2	5.0
	Government subsidy	3.6	3.3	0.0	2.9
	Government subsidy and own contribution	0.1	2.6	1.4	2.0
Tenancy	Private rental	0.7	5.7	4.3	4.4
	Public rental	0.3	12.2	9.6	9.4
	Sub-tenant	0.0	0.5	0.0	0.4
	Rent free	0.7	3.0	74.8*	2.1
Informal settlement	With rent	13.2	4.6	0.2	5.8
	Own	35.0	10.9	4.7	15.0
Tribal area	Permission to occupy	41.4	10.3	0.0	25.1
	No permission to occupy	0.7	1.2	0.0	0.9
Other	House sitting	0.1	0.8	0.0	0.6
	Occupation of vacant building	0.0	0.2	0.0	0.1
Total %		100.0	100.0	100.0	100.0

Source: Amajuba District Municipality 2007

** This figure refers primarily to farm dwellers*

Amajuba district illustrates the extraordinarily complex tenure configuration of contemporary South Africa. Private freehold, rental, customary and informal tenure systems co-exist, encompassing a range of practices that cover the spectrum from formal registration of rights in the Deeds Office to informally acknowledged or illegally exercised claims. According to the Amajuba Integrated District Plan (IDP), 36 per cent of all households in the district are registered owners of their properties, of whom about one in six are beneficiaries of state-funded housing projects targeting low-income households. Approximately 21 per cent of households are living in informal settlements, about four-fifths of whom regard

themselves as 'owners' and the balance as tenants. About 16 per cent of households are living under tenancy arrangements in formal areas, a little over half of them in public housing, while 26 per cent of households are living under a form of customary tenure, almost all of them regulated by 'permission to occupy' (PTO) certificates issued by local traditional leaders (Amajuba District Municipality 2007: 15–16).

Land history

The area currently comprising Amajuba district was opened up to white settlement and consequent registration of private title in the latter half of the 19th century, with the town of Newcastle established in 1864. None of the district was set aside as 'native reserves' in the colonial period, with important consequences for the subsequent development of tenure relationships in the district in the 20th century. However, in the late 19th century, before the 1913 Natives Land Act prohibited such activity, an emerging class of African landowners started to buy property on the open market, under freehold title, including at Charlestown in the north, Alcockspruit in the south and Blaauwbosch and other farms on the Buffalo Flats to the east (Surplus People Project [SPP] 1983). Over time these landowners allowed a class of tenant households, paying a nominal annual rental, to settle on their land; from the mid-20th century, as a result of large-scale eviction of African sharecroppers, labour tenants, farm occupiers and farm workers off commercial farms, the number of tenant households increased rapidly and came to outnumber the original landowning families.

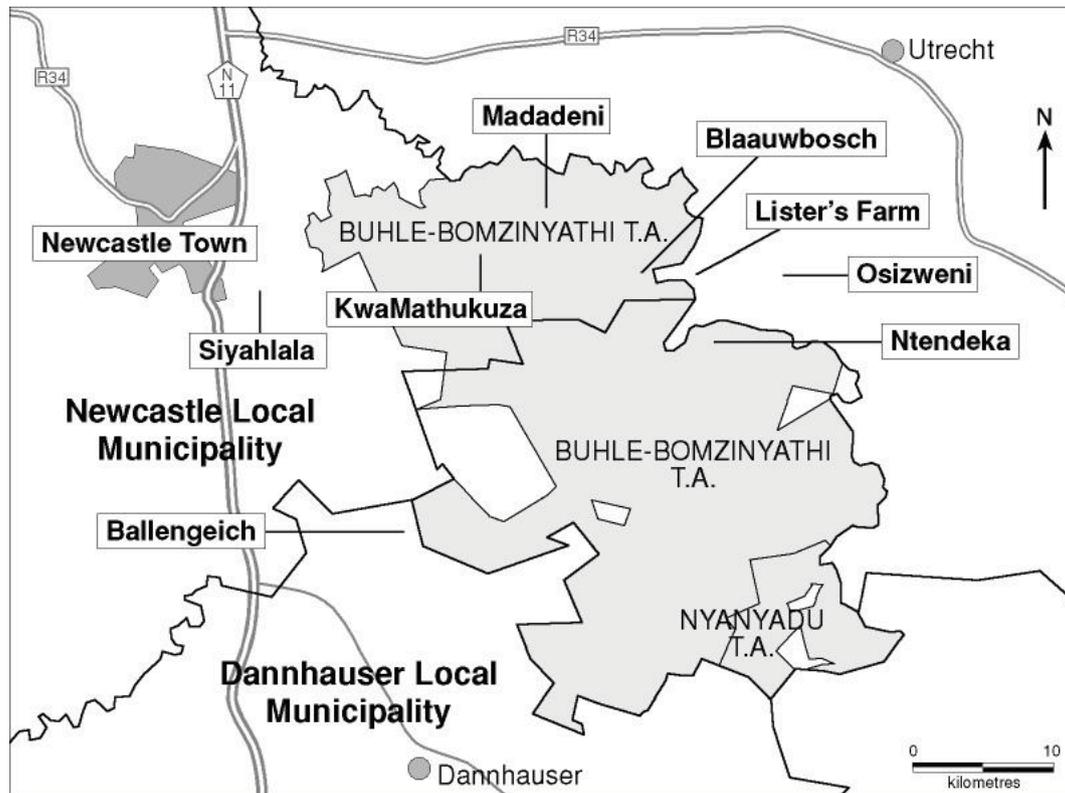
Although no 'native reserves' had been designated, a cluster of black-owned farms to the south-east of Newcastle town came to form the nucleus of the area that the apartheid government designated for African occupation in the district, after it came to power in 1948. It 'consolidated' this block of land by the addition of a number of farms that it expropriated from white landowners and retained as state land; thereafter the whole block of perhaps one hundred farms was designated a section of the KwaZulu 'bantustan', under the authority of local traditional leaders. In terms of apartheid's grand segregationist vision, these farms were henceforth the only areas in the district where African people would be allowed to settle permanently and to exercise limited political rights as 'citizens' of KwaZulu. A concentrated programme of forced population relocation in the 1960s and 1970s moved large numbers of African people into these areas, including into two new townships of Madadeni and Osizweni that were built especially for this purpose, and into neighbouring informal settlements. In 1983, a Surplus People Project report described Blaauwbosch as a major informal settlement in the province, with a population estimated then at around 62 000 (SPP 1983: 69).

As a result of this history, the land that is today classifiable as rural in terms of land use and settlement patterns comprises two very distinct categories, with very different tenure profiles. The first category consists of land that is privately owned by means of registered title deed, given over mainly to large-scale commercial agriculture and in the hands of mainly white (male) landowners. Commercial agriculture in the district developed on the back of labour tenant arrangements with local (African) homesteads and, historically, many white-owned farms in the district have been home to sizable communities of labour tenants.⁵ However, since the mid-20th century the implementation of apartheid policies

⁵ Labour tenancy refers to a system of land rental based on payment through labour rather than money. Under this system African people were able to retain or access land by entering into a tenancy agreement with the registered owner, whereby the labour tenant's household was obliged to provide at least one household member to work for the landowner without wages for a set period during the year, in return for the right to live on and use the land.

designed to limit the number of black residents on white-owned farms, as well as the restructuring of capitalist agriculture towards less labour-extensive forms, has resulted in a massive, often coerced, exodus of black farm dwellers off white-owned farms (SPP 1983, Todes 1997). This process, as shown by the employment figures for agriculture presented below, has continued through the 1990s.

Figure 3.2: Detail of Amajuba district showing traditional authority (TA) land



At the same time, a small number of post-apartheid land redistribution projects are slowly beginning to shift the social profile of ownership in the commercial farming areas; one land-rights NGO worker in the district told us he no longer referred to these areas as 'white' farms as there are now a number of black owners too (interview). As of mid-2006, the department of land affairs (DLA) had transferred 35 redistribution projects in Amajuba district, comprising a total of about 30 000 hectares (roughly 6 per cent of commercial farmland) and involving around two thousand households. At least a third of these projects involved land acquired on behalf of labour tenants (DLA 2006).

The second category of rural land, amounting to approximately 10 per cent of the district, consists of the area that was previously demarcated as part of the KwaZulu bantustan and is still designated as 'traditional authority' land today. However, although the term 'traditional authority' suggests that the dominant form of tenure is communal and, as Table 3.1 shows, here many people's rights to land derive from PTO certificates issued by traditional leaders or their subordinates (*izinduna* – headmen), tenure patterns in these areas are mixed. A significant proportion of this land is still owned privately by black landowners, who rent stands of varying sizes to tenants and sub-tenants and are known locally by the Zulu term, *amastand* (the stand owners). The northern section of the Buhle-Bomzinyathi

traditional authority includes most of the black residential areas of Newcastle town, including formal townships such as Madadeni and Osizweni and dense informal settlements established on both privately owned and state land (see Figure 3.2). As one moves to the south, settlement densities reduce but the hybrid nature of ownership of and authority over land persists.

Population and household size

In 1970 the total population of the then magisterial districts of Newcastle, Dannhauser, and Utrecht was about 160 000 (CSS 1970). By 1996 the population of what would later become Amajuba district had grown to about 411 000 people, from which it grew still further to 468 000 people in 2001 and 491 000 in 2005 (Statistics South Africa 2004b; Amajuba District Municipality 2007).⁶ Thus between 1970 and 2005 the population of the district has approximately trebled, even though the economy of the area has not been expanding to keep pace. Alison Todes' detailed study of economic restructuring and migration in the Newcastle area in the 1990s concluded that:

...migration into the area has never been simply the result of economic growth. In the early years, forced removals, farm evictions, and tighter controls on influx to the cities, all led to the rapid growth of the townships and informal areas not linked to economic growth...Farm removals and [politically-based] violence since the 1980s have underpinned further waves of in-migration, even in the context of economic stagnation and restructuring. (Todes 1997: 325)

Although, given incompatibilities in the data, it is difficult to track precisely the changes in household structure in this time, it is apparent that in addition to overall population growth, the district has experienced a further and disproportionate growth in the absolute number of households in recent years. This is a phenomenon that holds for South Africa as a whole – between 1996 and 2001 the South African population grew by 10.4 per cent while the number of households grew by 27.7 per cent (Statistics South Africa 1998 and 2003), meaning that nationally average household size has declined from 4.5 to 4.0 members. There is no generally accepted explanation for this phenomenon, but it points to major changes in the functioning of households as primary social units.

Table 3.2 presents data on household size in Amajuba district between 1996 and 2006.⁷ Even though the 1996 figures are not directly comparable with those for 2001 and 2006, the changes in the ten years between 1996 and 2006 are striking: already by 2001 there was a much higher incidence of one and two-person households than in 1996, as well as a significantly lower incidence of households with seven members or more.

A breakdown of the 2006 figures in terms of the gender of the household head is also instructive. This shows that while households comprising a woman on her own have become visible since 1996, single-member households are far more likely to involve men. Forty-two per cent of all male-headed households consist of only one or two members, compared to 22 per cent of female-headed households.

⁶ Note that the latter document alludes to inaccuracies in some of the official statistics, presumably meaning Statistics South Africa's figures. The only discrepancies that we have observed relate to the number of households in the district. Note too that while Statistics South Africa has repackaged some of its 1996 census data in terms of current local government boundaries, it has done so only partially, so 1996 and subsequent data are not always absolutely comparable.

⁷ Note that the figures for 1996 are not for Amajuba district municipality (DM) as such, but for the then Mzinyathi regional council (RC) and the Newcastle transitional local council (TLC).

Table 3.2: Distribution of households in Amajuba district by size (1996, 2001 and 2006)

Household members	Mzinyathi RC 1996	Newcastle TLC 1996	Amajuba DM 2001	Amajuba DM 2006
1	2%	3%	17%	18%
2	5%	6%	14%	14%
3	8%	8%	12%	13%
4	11%	12%	13%	14%
5	12%	12%	11%	9%
6	12%	11%	9%	10%
7	11%	11%	7%	7%
8	9%	8%	5%	5%
9	12%	11%	4%	4%
10+	20%	17%	9%	8%
Total	100%	100%	100%	100%

Source: Calculated using Statistics South Africa figures (1996, 2001, 2006c)

Table 3.3: Distribution of households in Amajuba district by size and gender of head (2006)

Household members	Female-headed	Male-headed
1	10%	26%
2	12%	16%
3	14%	11%
4	15%	13%
5	10%	7%
6	13%	6%
7	8%	6%
8	6%	5%
9	3%	4%
10+	10%	7%
Total	100%	100%

Source: Statistics South Africa 2006c

Table 3.3 presents data on household size by gender of the household head in 2006, while Table 3.4 provides additional demographic indicators for the district for 2001 and 2005. Given the briefness of this period, caution needs to be exercised against a premature extrapolation of trends, but the data does point to a marked increase in the percentage of households that are female-headed in this time. The large increase in the percentage of households having either a fixed-line telephone or a cell phone is suggestive of the consolidation of new patterns of communication and consumption in this time.

What these changes mean in terms of gender relations, family dynamics and social networks more broadly requires further research. However, the increase in female-headed households as well as the decline in household size appears to relate in part to a decline in marriage rates documented nationally (see Hunter 2007), as well as to the trend

whereby younger women have rapidly entered the labour force, in part to compensate for the growing insecurity of labour market conditions generally (Casale and Posel 2001).

Table 3.4: Selected demographic indicators for Amajuba district (2001 and 2006)

Share of:	2001	2006
population that is female	52%	53%
households headed by women	45%	50%
population 14 years or younger	35%	37%
adults who can read	n.a.*	89%
households with a telephone	41%	(2005) 68%
population that is African	92%	92%

Source: Calculated using Statistics South Africa figures (2001, 2006c, 2006d)

* not available

Qualitative evidence from KwaZulu-Natal (McIntosh et al. 2005) supports the idea that the recent deterioration of formal labour market conditions for low and semi-skilled workers has compelled women to become more mobile and entrepreneurial as a means of supporting themselves and their families. The HIV and AIDS epidemic has also been linked to changes in household composition and structure, on the one hand creating more 'granny-headed households' (McIntosh et al. 2005), and on the other inducing greater mobility, for instance among the youth (Young and Ansell 2003). Some analysts think that the ANC government's subsidised housing programme is itself a major factor in assisting households to 'unbundle'. Thus Wittenberg and Collinson (2005: 13) found evidence in Mpumalanga province of 'many more' single-person households in RDP housing than in 'newly formed households in other parts of the study site and...existing households'.

As will be seen, our study points to the contradictory impact of HIV and AIDS on household size – leading both to an increase in numbers, as sick family members or orphans move in, and to a decrease in numbers, as members die or leave as a result of stigma or to seek care elsewhere. It also provides evidence of women choosing to set up households on their own, although not necessarily in isolation from larger family networks. These women are propelled by a mix of 'push/pull' factors relating in part (but not only) to the pandemic. They are also able to take advantage of the wide range of settlement options that are available in the district, not only those provided by state housing projects. We return to this issue in the conclusion.

Socio-economic profile

Newcastle as a 'home base' for household livelihood strategies

Under the apartheid government's industrial decentralisation strategy the town of Newcastle, with its labour reserve in the satellite townships of Madadeni and Osizweni, was identified as a 'border industry' zone. In 1970 the then state-run Iron and Steel Corporation (ISCOR) established a steel plant on a former black-owned farm near Madadeni (Hart 2002) while state incentives were also instituted to establish the area as a centre of textile production. A major incentive for industry to relocate to Newcastle was its extremely cheap labour force, in which women featured prominently (Todes 1997).

Todes has suggested that by the mid-1990s 'a stable urban working and middle class ha[d] emerged in Greater Newcastle' (1997: 339). However, she also found that most households

were dependent on livelihood strategies ‘encompassing a range of income sources’ (ibid: 336) that were characterised by ‘complex links over space’, including labour migration and ‘forays in search of employment and income...by selected members of the household’ (ibid: 337). She argued further that under conditions of economic vulnerability, the accumulated investment in land, houses and ‘place’ that poor black people had made in the district, often over many years, represented a major resource which would not easily be abandoned:

Like rural areas, Newcastle is a ‘home base’ for households which have invested in the area and who have at some point had jobs or earned an income in the area. In the context of limited access to secure employment in large cities, and of ongoing crime and violence, it is likely that people who have a level of security in the area will remain there. This underpins strategies in terms of which migration out of the area is by individuals – often on a circular basis – or by young people seeking new opportunities. But it is unlikely that households as a whole will leave (Todes 1997: 344–5).

Her research found that women often played an anchor role in maintaining this ‘home base’ within households and were generally less mobile than men in seeking income opportunities outside the district; in many cases female employment at very low wages in the local textile industry was an important component of overall household income.

Todes’ analysis does not engage the issue of domestic violence within these households, nor does she consider the impact on household livelihood strategies of HIV and AIDS, which had only begun to take root in the area by the mid 1990s. However, her study provides a useful baseline from which to consider changes in women’s relationship to place in the last decade, in the context of HIV and AIDS, ongoing shifts in gender relations, ‘jobless growth’ in the national and regional economies, and new forms of state intervention around housing and social grants. Our field work, conducted in 2005/06, indicates higher levels of mobility among at least some sectors of women in Amajuba district than Todes’ idea of ‘home base’ suggests, if this is applied too literally to refer to stable residential places within the district, rather than to the district as a whole. This raises interesting comparisons with Hunter’s recent (2007) analysis of the significance of ‘rising levels of women’s migration’ for understanding ‘the changing political economy of sex’ and the scale of the current AIDS pandemic in South Africa. While our study supports Hunter’s findings of increased levels of autonomous mobility among women, in the context of ‘greatly reduced marital rates’, the mobility we track through our respondents’ life histories is not that of ‘circular movements between rural areas and informal settlements/urban areas’ (Hunter 2007: 689) but, rather, mobility within or centred upon Amajuba district, in particular the sprawling network of townships and peri-urban settlements that surround the historic town centre. We return to these issues in the conclusion.

Economic restructuring and rising unemployment

Since the 1990s Newcastle’s industrial sector has been struggling to adjust to economic restructuring within the country and global competition without; it has in any case never been large enough to absorb the ever-growing numbers of potential job-seekers within the district. According to a study commissioned by the district municipality, in 2005 the district unemployment rate stood at an extremely high 62 per cent, up from 55 per cent in 2001 and 41 per cent in 1996 (Urban Econ 2006: 1). The Amajuba district municipality’s Integrated Development Plan (IDP) (2007) attributes the increase in unemployment to two primary factors: first, retrenchments in the manufacturing and mining sectors and second,

in-migration and endogenous growth of the labour force. Based on 2006 data from the Labour Force Survey (Statistics South Africa 2006c), the district unemployment rate was markedly higher for women than men;⁸ women also comprised 53 per cent of the labour force, exactly in proportion to their share of the working-age population.

Agriculture

A sector of particular interest for this study is agriculture. Taking the magisterial districts of Newcastle, Dannhauser, and Utrecht together,⁹ from 1968/69 to 2002 the number of commercial farms declined from 579 to 289, that is, by 50 per cent (Department of Statistics 1969; Statistics South Africa 2006e). This is in line with national trends and has been driven by a continuous process of farm consolidations. However, fourth-fifths of the decline in Amajuba district is since 1993, which is unusual. At the same time, 'regular' (fulltime) farm employment has dropped by a staggering 89 per cent in this period (from 5 312 in 1968/69 to 597 in 2002), and again, most of this drop has been since 1993 (Department of Statistics 1969; Statistics South Africa 1998; Statistics South Africa 2006e).

The likely explanation is the introduction in 1995 of national legislation which outlawed labour tenancy and required that henceforth farm workers had to enjoy 'basic conditions of service' and be paid largely in cash, no longer through access to land. Given the concentrations of labour tenants in this part of KwaZulu-Natal, the new legislation presumably meant not only that many farmers considered themselves unable or unwilling to employ former tenants as waged farm workers, but also that they experienced an exaggerated version of the cost-price squeeze that has generally contributed to the consolidation process across the country. As of 2002 agriculture accounted for only 1 per cent of total employment in the district (Statistics South Africa 2006e).

Outside the commercial agriculture sector, an estimated 40 per cent of African households are currently engaged in some form of (generally very modest) agriculture in the district. (Statistics South Africa 2006c). Of these about two-thirds do so for an 'extra source of food', while another fifth do so as the 'main source of food', which in the South African context is usually an indication of abject poverty. According to the Office of the Premier of KwaZulu-Natal cited on Amajuba municipality's website, 57 per cent of the population of Amajuba district is poor (<http://amajuba.gov.za/aboutus>), although it must be mentioned that as such it is the third *least* poor of KwaZulu-Natal's 11 district municipalities. A recent study focusing on the wellbeing of children in Amajuba district indicates that 80 per cent of households are receiving social grants (Bachman et al. 2006). From the General Household Survey of 2005 one can determine that a third of all African households in the district experience hunger 'sometimes', 'often', or 'always' (Statistics South Africa 2006d).

HIV and AIDS and gender-based violence

The Amajuba District Municipality IDP (2007) places HIV and AIDS first on its list of constraints on development. In 2005 the HIV prevalence rate among women attending antenatal clinics in the district was 35.8 per cent. Although extremely high, this was below the provincial average of 39.1 per cent, and showed a decline from 2003, when it was 41 per cent. The IDP is uncertain about the reasons for the decline, citing as possible

⁸ This is using the 'broad definition' of unemployment, which includes so-called 'discouraged job seekers'.

⁹ For purposes of agricultural statistics, Statistics South Africa continues to use the magisterial district as the smallest geographical unit for reporting purposes. The magisterial districts of Newcastle, Dannhauser and Utrecht together are roughly the same as the area of Amajuba district municipality.

explanations both technical factors (such as the possibility of better record-keeping in other districts) and the positive impact of awareness campaigns. It is worth noting, however, that a nursing sister we interviewed was convinced, based on her clinic experience, that the incidence of HIV was not declining (interview).

HIV and AIDS has far reaching implications for household demographics and family stability. For example, about 15 per cent of children in the district have experienced the death of one or both parents due to HIV and AIDS (Bachman et al. 2006). This often results in high migration rates within families, as household members relocate to live with other kin members and to access financial and emotional support. This may disrupt the children's education, with long-term implications for their future – many children have to change schools upon being orphaned and significant numbers end up leaving school altogether (Bachman et al. 2006).

The district has a total of three hospitals and 23 clinics, including two clinic-based voluntary counselling and testing (VCT) centres - one at Madadeni hospital and the other run by the local municipality in Newcastle. Currently a total of 1 875 people are in the district's anti-retroviral (ARV) treatment programme. This is an increase from the 1 500 on ARV treatment in 2005/06 but falls far short of the programme's target of 6 000 patients for this period (Amajuba District Municipality 2007: 19).

A nursing sister at the municipal clinic identified the empowerment of women through education and training as critical in the fight against HIV and AIDS (interview). All key informants working with HIV and AIDS regarded stigma and discrimination against people living with AIDS as major challenges in the fight against the pandemic. One nursing sister also noted that the provision of support services is hampered by financial constraints and a lack of collaboration among healthcare professionals and other role-players.

We failed to locate any studies on gender-based violence for the district, but interviews with key informants as well as our own field data indicate that violence against women is a serious problem. In KwaZulu-Natal overall, rape and 'associated crimes' were reported to have increased between 2001 and 2003 (Statistics South Africa 2005: 63), although this may reflect greater awareness that gender-based violence is a crime, hence increased reporting levels, rather than an increase in acts of violence.

There are some support services for victims of gender-based violence in the district but there are many constraints inhibiting their reach and the level of support they offer. A women's shelter was established in Newcastle in 1997 to provide a 'safe haven' for women who have been abused; in recent years it has also been taking in abused and abandoned babies (interview). The shelter is a small, privately-sponsored operation, working in cooperation with the local police and the department of social welfare but supported by a local supermarket and reliant on volunteer staff. It can house at most 20 women for short periods while other arrangements are put in place (interview). In 2002 a crisis centre was established at Madadeni Hospital with the primary purpose of providing free treatment and counselling to sexually assaulted girls and women. The ages of those using its services range from ten to 40 years of age, with most coming from the surrounding areas of Madadeni, Osizweni and Blaauwbosch. According to a staff member at the centre, the number of women accessing their services is growing, as knowledge of the crisis centre spreads, but their work is handicapped by a lack of staff to do outreach work and community visits (interview).

Research design and methods

Data collection

Field research in Amajuba district comprised:

- in-depth interviews with 60 Zulu-speaking women from different localities;
- six focus group discussions (four all-male and two all-female); and
- interviews with 11 key informants.

In-depth interviews

The 60 in-depth interviews constituted the core of the research. All interviews were conducted in Zulu by one of three Amajuba Child Health and Welfare Research Project (ACHWRP) field workers, who worked under the direct supervision of a senior HIV and AIDS Research Division (HEARD) researcher. They were open-ended but based on the modular interview schedule that was developed for the study as a reference point and guide; all protocols with regard to informed consent and confidentiality were followed.

Training of the field team took place over a week. It covered conceptual, methodological, ethical and contextual issues, with opportunity for the field team to reflect on working with sensitive issues, undertake role-playing exercises, including with some volunteers, and practise the technical aspects of data collection and recording. The training was followed by pilot interviews with six respondents, after which some minor adjustments were made to the interview schedule.

Interviews lasted between 45 minutes and two hours. All were recorded and subsequently translated into English and typed up by an external transcription and translation service. Informed consent was obtained for each interview. Women were reimbursed for their travel costs and given refreshments at the start or end of their interviews. Each respondent was also given a small gift of glassware after her interview was over, as a measure of appreciation and recompense for her time and contribution to the project. The research team considered it important to make this gesture, but the gift was not mentioned in the recruitment phase to ensure that it could not influence the likelihood of consent or participation by respondents in any way.

Field workers' training included discussion of support agencies to which respondents could be referred if the issue arose during the interview (although possible take-up of this opportunity after interviews were completed was not monitored). Provision was also made for counselling for the field workers, should they have wanted help in dealing with the emotional impact of the interviews, but none of them requested this service. Regular debriefing sessions took place within the field team as well as with the principal investigators.

Recruitment of the HIV-positive ('status known') sub-set of respondents

Thirty respondents were purposively selected as HIV-positive women who are living openly or semi-openly with AIDS and were willing to be interviewed as HIV-positive. These interviews all took place in the HEARD office in Newcastle town. Respondents were recruited with the assistance of two community-based AIDS support groups working in different parts of the district, the Sihlangeni Support Group operating out of the VCT centre in Newcastle and the Qaphelani Support Group, a community-based initiative working in the Osizweni area. These respondents came from a wide cross-section of urban and rural settlement types within the district. They are identified as the 'status

known' group in the discussion, that is, their HIV-positive status could be openly addressed in the interview.

Because they were selected through the support groups, we were unable to pre-select the tenure conditions they would reflect, although we asked that as far as possible they should be recruited from different areas. The final group came from a range of tenure situations, as follows:

- Madadeni township;
- Osizweni township;
- Lister's Farm, an area near Osizweni falling under a traditional authority;
- Two commercial farms in the district;
- Ballengeich, a former colliery compound in the south of the Newcastle local municipality; and
- Ntendeka, black-owned land rented out to tenants to the south of Osizweni.

Recruitment of the 'status unknown' sub-set of respondents

The other thirty respondents were selected by the field team in terms of tenure criteria, not HIV status. They were drawn from three settlement areas chosen because of the different tenure and settlement opportunities they represent, namely:

- Blaauwbosch, the large, peri-urban settlement established on black-owned land between the townships of Madadeni and Osizweni;
- Kwamathukuza, a post-1994 state-subsidised low-income housing project on the edge of Madadeni; and
- Siyahlala, an informal settlement located on the edge of Newcastle.

Although originally the intention was to use random sampling to select respondents in these areas, this proved difficult to implement and in practice a form of convenience sampling was used in each area instead. In each case one adult woman was interviewed per residence, up to the required number of ten respondents per area. These women were given the option of being interviewed at the HEARD office in town but none of them took this up.

These area-based interviews are classified as 'status unknown' in the data analysis, that is, the HIV status of the respondents is unknown or unconfirmed. No prior assumptions were made as to the HIV status of the women who were interviewed, nor were they required to disclose any information relating to their health or the health of other close associates that they might consider private or sensitive. However, in the course of their interviews three respondents identified themselves as definitely HIV-positive. Two disclosed that they had undergone HIV tests, while one stated categorically that she is HIV-positive and had seen a traditional healer but had not been for a formal test. These three interviews were subsequently added to the 'status known' group for the purposes of our analysis. Thus the final number of respondents in the 'status known' group increased to 33 while that in the 'status unknown' group declined to 27.

It needs to be emphasised that 'status unknown' does not signify that the women are HIV-negative and that it is highly probable that this group contains other women who either know or suspect that they are HIV-positive, or are in fact HIV-positive without knowing it. Thus comparisons between the two groups of interviews cannot proceed

on the assumption that the 'status unknown' group represents a control group in terms of HIV status.

However, some noteworthy differences do appear between the two groups, particularly in terms of age, education, marital and intimate-partner status as well as experience of domestic violence, which we probe further in the analysis. Furthermore, the fact that the women who were HIV-positive were recruited through support groups meant that they had been exposed to the consciousness-raising activities of these groups and had been encouraged to come to terms with their health status. These women tended to be self-reflective about their HIV status and its implications for their lives, and this level of awareness extended to their views on relationships and their position as women. The very act of choosing to test and thereafter being open to seeking out a support group suggests qualities of resourcefulness and courage, which could be expected to shape behaviour in other contexts, including choices about where and how to live.

For these reasons then, and given that we wish to make certain points about women who are known to be HIV-positive in relation to tenure and property rights, we retain the distinction between the 'status-known' and 'status unknown' groups for analytical purposes in much of the discussion that follows.

Follow-up interviews

Follow-up interviews were held with six of the original sixty respondents to deepen our understanding of their particular narratives. Three were from the 'status known' group and three from the 'status unknown' group.¹⁰ All these interviews took place at the HEARD office in Newcastle. A fresh 'informed consent' process was entered into for each of them. The women were again reimbursed for their travel, provided with refreshments, and given a small, unannounced gift at the end of their interviews.

These interviews were open-ended but guided by a set of case-specific questions and probes that had been prepared in advance on the basis of each of the women's first interviews. They were conducted in Zulu by the senior HEARD researcher, with some translation into English for the benefit of the project leader who was present and contributed to the discussion. Although these interviews were recorded, they were not transcribed, for reasons of economy, but were subsequently written up in note form.

Focus group discussions

Six focus group discussions (FGDs) were conducted after the first round of field work to probe prevailing attitudes among both men and women towards women's land rights in the context of HIV and AIDS and gender-based violence. The discussions were structured around a series of vignettes, designed to stimulate discussion on the themes that the research was exploring in a non-threatening manner (Appendix 4). Each FGD consisted of nine to ten participants, excluding the facilitators. Participants were recruited by word of mouth with the help of the HEARD field team, utilising a number of informal research networks. Thus none of the focus groups were recruited from people living openly with HIV and AIDS and the HIV status of participants was not canvassed, nor could it be assumed in the discussion.

¹⁰ Five additional follow-up interviews were attempted; two of the women could not be located, one refused to be interviewed again and two failed to follow through on provisional arrangements made with them.

Two of the FGDs were with women and four with men. This discrepancy was motivated by a concern to gain more insight into male perspectives, given that the in-depth interviews were with women only. In terms of age and locality, the majority of women in the first female FGD were in their thirties and all were recruited from Osizweni. The second female FGD targeted a younger cohort of women from Madadeni, all in their mid to late twenties. Two of the four male groups involved men from Osizweni and Madadeni; the other two groups involved men living in different parts of Blauuwbosch. Ages for participants in each of the male FGDs ranged between the early twenties and mid thirties.

The female FGDs were conducted by an all-female team and the male FGDs by an all-male team, each team consisting of a senior HEARD researcher as facilitator, with a HEARD field worker as scribe. All FGDs were held at the HEARD office in Newcastle and conducted in Zulu. Participants were reimbursed for the cost of their travel and provided with refreshments. After obtaining participants' informed consent, the facilitator presented the ground rules for discussion and then took participants through each vignette. The discussion was recorded in note form by the scribe as well as recorded. The tapes were not transcribed, again because of considerations of economy, but they were used to assist the final write-up of each FGD report.

Key informant interviews

A total of 11 interviews were conducted with key informants to obtain further insight into the local situation with regard to tenure and property rights, HIV and AIDS, domestic violence and gender relations. Those interviewed included nursing sisters, government officials, members of AIDS support groups, NGO workers and a black landowner with knowledge of local tenure history.

Other resources

To assist the analysis of the field data, a selection of primary government documents were consulted, as well as selected texts from the burgeoning literature on the social dynamics of HIV and AIDS, gender-based violence and women's property rights. Selected studies on the history of forced removals and regional social and economic dynamics were also consulted in order to situate the findings in a broader historical context. A country reference group was established and met once during the planning stages of the research.

Analytical tools

HIV and AIDS is a time-driven phenomenon, not a single 'event'. The social relations within which the pandemic is embedded are also dynamic, spread across the gendered life cycle of individuals as they move from childhood to social and sexual maturity. Women's relationships with their intimate partners and families, both natal and marital, take shape and change over time and the nature of these relationships are influenced by many factors, both internal and external to their lives. Tenure and property relationships, too, are 'socially embedded'. For these reasons it was considered important to obtain not only comparative data across the individual lives of our respondents, but also a diachronic view of their individual life histories and the significance of tenure relationships as these unfolded within that.

The primary analytical tool for the 60 in-depth interviews was a detailed spreadsheet that we developed, that summarised the data along two axes. The vertical axis plotted each individual life history in terms of standardised cells of information relating to our broad research themes and questions, while the horizontal axis allowed for the aggregation of

data across the study population per locality and HIV status.¹¹ The analysis of the FGDs involved arranging responses from the groups in a grid and teasing out points of convergence and difference among the groups, paying particular attention to their gender make-up.

Preliminary findings were debated within the research team and scrutinised further in relation to background information on the district and the larger literature on women, HIV and AIDS and domestic violence. The overall analysis was guided by the broad research questions, filtered through an understanding of shifts in the political economy of the district over time and informed by our understanding of gender identity and gendered roles, power, livelihood strategies, and social change. Emerging findings were debated with colleagues in the AfD and the ICRW at the larger project workshops and refined in the process of reflection and writing.

¹¹ ATLAS.ti was considered as a software tool to assist us in the coding and management of our data, but this approach was abandoned after it became apparent that the potential benefits in terms of data management were not commensurate with the costs in terms of the time and energy required to design a level of coding that would do justice to the 'life history' dimensions of our methodology.

Socio-economic profiles, Amajuba

This chapter profiles our 60 respondents in terms of their socio-economic circumstances: birthplace, current residence, education, age, numbers of children, and livelihoods. Information on household structure and intimate partner relationships, including domestic violence, follows in Chapter 5.

Birthplace

Half our 60 respondents were born on white-owned farms in the districts surrounding Newcastle town, but only two were still living on white-owned farms at the time they were interviewed. This is consistent with the history of agrarian change and farm evictions that has already been described. Seven respondents were born in 'traditional authority' areas, that is, in an area previously classified as a 'bantustan'. Twelve were born in the greater Newcastle area (in Madadeni, Osizweni and Blaauwbosch), three in other townships in surrounding districts, and only two outside the region altogether, in metropolitan townships (one in Thembisa township, in Gauteng, and one in Durban).

Table 4.1: Birthplace of respondents

	WF	TA	BF	NM-BO	NM-TS	OT	CM	NK	Total
Total	30	7	3	3	9	5	2	1	60
Total%	50%	12%	5%	5%	15%	8%	3%	2%	100%

WF: white farm; TA: traditional area; BF: black-owned farm; NM-BO: Newcastle municipality, black-owned; NM-TS: Newcastle municipality, township; OT: other township; CM: coal mine compound; NK: not known

Current residence

At the time of our first interviews, half of the 60 women were living in what we have classified as formal township areas. Twenty-three (38 per cent) were living in semi-formal or informal settlements, while five (8 per cent) were living on land controlled by traditional authorities and two on commercial farms. Using their place of birth as the measure, the majority of our respondents are thus first-generation residents of the urban or peri-urban fringe surrounding Newcastle town – women who have experienced major changes in their relationships to land, place and livelihoods in their lifetimes. The length of residence in their current place varied widely from extended periods of up to 40 years to only a couple of months.

Our classification of localities into four settlement types – formal, semi-formal to informal, traditional authority, and farm (commercial farm) – is based on a combination of factors, including levels of settlement planning; quality of infrastructure and service delivery; land use; and authority over the land. However, although the quality of housing and service delivery (such as water and electricity) are generally highest in areas classified as 'formal township', conditions are not uniform within settlements. Osizweni, for instance, is an intermediate area in terms of its infrastructure, with formal brick houses and working class residential streetscapes similar to those found in Madadeni, interspersed with informal shack areas and open spaces where animals graze freely – some sections are visually indistinguishable from those in adjoining Blaauwbosch. More importantly, although dominant tenure forms differ between settlement types, tenure forms vary within settlements. Residents' perceptions of tenure security, furthermore, are not defined

simply by the type of settlement or the tenure regime within which they are living; social relationships play an important part. These points are elaborated on further in Chapters 6 and 7.

Table 4.2: Primary residence of respondents at time of interview

Type	Formal township			Semi-formal to informal				TA*	Farm	Total
Settlement	Mada- deni	Kwa- Mathu- kuza	Osiz- weni	Blaauw- bosch	Nten- deka	Siya- hlala	Ballen- geich	Lister's Farm	Manga Sand- lana	
Respondents per site	5	11	14	10	2	9	2	5	2	
Respondents per type	30			23				5	2	60
Total %	50%			38%				9%	3%	

* traditional authority

Household size and structure

Clear information on household membership is available for 53 respondents – 31 of the 'status known' and 22 of the 'status unknown' women. The most common scenario, involving 20 of the 53 women, three quarters of them 'status known', was one in which the respondent was living with various members of her natal family in extended households, in some cases with her intimate partner and in some cases in a place which she regarded as her 'own place, where she was the primary rights holder within her natal family. The next most common scenario, amounting to 20 per cent of cases, was that of a nuclear household consisting of the respondent, her husband or intimate partner and their children. This was followed closely by households made up of a respondent and her children. 'Granny-headed' households, that is, households comprising a woman and her grandchildren, accounted for just over 10 per cent of the total.

Single-member households constituted less than 4 per cent of the total, with just two of the 53 women living completely on their own. In both cases, however, they were living in close proximity to related households – positively, in the case of a woman living next door to her mother, but very negatively in the case of a woman living in a backyard shack on the premises of her boyfriend, who was himself living with another woman in the main house. (This story is revisited in Chapter 7.)

It is important to remember that household structure and membership are frequently fluid, not stable, and thus our interviews captured 'snapshots' of household arrangements at particular moments. Furthermore, care needs to be taken against generalising too freely from our small sample. These caveats notwithstanding, the differences between the 'status known' and 'status unknown' groups are suggestive of a relationship between confirmed HIV status and residence with natal kin. Almost half the 'status known' respondents were living with their natal families, compared to less than a quarter of the 'status unknown' group. In contrast, almost half the 'status unknown group' but only a couple of the 'status known' group were living with their partners in nuclear households.

In addition, the great majority of women living on their own with their children fell within the 'status known' group. As is discussed further in Chapter 5, a significant number of this group appear to have embraced or accepted living on their own because it affords them

more control over how they live their lives. However, although independent of their natal households in key respects, including greater autonomy to make decisions about household affairs and conduct relationships on their own terms, these female-headed households do not necessarily function in isolation from the households of other family members and the support networks they represent. Furthermore, movement of family members between households is common. A number of women in our study oscillated between their own nucleated places and places belonging to parents or siblings in the course of our study.

The profile of the 'status known' group points to the complicated impact of HIV and AIDS on household size and composition. AIDS-related deaths remove members and may reduce size (thus two of the 'status known' women living alone with their children were widows), but it may also bring in new members, for instance orphans or sick relatives or caregivers. Women who are HIV-positive may be reluctant to leave their natal families because of the emotional and/or economic support it offers them, but household tensions caused by the discovery that a household member is HIV-positive may also lead to her deciding she would be better off on her own – particularly if her health is under control and she has other means of support. The following stories of two women who were, unusually, living with friends rather than family members, are revealing of these dynamics.

Respondent T03

Respondent T03 is a 31-year-old, HIV-positive woman who was abandoned by her mother as a child. After living with a series of relatives she found a job and a place to rent on her own at the age of 17. Later her mother reappeared and was helped by the mother's father to secure a stand at Ntendeka (an informal settlement on black-owned land). At this point the mother became very ill (possibly as a result of HIV, although this was not disclosed) and our respondent decided to move in with her. In part she did so in order to take care of her mother; however, our respondent had also lost her job at this time and this may have been another consideration. She is childless and has a boyfriend whom she says she is in love with, but who she also describes as unreliable as he is physically abusive at times and has other girlfriends. Subsequently her mother died and the stand at Ntendeka passed to our respondent. Thereafter she asked a friend, herself facing discrimination from within her natal family because she was HIV-positive, to move in with her. The two women are able to provide each other with companionship and mutual support:

She was sick but now she has improved, she can do things on her own, and I don't know what tomorrow holds for me, so she is fine, she can work. ...I supported her and gave her information.

Thus in a relatively short space of time a new household comprising two single women who were not related to each other was established on the basis of an earlier but relatively short-lived mother-daughter household, that had itself been constituted in the context of a crisis around health and livelihoods. At the same time, the household of the friend who moved in with Respondent T03 lost a female member due to an AIDS-related illness.

Respondent B08

In Respondent B08's case, the experience of stigma drove her out of her aunt's house, where she had been living since moving to Newcastle from her home in a traditional authority area:

I had a problem with them because they were not well informed about HIV and AIDS and since I am positive they would treat me differently. They would tell me to wash my dishes outside. If I had to go to a group meeting here in town I would come back late and find that my room is not cleaned but the other rooms had been cleaned...If I cooked I had to cook for them and for myself on the side, using another pot, so I just left.

Her experience of living with her friend is positive and they are able to provide each other with mutual support couched in the idiom of the natal family:

It's fine because we both take treatment [laughs]. It's nice and we're more like sisters now.

Age and children

Most of our respondents were under 50, with 45 per cent under 35 years of age and only eight (13 per cent) fifty years or older. The 'status known' group was noticeably younger than the 'status unknown' group, with all the women over 50 in the 'status unknown' group. The relative youthfulness of the 'status known' group of respondents is consistent with what is known about the age profile of the epidemic, but may also reflect our recruitment strategy, inasmuch as younger women may have been more easily recruitable through the AIDS support groups.

Only four of the 60 respondents, the oldest of them 43, did not have any children. Ten of the respondents, mainly older women, had six or more children.

Table 4.3: Age distribution by respondents' HIV status

Status	35 and under	36–49	50+	Not available	Total
Unknown	9	9	8	1	27
Known	18	14		1	33
Total	27	23	8	2	60
Total%	45%	38%	13%	3%	

Education

Education levels were generally low, with none of the respondents progressing beyond high school. Over a third had not progressed beyond primary school, while three respondents (two aged 60 and one aged 40) had never attended school. Although poor, these figures are better than the provincial figures – in 2001, 47 per cent of females in KwaZulu-Natal had not progressed beyond primary school (Statistics South Africa 2005: 54).

Overall the 'status known' group had had more exposure to formal schooling. This reflects the more youthful profile of this group, as well as the fact that relatively more of the

'status unknown' group were born outside the urban areas, (with their better schooling facilities).

Reasons for dropping out of school were probed in 35 interviews. Both gender roles and poverty emerged as significant factors. Just over a third of the 35 women dropped out because of pregnancy while a further four left school to get married or because of a relationship with a man. Economic reasons were mentioned 13 times – poverty in ten cases and the need to work in three. Ill-health was also mentioned three times.

Table 4.4: Education by respondents' HIV status

Status	None	Some ^a	Grades 1–7 ^b	Grades 8–12 ^c	Not known	Total
Unknown	3	3	9	10	2	27
Known		2	6	23	2	33
Total	3	5	15	33	4	60
Total %	5%	8%	25%	55%	7%	100%

a: no details supplied; b: primary school; c: high school

Livelihoods

We did not collect data on actual income, but the livelihood strategies that our respondents described were those of poor to very poor households. Most were heavily dependent on the informal sector, state grants, and gifts and cash from family networks for survival. Thirty-seven respondents reported that their households were accessing grants. Child support grants were reported 24 times – 16 times by 'status known' women and eight times by the 'status unknown' group. Two 'status known' women reported that they were entirely reliant on disability grants, while another two were supplementing their disability grants with some informal sector activity and a further two, who were not accessing the disability grant, relied on begging and gifts to survive.

Formal employment was highly prized but rare, with only 20 per cent of respondents (12) reporting a formally employed person as a household member. In contrast to Todes' finding in the mid-1990s, that many women in the peripheral areas of Newcastle were employed in very low-paying jobs in the textile sector, very few of our respondents were in wage employment and none were working in the textile sector at the time they were interviewed. None of the 'status known' respondents were in waged work, although seven of them reported that they had been employed previously, generally in the textile factories. Significantly, six of them said they had stopped working as a result of health problems associated with their HIV status. Among the 'status unknown' group, three women reported that they had been previously employed, but at the time they were interviewed only two respondents were in full-time wage employment, both as poorly paid domestic workers, while one had found some piece work twice a week.

The 'sexual economy' was hinted at in some interviews, but its relative significance was difficult to gauge. Respondent T03, whose story about the return of her mother has already been told, described her mother's circumstances while she was gone in the following manner:

...she was at Welkom and other places. So I asked her what she was doing there because Welkom in the 1980s had many hostels [for male migrant workers] and women were not working there, unless you had to stay with a man. Then you cannot go home in that way.¹²

Transactional sex was implied as a means whereby other women supplemented household income or supported themselves and their dependants but, not surprisingly, none of our respondents reported that it played a role in their own lives.

...sometimes we get the disease because we think we want money from men but if you have the money and have your house, like if I can have money and a house I do not see myself going to look for a man because I have everything. (Respondent N09, a 35-year-old, married, HIV-positive, who had joint rights to her house with her husband.)

I think there are women who have their own place and have better rights than those staying at home [that is, with their natal families], because they are able to do things at the time that they want to. More especially if you are working, then things are on your side. But if you have your own place and you are not working, that will lead to you becoming sick, because you will want money so you will have to look for a man, and then he brings you the disease. But if you are working you don't have that problem; you can buy the things that you want. (Respondent B06, a 36-year old, HIV-positive, single woman who was living in her father's household with her two children.)

Dependence on intimate partners as a reason why women submitted to sexual practices against their inclination or better judgement, including not using condoms, was, however, frequently acknowledged. For instance, in commenting on the importance for women of having their own place, Respondent B02, a 31-year-old HIV-positive woman living with her boyfriend at his mother's residence at Lister's Farm (a 'traditional authority' area), noted that if women don't have their 'own place', then:

...you are forced to do things that you don't like. You sleep with your man even if you don't want to. If you don't want to, you are forced to. There is a time when you may feel you don't want to do it but he will force you to do it...Like me – I don't have my own place and it has happened to me.

Both Respondent B02 and her boyfriend were unemployed and dependant on the boyfriend's mother, who worked for a teacher. Respondent B02 had a small child, who was sick, and was trying to access a child support grant but had not succeeded at the time she was interviewed.

Land and livelihoods

Overall land does not feature prominently as a productive resource in the livelihood strategies of most respondent households. Less than a quarter of respondents (14 or 23 per cent) reported that they and/or other household members were using their land to grow food, generally for their own consumption; these women were divided equally between the 'status known' and 'status unknown' groups. Only one respondent, a member

¹² Welkom, in Free State province, is a gold-mining centre.

of a labour-tenant community living on a commercial farm, reported that her household was growing enough food to have a regular surplus to sell; they also sold thatching grass that they were able to harvest off the land.

Also absent from our interviews was any strong sense of land as an investment, that is, acquired with a view to reselling or leasing it later on, while land as a source of collateral for loans was not mentioned at all. To the extent that land is directly implicated in livelihoods, this relates mainly to its location, whether it is close to employment opportunities (generally meaning Newcastle town) or to strategic transport routes.

The women who were gardening tended to be older women, with an average age of 41, although two were under 30. Locality played a part – nine of the 14 women gardeners were living in non-township areas where household plots tend to be larger and lifestyles more rural (six at Blaauwbosch, one at Lister's Farm, one on a commercial farm, and one at the informal settlement of Siyahhlala). However, five were living in township areas (one at KwaMathukuza, two at Madadeni, and two at Osizweni), so urban residential patterns were not an absolute barrier to the growing of supplementary food.

While most respondents regarded land primarily as a place of residence, those who were gardening tended to value this activity highly. Thus the fact that Lister's Farm was 'big enough for farming and gardening' was one of the reasons motivating Respondent B10, a 40-year-old, HIV-positive, single woman with four children, to seek out a place there, despite initial hostility from the traditional authorities to her request as an unmarried woman. A 56-year-old widow from the 'status unknown' group, who had moved to Blaauwbosch from a more rural area in southern KwaZulu-Natal because of ill health and to be nearer her daughter, spoke scornfully of her neighbours who were not growing food as lazy:

I have never bought vegetables...Look at this place, it was not like this. There was no fence – I put this fence in, in 2004. I have cultivated it...In this place women are still sleeping at 12 o' clock. Since this morning I have not sat down. In the morning I was in the garden. I went to buy seeds at the clinic. When the children [her grandchildren] went to school, I was planting in the garden... There are plants that have grown big and we eat...One woman came here when I was watering the garden and said: You are happy, you have a garden. She likes to sleep. I take off my shoes and work in the garden. They want their hands to be clean. (Respondent N20)

Intimate partnerships and domestic violence

Marital and intimate partner status

Classification by marital status is complicated, but not unimportant given the legal and social significance that marriage holds for women. South African law recognises a variety of marriage systems, including civil, religious and customary, each of which carry specific configurations of contractual responsibilities and cultural expectations, including in relation to land and the inheritance and management of property. In practice, the understanding of what constitutes a socially sanctioned marriage need not necessarily conform to legal definitions, and some respondents' description of their marital status shifted depending on context – for instance a cohabiting partner was described as a boyfriend in one situation but a husband in another in some of our interviews. Our classification of marital status was based on respondents' own reporting, which was probed in some interviews where the information was not clear.

In our sample a total of 26 respondents (43 per cent) were either married at the time of the interview, or had been married previously, but only six (10 per cent of the total sample) were in a marriage relationship at the time they were interviewed. Twelve of the 26 were widowed while eight were divorced or separated from their husbands. The proportion of 'ever married' women is noticeably higher in the 'status unknown' than the 'status known' group, which is probably at least in part a product of the older age profile of the former group.

Thus over half the women in our sample have never been married (Table 5.1). Their ages ranged from 20 to 60, with most in their thirties or older, that is, older than what was once considered the conventional age for women to marry. This is consistent with the data for KwaZulu-Natal where in 2001 61 per cent of 'black Africans' over 15 years of age were found never to have married (Statistics South Africa 2005: 38).

What is more striking than the high proportion of women who have never married is that 40 per cent of our respondents were not in relationships with intimate partners at the time they were interviewed (Table 5.2). This does not, of course, mean that these women have never been in cohabiting or non-cohabiting relationships with men.

Table 5.1: Marital status by respondents' HIV status

HIV status	Never married	Married	Divorced/ separated	Widow	Total
Unknown	11	5	3	8	27
Known	23	1	5	4	33
Total	34	6	8	12	60
Total %	57%	10%	13%	20%	100%

Table 5.2: Current relationships with intimate partners (IP) by respondents' HIV status

Status	No IP currently	Married	Cohabit with IP	Non-cohabit with IP	Not known	Total
Unknown	9	5	7	5	1	27
Known	15	1	6	10	1	33
Total	24	6	13	15	2	60
Total %	40%	10%	22%	25%	3%	

Views on relationships

As could be expected, attitudes towards marriage and intimate relationships – actual and in principle – varied considerably, but less than a quarter of respondents (13 of the 60 women) expressed what could be regarded as unambiguous approval. Most strongly in support of the propriety of marriage for women were four widows, three of them elderly; the gulf between their views and those of younger women in the sample points to a major generational shift in attitudes regarding marriage. Speaking specifically about women's property rights, Respondent N19, a 53-year-old widow from the 'status unknown' group, commented:

It would have been good if the stands were only given to married people...[now] they give children stands, they do what they like. She can have more than five boyfriends – that is not right, we have to follow the law. When we grew up we knew that a girl was a girl. You went and played and came back home. When you came back late, you had to explain, but now they don't care...The government...should not give a girl a stand, a girl who has no husband.

Respondent N11, another elderly widow in the 'status unknown' group, combined concerns about the personal security of single women with fears about their morality:

[women who are not married] will be attacked by criminals. Why are they not married? A person who is not married looks as if she is not normal. You must also get married before the time leaves you [that is, before you die]...What are they [single women] waiting for? Are they waiting till they die or become old? How are they getting money?

Of particular interest are the differences in attitude towards intimate relationships between non-partnered women in the 'status known' and 'status unknown' groups. As a group the nine 'status unknown' women who were not in relationships were generally more favourably disposed towards the possibility of future relationships than the 15 'status known' women. Thus only two of the nine 'status unknown' women were totally hostile to the idea of entering another relationship. One of them, a 35-year-old woman with three children, explained why she preferred to live alone in these terms:

When coming to love, it's very bad. I don't have a right person. When I find someone he will leave me as if he is coming back, only for me to find out that he is gone. I have decided to stay alone, not to have a partner. I have taken that decision. I only want a place where I can stay with my children so that they can have their own place.

In comparison, nine of the 15 'status known' women who were single were negative about the idea of ever entering another relationship again, while three were ambivalent and three did not express themselves clearly on the issue. The majority felt they were better off not being in relationships, some very assertively so. Thus Respondent T09, a 30-year-old woman living with her two children in her father's place in Madadeni, who had broken up with her boyfriend because he refused to support their children, declared: 'I don't want a boyfriend. I refuse them'.

A number of the 'status known' single women also indicated that concern to protect their children's interests, including their rights to property in the future, was an important factor in their single status. For instance, Respondent B14, a 35-year-old widow living in KwaMathukuza in her 'own place' with one of her three children and her sister, described a loving relationship with her deceased husband and explained her single status in terms of a desire not to be exposed to the pain of losing a partner again. However, maintaining her own house for the sake of her children was also a factor, as was the potential threat of abuse within relationships:

Some men propose to me just because they want to live with me but I have decided that this house is for my children...especially if you love that person, they will abuse you.

Health was another major consideration for the 'status known' single women. While none of the 'status unknown' women mentioned HIV or health issues as reasons for not getting involved with men, several of the 15 'status known' women who were single highlighted these concerns. Thus Respondent T10, a 45-year-old widow living in her own place at Lister's Farm with her four children, explained that she did not want to get involved with anybody again because 'I think about my children'. She noted that relationships are especially difficult in a time of HIV, and while she did not completely rule out the possibility of another relationship, she indicated she would need to think very carefully about it before disturbing her family. Respondent N03, a 43-year-old woman living with her three children at her mother's residence in Madadeni, reported that her boyfriend had died in 2005 and she was avoiding further relationships for health reasons. Respondent T02, a 34-year-old woman living with two children in Osizweni in her 'own place', broke up with her boyfriend when she discovered that she was HIV-positive, and stated: 'I am not interested in love any more'.

Respondent B10, the 40-year-old woman living in her 'own place' at Lister's Farm, whose boyfriend had died, acknowledged that living without a male partner was not always easy. Although she asserted that since her boyfriend had died she did not 'even see the need for a man', she qualified this statement, and then immediately qualified her qualification:

Well, there is a need because I have not built a house but if I did that [got involved in a relationship] for a house, it would be like selling my body...I feel better when I am with my children, even if there is no food.

Five of the 24 single women (three 'status known' and two 'status unknown') cited experience of abuse as a consideration. Respondent T01, a 31-year-old woman living at her aunt's place with her infant child, found out that she was HIV-positive when she got pregnant; her boyfriend was abusive on being told and refused to go for an HIV test, so she decided to leave him and since then, she declared, 'I am fine'. Respondent N08, a 40-year-old woman with eight children, who had been abandoned by her husband but

was still living in his place at Osizweni, described herself as ‘just sitting because of diseases out there and also abuse’.

Experience of domestic abuse

As set out in Table 5.3, 40 of our 60 respondents, fully two-thirds of the sample, reported experiencing some form of domestic abuse in their life time. Seventeen women said explicitly that they had never suffered abuse, while two were contradictory in their accounts and two were not drawn on the issue.

The most common form of abuse reported (Table 5.4) was emotional, which covered a wide range of non-physical, emotionally damaging experiences at the hands of an intimate partner or other family member. This was followed closely by physical abuse, with sexual and economic abuse (in particular, the withholding of economic support) reported much less frequently. Respondents were not asked to define how they understood these different forms of abuse, although at times their descriptions were quite explicit, for instance:

I was abused sexually because I was sometimes forced to have sex, even if I did not want to, because a man will accuse you of having another affair if you refuse to have sex. (Respondent B10)

Also prominent in the accounts of abuse is the extent to which substance abuse, most commonly alcohol abuse, is implicated as a factor in the violence – generally on the part of the perpetrator but also, on occasion, by the woman on the receiving end as well.

Table 5.3: Accounts of abuse in their lifetime by respondents' HIV status

HIV status	Yes	No	Contradictory	Not available	Total
Unknown	12	12	1	2	27
Known	28	4	1		33
Total	40	17	2	2	60
Total %	67%	27%	3%	3%	100%

Table 5.4: Reported experience of domestic violence by respondents' HIV status

Category	Status known	Status unknown	Total
Emotional	11	1	12
Physical	6	7	13
Physical and emotional	3	1	4
Physical, emotional, and economic	1	1	2
Sexual	2		2
Sexual and emotional	3		3
Physical and sexual	1		1
Sexual, emotional and physical	1		1
Emotional and economic		1	1
Threatened		1	1
Total	28	12	40
Total %	70%	30%	100%

HIV status and abuse

It is noteworthy that a reported history of abuse was much more common among the 'status known' than the 'status unknown' group. Only four of the 33 'status known' respondents reported explicitly that they had never experienced any form of abuse, compared to twelve out of 27 in the 'status unknown' group. Furthermore, all seven of the women reporting sexual abuse were in the 'status known' group (Table 5.4).

However, although this is consistent with studies showing a relationship between women's experience of intimate partner violence and vulnerability to the risk of contracting HIV, the data needs to be interpreted with caution. Apart from the limitations of our sample, our data could reflect not necessarily a higher incidence rate but a higher level of critical reflection about relationships among women who had confronted their HIV status, along with a greater willingness to talk about intimate matters, both sexual and emotional.

Another consideration is the younger age profile of the 'status known' group. The older women in our sample were more likely to accept that their husbands had authority and could make unilateral decisions on behalf of the household than the younger women, who were aware of the values associated with the older, 'more rural' generation and by and large rejected them (even while they sometimes had to figure out how to cope with them). Thus it is probable that older respondents were less likely to regard themselves as victims of intimate partner violence – because they were less likely to believe in their right to refuse sex, or were more likely to accept the right of their husbands to chastise them physically. Another possibility is that older women were not indifferent to these issues, but were less willing to speak about them, as the following exchange from the interview with Respondent N11, a 60-year-old widow, suggests:

Interviewer: There is also another form of abuse which is sexual...

Respondent: Leave me alone about sex, you have started again...

Perpetrators of abuse

Emotional abuse involved a wide range of perpetrators, including intimate partners, siblings (sisters and brothers), mothers, uncles, and kin of intimate partners (Table 5.5).

Table 5.5: Perpetrators of reported violence by respondents' HIV status

Category	Status known	Status unknown
Physical	Intimate partner (twice) Intimate partner and brother Mother 'family'	Ex-husband Intimate partner (3 times) Brother-in-law Uncle Father
Physical and emotional	Intimate partner (3 times) Uncle Mother and brother Niece	Brother
Physical, emotional, and economic	Intimate partner Uncle	Husband
Physical and sexual	Husband	
Sexual	Intimate partner (5 times) Husband	

Some incidents occurred in childhood; others were ongoing and others more recent. In the case of physical violence, perpetrators were most likely to be husbands or intimate partners, but other family members were identified, including women. All the personal experiences of sexual violence that were reported by our respondents involved intimate partners or husbands. (Other incidents of rape and sexual abuse of women by non-family members in the community were mentioned in passing.) In addition, three respondents admitted to having been perpetrators of physical abuse themselves.

HIV and AIDS and consciousness-raising

In the discussion on our research methods it was suggested that the ‘status known’ women who were recruited through the support groups could be regarded as women of exceptional resourcefulness and courage. What emerged forcefully through the narratives from this group was how coming to terms with their HIV status could be a life-changing experience, prompting some women to review their personal priorities and try to take stronger control over the direction of their lives, including in their relationships with intimate partners and other family members.

A similar finding has been reported by Robins in his account of the ‘near death’ experiences of a couple of AIDS activists within the Treatment Action Campaign (TAC) and its significance for their subsequent commitment to both “new life’ and social activism’ (2006: 312). However, unlike his informants, none of the women we interviewed could be construed as social activists in the wider public arena, and the transformative potential of HIV and AIDS was encountered not in the context of a major social movement such as the TAC, but in a much more localised and personalised space, as the following two cases illustrate.

Respondent B06

Respondent B06, a 34-year-old woman living in her parental home with her sister and her two children, had left a very abusive relationship after she had tested HIV-positive and her partner had refused to honour her request that he go for testing as well. In a follow-up interview she expressed some regrets about her single status but also reflected on how she had wasted her time with her former partner. Her no longer being in a relationship was a matter of choice on her part, something she needed to do for the sake of her children. Knowing her HIV status, she said, had motivated her to be more careful and responsible in her own life; she was also active in community affairs, serving on a local school governing body and church committee, as well as being a member of the AIDS support group through which she was recruited into our study. (Her story is told more fully in Chapter 7.)

Respondent T07

Respondent T07, a 43-year-old woman without children, was in the process of divorcing her husband when she was interviewed. She had had an abusive childhood at the hands of her very strict and old-fashioned mother, being forced to drop out of school at a young age and start working at a coal-digging place, gathering coal for the family. She married her husband after they had been in a relationship for some years and they built a house together. By the time she got married she was already suffering from recurring bouts of illness which her family tried to treat unsuccessfully through traditional healing methods. The third time this happened she ‘got tired of tradition’ and decided to test, going to the VCT centre on her own to do so. By that time her husband had started

divorce proceedings and at the time that she was interviewed they were involved in a legal battle over their jointly owned house, one which she did not expect to win. Yet despite her bleak circumstances she described herself as 'free since I disclosed'. When asked to clarify what she meant by 'free', she explained that she was able to talk openly about her status, even at the taxi rank or in her church. Her motivation, she said, was the desire to see others understand about HIV and AIDS and do something about it. In coming to terms with her illness, she had also come to terms with the abuse she had suffered as a child and become reconciled with her mother, who was now dependent on her care.

Tenure security and property rights

This chapter discusses our respondents' perceptions and experiences of property rights and tenure security in the settlements where they were staying at the time of their interviews. The discussion is extended in the next chapter, which attempts to tease out linkages between women's property rights, HIV and AIDS, and domestic violence.

Current residence of respondents

Many respondents' sense of tenure security appears to have less to do with the formal tenure status of the land on which they live than with the acceptance by family and local community members that they are the primary rights-holder, or with the quality of their relationship to the person who is regarded as the primary rights-holder. Recognition of 'ownership' in this sense can be secured in a number of ways depending on the type of settlement, including through registered or unregistered purchase, rental, inheritance, or by virtue of one's position or status in the family, for instance as the widow of a deceased owner, or the eldest son, or a major provider for the household. Thus answers to the question 'Whose place is this?' did not necessarily foreground formal rights in the sense of registered title deeds or contractual tenancy, although such correspondence could exist. As discussed below, informal proprietorship could be accompanied by a strong sense of tenure security while formal freehold title did not guarantee that the registered owner would feel secure.

In these complex social dynamics it is possible to see the manifestation of 'living' customary law as an unstable amalgam of old and new values, calculations and practices that both regulate and challenge social attitudes and behaviour around tenure. In terms of this socially mediated understanding of 'ownership', over one third of our respondents – 23, the largest single category – reported that the place where they were living at the time that they were interviewed was their own. The next largest category of owners was that of a parent of the respondent, evenly split between fathers and mothers, followed by husbands and intimate partners. Joint ownership with a husband or intimate partner was not unknown but rare, being reported in only four of the 60 cases.

The major difference in ownership patterns between the 'status known' and the 'status unknown' groups was that three times as many 'status known' as 'status unknown' women were living in places belonging to members of their natal family. It is also noteworthy that over half the people reported as the owners of the places where the respondents were living were women – if not the respondent herself, then her mother, mother-in-law, sister, daughter, or aunt. This corresponds well with information on the proportion of female-headed households in Amajuba district (50 per cent).

Table 6.1 shows respondents' response to questions about the identity of the rights-holder/owner of the place where they were living at the time that they were interviewed.

Table 6.1: Current tenure by respondents' HIV status

Rights-holder/owner	Status known	Status unknown	Total
Respondent	13	10	23
Natal family	12	4	16
Father	4	1	
Mother	3	2	
Sister		1	
Brother	2		
Uncle	1		
Aunt; aunt/grandmother	2		
Joint husband or intimate partner	2	2	4
Husband/partner's place	4	6	10
Husband	1	4	
Intimate partner	1	1	
Intimate partner's mother	2	1	
Other: commercial farmer	2		2
Other: non-family		5	5
Total	33	27	60

Tenure options and security by settlement type

In Amajuba district women are able to acquire both formal and informal rights of ownership to property across most settlement types. However, underlying tenure regimes differ across settlement types, as do living conditions, and these differences do impact on the ways in which women are able to exercise their claims to their places, and inform, without defining, their experience of tenure security. This sub-section describes tenure options in the different types of settlement. (Refer back to Figure 3.2, page 27.)

Formal township

Here women with freehold titles in their own names enjoy strong rights, but women who are dependent on the registered owner can find themselves vulnerable, although the authority of the title deed is constrained by social norms that acknowledge the tenure claims of non-registered family members.

Madadeni

Madadeni was established in the 1960s as a 'greenfields' relocation township for African people forced out of Newcastle and other small centres in the district in terms of apartheid policy. It was planned from the start as a relatively well-resourced settlement, catering in the main for former landowners from surrounding 'black spots'¹³ and towns. Although for most of the apartheid era only public housing was built here, in the past two decades there has been a concerted effort to privatise ownership and today most houses are privately owned under freehold title.

¹³ 'Black spot' was the term used to designate African-owned properties falling outside the areas that had been set aside as the African 'homelands' or 'bantustans'.

Five respondents were from Madadeni, all of them HIV-positive and ranging in age from 28 to their mid-forties. All five were living in homes belonging to their natal family or extended family (three of them women) and four had never been married. The only married woman was Respondent T07, who was undergoing a bitter divorce involving a legal battle around her share of the Madadeni house that she and her ex-husband owned jointly. In her case the fact that she had a registered half-share in the house meant that there was the basis for a court case about the settlement of the marital estate, but Respondent T07 felt alienated from the legal process and was not confident her case would succeed.

Notwithstanding this example of joint ownership, title is usually vested in the name of a single individual, even though the property is commonly regarded as belonging to the larger family. This vests the registered owner with considerable power, even if this is not exercised. In one case our respondent was not sure whose name appeared on the deed and this was itself cause for concern. In another case the property was registered in the name of the eldest son, but the respondent regarded it as the family home, of which her brother was merely the custodian.

Another respondent reported that she had ‘purchased’ her own stand in Madadeni, but was staying in her mother’s place. The fact that she had paid only R200 for her property suggests that it was not a market transaction. The motive seems to have been to secure a place for her children in the event of her death: ‘I know that even if I were to die my children will have a place to stay’. This, as has already been noted, is a recurring theme in the interviews with HIV-positive women. Why this woman then remained in her mother’s household is not clear, but it may have been because of the emotional and economic support her extended family provided in the context of her illness, with her own place as a potential retreat if circumstances changed.

Osizweni

Osizweni was established as an apartheid-era relocation township at the same time as Madadeni, but it was designated as a category (b) settlement, which referred to settlements that were ‘usually situated deeper into the homelands’ where the level of services and housing provided by the apartheid state were ‘of a more rudimentary nature’ than category (a) settlements (from General Circular no. 25, 1967, quoted in Mare 1980: 76). Today it is still possible to see some of the old tin huts that were allocated to the first people to be relocated here. Tenure in this township is more diverse than in Madadeni. While most properties are privately owned, there is some informal settlement and at least one section (Jakalazi), which is owned by *amastand* and rented out to tenants.

A total of 14 respondents, all of them HIV-positive, resided in Osizweni. The reason for the relatively large number is that this is where the Qaphelani Support Group, which assisted us recruit half of our ‘status known’ respondents, is based. What is noteworthy is that about half our respondents whose homes were secured in terms of freehold ownership, were anxious about tenure security because of family disputes about who in the family had the right to control the property upon the death of the registered owner. For example, the house where Respondent T05 presently resides with her children and her mother was originally acquired by her grandfather. Upon his death her father ‘took over’ the property and upon his death, the family expected it to devolve to Respondent T05’s mother. However, T05’s father’s sister thereupon claimed the property for herself, on the grounds that ‘she had found it’, and both T05’s mother and her aunt were vying with each other to have their claims endorsed by the municipality. The house was, of course,

the aunt's natal home – here the physical constraints imposed by township properties on large extended or compound households precipitated conflict among women and between generations over the interpretation of 'customary' rights.

KwaMathukuza

KwaMathukuza is a relatively new, low-income housing development adjacent to Madadeni, which the Newcastle local municipality established in 1999 for people it regarded as the 'poorest of the poor' (interview). Although beneficiaries formally own their houses, none of the KwaMathukuza residents that we interviewed had seen their title deeds.

Initially KwaMathukuza was planned as a rudimentary relocation 'site and service' development for people who were squatting illegally on various pockets of land around the town. Subsequently, however, the local authority decided to upgrade the settlement into a state-subsidised housing project in terms of national housing legislation. Anyone who meets the means test, is not already a recipient of a state housing subsidy, and is 18 years of age or older is eligible to apply for a very basic house built with national and provincial funding. Despite a perception in the community that single women with children are prioritised in the allocation of sites, a municipal official denied that this group is specifically targeted. He reported that houses are generally registered in the name of the perceived household head who, in the case of couples, is most likely to be the man – joint registration for couples is not promoted as policy (interview).

Eleven of our respondents resided in KwaMathukuza, eight of them 'status unknown' and three of them 'status known'. In all cases they or their households went through the municipality to acquire their stands/homes. One respondent described a process that was very likely marred by petty corruption, but in general the process appears to have been a straightforward one of getting one's name on the correct list and then waiting. At the time they applied for stands they were typically already living in adjacent Madadeni or had a family member living there – residing in the neighbourhood meant they were more likely to know about the allocation process and how to register, which they used either to their own advantage or to assist family members living elsewhere.

While one respondent had moved there six years previously, when the settlement was still very new, nine of the 11 respondents had been there for two years or less. The 'recentness' of the settlement probably accounts for a lingering sense of tenure insecurity among some respondents. The fact that nobody had copies of their title deeds was a further cause for concern, even though all our respondents were aware that in principle their stands are private property, and that documents that prove their ownership existed somewhere. Thus Respondent B14, a 35-year-old widow with two children, noted that 'We haven't received title deeds but it shows at the office that this site is mine', but also commented that this was a problem, 'because anyone can appear and tell you that there was a mistake and this place is not yours, so it would be better if we had papers'.

However, most respondents did not reveal an acute sense of tenure insecurity, even though only four of them were the registered owners of their houses. Only two, both living on the properties of intimate partners, expressed real concern about their position, but this appeared to have less to do with their formal tenure position than the fact that, to different degrees, they did not trust their male partners (their stories are described in more detail in Chapter 7). One of them, Respondent B17, was the HIV-positive woman living in a particularly abusive situation in the backyard of the stand belonging to the

father of her unborn child, while he lived in the main house with another woman who had displaced her from both the relationship and the house. The other respondent, Respondent N17 (also HIV-positive), was also cohabiting with her boyfriend in a house registered in his name. However, her situation was quite different in that her boyfriend was not at all abusive – in fact, a major reason for her moving in with him was to remove herself from an abusive situation in her mother’s house involving her sister/niece, as well as to get more privacy and space for herself and her sick child. What made this respondent feel insecure was that she and her boyfriend were not married:

Don’t depend on someone’s place, more especially if you are not married, you have to find your own place because they will kick you out like a ball.

Her statement appears to reflect a general perception about unmarried men’s tendencies, rather than a specific criticism of her boyfriend. However, she was certainly correct that should her relationship with her boyfriend turn sour, she would have had no tenure rights to fall back upon. But rather than waiting passively upon the turn of events like Respondent B17, Respondent N17 had begun to take steps to address her insecurity by applying for a stand in her own name.

The story of Respondent N16 provides a further possibility. She was also cohabiting with her boyfriend, and expressed a similar frustration with the fact that her partner had not committed to getting married. However, the house in which they stay is registered solely in her name and she did not experience the tenure insecurity that both Respondents N17 and B17 did. These cases underscore the double-edged significance of individual freehold tenure for women – where title is registered in their name it may be to their advantage but where it is not, it can disadvantage them in their relationships with intimate partners.

Semi-formal to informal

This category of settlement provides a much cheaper housing option and historically has constituted an important point of entry for poor rural people to the potential opportunities of the urban economy. While there may be greater opportunity to grow food and keep livestock in garden plots, these areas offer less formal security than registered ownership. Where the land is black-owned and the settlement large, social norms about rights of occupation for those in need or long settled, as well as values around sharing resources are generally strongly entrenched. Nevertheless, individual security may be threatened by personal circumstances, and women are not guaranteed equal access to independent rights to land to the same extent as men.

Blaauwbosch

Blaauwbosch is the collective name for three African-owned farms that were bought by a syndicate of 31 landowners in 1892 (Todes 1997: 313), which survived the era of forced removals by being incorporated into the ‘bantustan’ of KwaZulu. The original landowners each owned some 200 acres (81 hectares). The current cadastral map shows several hundred sub-divisions of varying sizes within the outer farm boundaries; however, the actual distribution of ownership is likely to be still more complex given a long history of informal sub-divisions and transfers of land, as well as the lapsing of the effective exercise of ownership rights by some landowning families.

While underlying title still vests in an unknown number of *amastand*, today the great majority of the population are tenants of the landowners or sub-tenants (tenants of tenants). As already noted, in the period of forced removals the tenant population of

Blaauwbosch exploded as displaced people sought alternative places to stay. Since the 1970s the settlement has continued to serve as a relatively accessible staging ground for those wishing to move to the Newcastle area from commercial farms and 'traditional authority' areas, people who could not afford or had no family links to more developed areas such as Madadeni. The major appeal of Blaauwbosch is that it is inexpensive while being relatively close to town and perceived work opportunities. Another advantage is that it affords more opportunity for gardening, and six of the ten women we interviewed at Blaauwbosch reported having vegetable gardens.

The circumstances of the ten respondents presently residing in Blaauwbosch varied widely but all were living in tenant households and paying a rental to the landowner of between R50 and R100 per year. However, tenants are regarded as the owners of their actual homes – either because they built them themselves, or because they purchased them from another tenant – and these rights are well-established. Tenant households have the right to bequeath their homes and even sell them, provided they obtain the consent of the land owner. In practice land owners are unlikely to impede people's transactions concerning their homes, and respondents did not mention major conflicts with landlords. Some respondents alluded to the fact that they have to abide by their landlords' rules regarding land use, most especially that they could not build additional structures without permission, but there was little sense that these rules were considered unreasonable.

None of the ten women we interviewed in Blaauwbosch was born there (although a couple of respondents living elsewhere were), but some had lived there for a very long time, having moved there as children. Others had arrived more recently and found their own place or moved in with a partner. Two had arrived a few months before being interviewed. Some respondents clearly regarded Blaauwbosch as a permanent home; others, however, aspired to move elsewhere, for example into a state housing development.

Ntendeka

Two of our respondents, both HIV-positive, were living at Ntendeka, another area owned by *amastand* in the vicinity of Osizweni, where conditions similar to those at Blaauwbosch prevailed.

Ballengeich

Ballengeich is the site of a former coalmine some 20 km to the south of Newcastle, that closed as a working mine some time ago. Since then the formal housing that formed part of the original mine compound has been occupied while other people have built their own shacks in the area. The legal status as to ownership has not been established, but residents are currently paying an annual rent of R200 to an *induna* ('headman') or councillor (respondents were unsure of his precise status) for the right to be there. Two respondents, both HIV-positive, were living there.

Siyahlala

Siyahlala is an informal settlement on the south-western edge of Newcastle town. It is located in Lennoxton, which was originally an African-owned suburb of Newcastle until it was declared an Indian Group Area under apartheid. According to a Newcastle official, the settlement started when a local landowner began selling sites to 'squatters'. However, in about 2000 the municipality took over the land because the landowner was failing to pay his rates (interview). Although now falling under the municipality, the area has not been developed as the municipality does not want to recognise the permanence of the settlement. Initially there were plans to move the residents to KwaMathukuza but those

plans were strenuously opposed by residents – the name Siyahlala (we are staying) derives from this period of opposition. The municipality is now planning to move occupants to a new settlement, planned for an adjoining farm which it is negotiating to buy from its current owner.

Nine of our respondents, all of them ‘status unknown’ lived at Siyahlala. Most had lived there for three to six years, although one (Respondent T12) had been there for 13 years. Generally respondents were unclear about the status of the land. A number reported having ‘purchased’ their stands from councillors for prices ranging from R75 to R500, which if correct is indicative of corruption. There is a lingering sense of insecurity, partly because residents are uncertain as to the intentions of the local government, and partly for more personal/familial reasons.

The main reason why residents are committed to Siyahlala is economic. They are able to walk to the centre of town and are not paying rates, rents or service fees, as the municipality fears that to charge them for the water it has supplied in stand pipes would be to legitimise the status of the settlement. It would appear that Siyahlala provides a viable settlement option for those with very little money and in this regard serves a similar function to Blaauwbosch in earlier decades, with the major difference that it is much better situated in relation to town. However, Siyahlala is not a particularly safe place for women to live on their own because of crime, and one respondent reported an absence of strong support networks, despite the fact that it is now a fairly well-established community.

Traditional authority

Lister's Farm

Five respondents were living at Lister's Farm, an area that is located near Osizweni and Blaauwbosch but falls under the authority of a traditional leader. This introduces a very different dynamic around tenure from the municipal and *amastand* areas. Here newcomers are allocated stands by an *induna*, acting on behalf of the traditional leader, for a fee. There is some resistance to women accessing land in their own right, but this is no longer as absolute as it once was. Thus Respondent B10 reported that when she applied for a stand, the traditional authority originally opposed allocating her a site because she was a single woman and as such was perceived as irresponsible, if not directly immoral:

I registered for a stand and they said they wanted married people and I told them I was not married and I needed a place for my children. They wanted to be sure that I was going to take good care of the house because people who are not married have different boyfriends that can fight and destroy the house, so that is why they asked if I was married.

Another respondent spoke positively about Lister's Farm because, although the area was less well-serviced than a more formal settlement, she felt that traditional values of ‘respect’ were more in evidence and there was also more land on which to garden.

Commercial farms

Two respondents were living on commercial farms. One of the farms (Manga) is between Newcastle and the town of Utrecht. Its current residents used to be labour tenants, but no one has worked for the landowner for four years. The owner lives in town and was

apparently in the process of selling the farm, which could precipitate eviction action against the family. However, when interviewed, our respondent did not appear to see this as a possible threat. The second farm (Sandlana's Farm) is a white-owned farm near Normandien in the south-west of the district.

Tenure situation at likely time of HIV infection

As part of our exploration of the linkages between property rights and vulnerability to HIV and AIDS, we attempted to reconstruct as far as possible the likely tenure circumstances of HIV-positive respondents at the time that they were infected. This information derives from what respondents themselves reported, supplemented by our reconstruction of circumstances where such information was not clearly forthcoming. While our findings must therefore be regarded as tentative given information gaps and our reliance on our respondents' self-reporting, they do offer another lens through which to view the relationship between tenure and vulnerability to HIV infection.

Table 6.2 summarises the information derived from the 33 'status known' respondents in our sample. By and large, where 'unsure' is indicated, it is either because the respondent herself said that she was not sure, or her narrative places the likely time of infection to a period when she had more than one sexual partner. Inferring respondents' residential status at the likely time of infection is similarly vexed: by and large the interviews did succeed in establishing the respondents' residential histories, but in some cases there were gaps in these histories, and in other instances respondents were fairly mobile over the relevant period, meaning that it is not possible to be confident as to the likely tenure situation at the time of infection. These cases are categorised as 'unclear'.

What Table 6.2 suggests is that the most common residential scenario for women at the time of infection was that they were living in their natal family home – this is likely to have been the case in 13 of the 33 cases. Eight of these respondents were seemingly infected by established partners, more often than not the men with whom they had children. The next most common situation was that of a woman living in her 'own place'. Although this appears to have been the case in only six of the 33 cases, nevertheless it is of interest because what it suggests is that, in these cases at least, independent property rights failed to shield women against HIV infection.

Table 6.2: Circumstances of infection: residence and likely cause

Whose place	Regular boyfriend	Husband	Non-sexual	Unsure	Unsure
Family's	8	0	1	4	13
Own	2	1	0	3	6
Regular boyfriend's	2	0	0	0	2
Husband's	0	1	0	1	2
Joint own/husband's	0	0	0	1	1
Other	1	1	0	2	4
Unclear	1	1	0	3	5
Total	14	4	1	14	33
Average age (current)	31.1	42.0	39.0	38.0	35.7

Domestic violence and property rights

This chapter seeks to tease out further the complex interaction of women's property rights, domestic and intimate partner violence, and vulnerability to HIV and AIDS by examining the situation of women with different relationships to property, in particular to their primary residence at the time they were interviewed. These relationships are broadly defined as 'own place', 'joint place', 'husband's/partner's place', and 'natal family's place'.¹⁴

The main question we address here is: what significance is there for women in residing in their 'own place' rather than in one of the alternatives, and within that, how significant is the underlying tenure regime? The approach is, broadly, to understand why and how some women end up residing in their own place while others live in their natal or marital homes, while attempting to see if there are any patterns that shed light on our respondents' vulnerability to HIV as well as their experience or threatened experience of various kinds of violence.

Women in their 'own place'

Altogether 23 women in our sample currently reside in their 'own place' in the socially mediated sense already described in the previous section. The first thing to note is that more than two-thirds (15) of them acquired their 'own place' through their own initiative. Five women inherited the property (four from husbands, one from her natal family), while one was given her property by her employer. However, all of the rest had taken active steps to acquire their places. Most commonly, they did so because they were trying to move away from something, although they could also be trying to move closer to something (for example, work opportunities or a place for one's children), or be motivated by a mixture of reasons.

In all but one of the cases of moving away, problematic relationships were involved. (The exception was a problem of over-crowding.) Thus 14 of the 23 women who had acquired their own place had experienced violence or abuse of some kind, mostly at the instigation of husbands or intimate partners, but also from other family members, both natal and marital. However, abuse was not necessarily the only or even the decisive factor at play. While there is some discernible connection between abuse and the woman's decision to find her own place in five of these 14 cases, in nine cases other factors were involved. The story of Respondent B10, told in more detail below, illustrates the complex set of considerations that could shape the decision to find and move into one's own place. There were in addition two cases (Respondents N16 and N14) where respondents living in their 'own place' were still experiencing abuse. Here, clearly, having one's 'own place' was no guarantee against abuse, although the relative rarity of these cases could be regarded as a partial endorsement of the potential of independent property rights to assist in this regard.

As for whether there is any difference between the 'status unknown' and the 'status known' respondents, it is certainly the case that in our sample the 'moving away'

¹⁴ This omits seven respondents whose situations do not fit these categories, namely, five respondents looking after the property of strangers on a temporary basis, and the two farm-based respondents.

motivation was concentrated among the 'status known' women. While similar themes arose in both groups, the women known to be HIV-positive more consistently mentioned:

- the prospect of their own death and the implications for their children;
- the need to be in control, that is, to be the decision-maker; and
- the importance of being independent and self-reliant.

Furthermore, all the women who disagreed with the proposition that it was important for women to have their 'own place' belonged to the 'status unknown' group. However, given that the 'status known' women tended to be younger than the 'status unknown' women it is difficult to distinguish the 'age effect', that is, the effect of the socially more conservative views held by older women, from the 'infectedness effect'.

For three respondents the link between establishing their own place and HIV and AIDS was discernible, but this was not the case for all. For example, Respondent B14, who wished to escape the inconsiderate, stigmatised treatment of her aunt with whom she had been living, and in a less direct sense Respondent B04. She had been living with her intimate partner and his family, but decided to leave following his AIDS-related death because of the lack of support offered by his family, and indeed due to their abusive behaviour which intensified following her partner's death. The connection to HIV and AIDS is also evident in the case of Respondent N02 who was not seeking to move away from anything in particular, but, rather, who was inspired by the knowledge of her HIV-positive status to find a home which she could leave to her children:

You know, when I got this illness, I did not have a place, but when I found out that I had a virus and felt sick, I fought to have a place.

Indeed, she managed to obtain two – one at KwaMakuthuza and one at Lister's Farm.

Mitigating or preventative factor of property rights

The three cases of women relocating as a result of HIV and AIDS could be regarded as evidence in favour of the mitigation proposition, although not in the manner in which it was originally posed. Whereas the mitigation proposition suggests that women with independent property rights are better placed to address the economic difficulties associated with HIV and AIDS than those without, in these three cases what was being mitigated was not the economic impact of HIV and AIDS, but the social impact, more specifically severe stigma. Even if these are very few instances from which to extrapolate, the inference appears robust, by virtue of the fact that 1) it is clear that many women in Amajuba district are able to find alternative accommodation when their residential situation does not suit them or becomes intolerable, and 2) we know from this study as well as the extensive literature that AIDS-related stigma is widespread in South Africa and is often a cause of intra-household discord and abuse.

In addition, even when there is no evidence of an overt response whereby a woman who discovers her HIV-positive status decides to acquire her own place, as in the case of Respondent N02, our study has shown how establishing one's HIV-positive status can, in the context of access to treatment and support networks, have the effect of compelling women to be more deliberate and forward-looking in their lives. This can add impetus to the idea of removing themselves from an unhappy residential situation.

In terms of prevention, it is more difficult to draw inferences from our study. The ten 'status unknown' women who reside in their own place clearly reflect the demographics typical of the status unknown women generally, in that a good number of them are older, are widows, and do not presently have an intimate partner. The fact that they do not appear to be HIV-positive (though bearing in mind that we do not know for a fact that they are not) likely has less to do with their having independent property than with the fact that they do not belong to a high risk group for HIV.

Tenure security

As previously suggested and regardless of settlement type or HIV status, most respondents residing in their 'own place' regard their tenure as secure. The basis for this subjective sense of tenure security varies from place to place and to some extent from person to person, but most respondents allude to some kind of document or bureaucratic fact that to them represents a degree of public legitimacy about their residential status. For Blaauwbosch, this document is the receipt issued by the *amastand* when a tenant pays her annual rent, though the sense of tenure security likely also arises from the fact that these tenancies tend to be stable, long-term relationships. For KwaMathukuza and Osizweni, women allude to a register or document held by the municipality or a title deed that they may or may not have seen. For Siyahlala, some respondents speak of having registered with a councillor. While none of them have any tangible evidence of their tenure status, neither do they appear to fear for their tenure security, except to the extent that they may distrust government itself.

The following cases explore these issues in more detail.

Respondent N14

This case shows the importance of a personal sense of empowerment – without it independent rights in property may not be enough to protect a woman from abuse. Respondent N14 purchased a stand in Siyahlala through a local councillor two years before she was interviewed, and her current intimate partner assisted her to build a house on it. In her interview she sometimes described herself as the owner, but in response to a direct question regarding ownership noted, 'The place does not have an owner because if you want something from the councillors they will not give you direction'. When asked about formal proof she stated, 'We did not get anything, they just wrote in a book and told us that the names will be taken to the municipality'.

However, the lack of formal rights appears of less concern than her intimate partner, who does little to support their two children (she has four by previous relationships) and has a fearful temper, on one occasion threatening to kill her. Although she claimed he had never actually beaten her, she felt completely disempowered by him: 'I do not have rights even though I am supposed to have them, I told you that sometimes we [herself and children] sleep in my friend's house when there is a fight at home'. When asked whether the partner contributed anything to the household that might account for his effective power over her, it became clear that his main hold over her was fear:

Interview: Do you think you can have the power to take this man out of your house?

Respondent: I can have the power, but I am scared he will kill me.

Where this places her in terms of insisting on condom use – the importance of which she was very clear about – was impossible to say because at the time of the interview she was using the fact of sharing a bed with their youngest child as an excuse for not having sex with her partner. It is difficult to know whether Respondent N14's situation would be any different if she had, say, title in her name to a property in a formal settlement such as Madadeni. Would she be in a better position to eject her boyfriend? Based on this study it would appear that, in reductionist terms, formal tenure security on its own is insufficient for women to feel empowered by property rights.

Respondent B04

It is also the case that few women who reside in their 'own place' appear particularly worried about their tenure insecurity, except in the situation of Respondent B04, a woman who is renting, and to the extent that a general lack of confidence in how the system works may be a source of mild anxiety, as the cases of Respondents N02 and B14 that follow, illustrate.

Respondent B04 stays in Osizweni with one of her children in a small structure that she rents from people whose house is situated on the same stand. At the time of the interview she had lived there for about a year, following a series of unhappy relocations owing to deaths of various family members and partners. She had two complaints about her place. The first was that as a renter she did not have full autonomy:

I am not free. The problem is that I don't have my own place. Here they lock the gate at seven o'clock. There is a boy here [the landlady's son] who drinks beer and is a trouble-maker.

Her second complaint was that she could not be sure that the landlady would not ask her to leave at any time, meaning either that she felt she had no rights as a renter, or that she did not trust her landlady to respect those rights. There was little said in the interview to lead one to believe the landlady might treat Respondent B04 badly, but the anxiety was there and it led to an eloquent expression of the difference between 'own place' and tenure security. In response to a general question about the importance for women of having their own place, Respondent B04 replied:

The illness increases because we don't have our place. Like me I rent this place, so my boyfriend does what I say, because I know that I have to protect myself. If I say we use a condom he listens. But if they can chase me away here while I am looking for a place and he says I must come and live with him, he will abuse me. He will force me to do things that I don't like because I won't have another place to stay.

In other words, she can protect herself from her boyfriend's demands so long as she has her 'own place', but due to insecure tenure she has too little certainty about being able to maintain her own place. It is worth pointing out, however, that few women are in the same position, as the more common form of rental is in the far more secure sense of renting in Blaauwbosch or Ntendeka.

Respondent N02

Respondent N02 decided to look for housing in two different places at the same time, and within a short period of time was successful in both efforts. Because she was not allowed to take ownership of both, she arranged for the house in KwaMathukuza to be registered in her own name and the one in Lister's Farm in the name of one of her adult daughters. Even though N02 then decided to reside in Lister's Farm and set up a daughter in the KwaMathukuza house, she still regarded the latter as her place, and occasionally retreated to it when she needed 'peace of mind.' However, the main motivation for her frequent visits to KwaMathukuza was to ensure that she did not lose it:

I like to come so that they can know me because we got the message that those people who have their stands guarded by other people, it means that they don't need those stands and they need to have the stands taken away from them.

What precisely the rules are and how they might be applied is not altogether clear; however this is an example of a sense of tenure insecurity, despite registered ownership, that has to do with the fact that the state ostensibly maintains some control over housing that it has recently allocated. The fact that Respondent N02 is HIV-positive is beside the point, except that this is what inspired her to seek her own property in the first place.

Respondent B14

Respondent B14's comments reflect a similar ambiguity about the strength of her registered tenure rights in respect of her home in KwaMathukuza, because of unease at a potentially capricious state. On the one hand, Respondent B14 seems unworried by the fact that she does not have any documents proving her ownership: 'We haven't received title deeds but it shows at the office that this one is mine'. But when pressed on the issue of her tenure security, she says, 'That's a problem really because anyone can appear and tell you that there was a mistake and this place is not yours, so it would be better if we had papers'. From Respondent B14's perspective, there is a legal system in place that should guarantee her tenure security, but how robust will it be if someone tries to abuse it?

Respondent B10

Respondent B10's story illustrates several important themes that have already been raised in the discussion: the complex ways in which cycles of abuse can play themselves out over a lifetime, the potentially galvanising impact of HIV in terms of consciousness-raising, as well as the significance of women's tenure situation as a mediating factor in how she responds to these crises.

Respondent B10 is a 40-year-old, HIV-positive single woman with four children, who was staying with her mother when she was first interviewed, but had moved back to her own place at Lister's Farm when selected for a follow-up interview. She has a history of emotional and physical abuse at the hands of three of her siblings (a half-brother and two half-sisters), stretching back into her childhood where she was the youngest of many children and the only one to have a different father. Her relationship with the father of her own children was an unequal and sexually coercive one, even

though she never lived with him permanently: 'If I refused to have sex I will not get money for the children, I had to do it'. This relationship ended in 1995, when her last child was born, and she has chosen not to be in a relationship since.

She was born in Harrismith but grew up in Mpumalanga township, outside Durban, where her father had relocated to be close to his work and where she later met the father of her children. In the 1980s her parents' marriage broke up and her family was also caught up in the political violence that engulfed the township in the dying years of the apartheid era, putting the household under additional stress. In about 1991 her mother decided to relocate to Madadeni, so that she could be closer to the support network offered by her own natal family. Although Respondent B10 would have preferred to stay in Mpumalanga and look for work in Durban, she had nowhere to stay so she ended up following her mother. By that stage she had two children with her boyfriend who was working in Johannesburg. In 1995, the year her fourth child was born, the relationship with this man ended. He died in about 2000 and in 2005 she established her HIV-positive status at the VCT clinic in Newcastle.

For most of her life Respondent B10 stayed either with her extended family at her mother's place or, when conditions at home became too difficult because of her abusive siblings, with neighbours. The abuse was primarily emotional and only ended relatively recently, when the three abusers died (the brother of TB and both sisters of AIDS). In about 2002, when she was already suffering from chronic ill health, Respondent B10 persuaded the traditional leadership at Lister's Farm to let her buy a stand, even though she was single, and built herself a two-roomed house. She was motivated by the desire to secure her independence, remove herself from the conflicts associated with her mother's home, and provide security for her children. There was opposition within her family to her moving out, however, and for some years she moved back and forth between this place and her mother's place in Madadeni. A major reason for returning to her mother's place was that she felt responsible for her mother in her old age. When we first interviewed her she gave her place of residence as her mother's, but in a follow-up interview she reported that she now regarded her place at Lister's Farm as her primary residence.

Respondent B10 was a strong advocate of women's independent rights in land:

I think it is very important because a woman must not depend on a man to do things for herself because we end up doing what we are not supposed to do. I will make an example from my experience: if you have a man you are not free to do anything without asking for his permission...That is why I think it is important because men sometimes make us pregnant and leave us with the children in all places.

She also suggested that the responsibility of having her own place and being fully in charge of what happened there translated into more responsible behaviour generally. At her mother's place:

...whenever something is finished [that is, groceries] we [her sisters and herself] stare at each others' eyes. You end up thinking of doing wrong things just to get what you want at that time. But if I am staying at my own place everything is my responsibility. If something is short it is my business. I feel happy to have my place and that has made me responsible and able to teach my children the right things.

Women in jointly-owned property

Altogether there were four respondents with some sort of joint ownership with their husbands or intimate partners. Of the four, two belonged to the 'status unknown' and two to the 'status known' group.

One cannot make too much of these cases given their small number, but it is interesting that only one of them (Respondent T07) involved joint ownership by means of an actual title; her case, which has been mentioned previously, is described further below. Of the other three respondents, two resided in Blaauwbosch and one in Ballengeich. This in itself is interesting – first in that these more informal forms of tenure are clearly amenable to the innovation of joint ownership, and secondly that within our small sample, joint ownership was more common in these areas than in formal freehold settlements. But even so, the meaning of 'joint ownership' in Blaauwbosch and Ballengeich is presumably not the same as in Madadeni or KwaMathukuza, not least because the nature of the ownership is different, as are the formalities underpinning it. Thus Respondent N09 regarded herself and her partner as joint owners of their property in Ballengeich because they were together when they approached the local headman who was allocating sites.¹⁵ For Respondent T16, the 'jointness' related to the fact that she and her husband were co-registered with the *amastand*, presumably meaning that the receipt for their annual rent indicated both of their names. It is unclear what either form of 'joint ownership' could be converted into if the women's relationships were to break down.

As for the relationship between violence and HIV status, the small number of cases in this category makes it difficult to detect any patterns. What one can say is that both of the 'status known' women with joint ownership (Respondents N09 and T07) were in relationships with abusive men.

Respondent T07

Respondent T07 is a 43-year-old HIV-positive woman whose husband had first left her and then initiated divorce proceedings on the grounds of her alleged hostility towards his children by another woman. Respondent T07 firmly denied any hostility, and expressed general dismay and disbelief about the situation:

I don't want to lie. I don't know what really changed him. He just changed. He used to love me during our courtship and he did everything for me...Even now I don't know what really happened...He just changed and became abusive.

If her husband's change of heart had anything to do with their health status, she gave little direct indication of it. However, an episode when they were still living together is highly suggestive that this could have been a factor. With her husband's agreement, Respondent T07 had taken in a young woman from the neighbourhood who had been chased out of her aunt's home and had nowhere to turn. As Respondent T07's health deteriorated, this woman became her care-giver and surrogate daughter:

She was twenty five years old...she took care of me while I was sick. On 4 January 2004 she called my husband, who was in the house, and asked to talk to him...She said since your wife was sick you have never asked what

¹⁵ Note the issue of who 'found' a property appears in various places (recall the threatening aunt of Respondent T05), and would appear to be rooted in a situation where property rights are presumed when acquisition is not primarily related to who pays.

does she need, you have never given her money to go and visit the doctor. You don't seem to care about her sickness. He told her that was none of her business and then chased her away from the house. She went and told people at my home that she had been chased away. It was later in the afternoon when my family came to see me and by that time I was very sick. My brother who is a policeman then suggested to my mother that they ask my husband for permission to take me to my parents' home.

The outcome of the divorce proceedings was not known to Respondent T07 at the time of her follow-up interview. She had been instructed by the state lawyer who was representing her that she would maintain ownership of the furniture, but that the fate of the house had not yet been determined. From Respondent T07's account, the conduct of the divorce proceedings sounded badly tilted in her husband's favour, particularly in that she was never given an opportunity to address the court to convey her version of events.

In the place of a husband or intimate partner

There are ten women residing in homes that are regarded as belonging either to their intimate partners or husbands, or to their partners' families. Perhaps the most striking feature of this group is just how small it is, especially the 'status known' component, which comprises only four respondents (compared to 13 'status known' respondents residing in their own place and 12 residing in their natal homes or with extended family members). Moreover, as a share of all women with (living) husbands or intimate partners, those residing in their partners'/husbands' homes account for only 30 per cent; amongst the 'status known' sub-sector, the percentage is even smaller, at 24 per cent.

Four of the women in this category are married, all of them in the 'status unknown' group. The fact that they are married appears to give them relatively strong claims to tenure security; it is likely that if their husbands were to die they would be in similar positions to the widowed women in our sample who are living in their 'own place'. For the unmarried women in this category, however, their situation with regard to tenure security is more open-ended, as the following cases illustrate.

Respondent B19

Respondent B19 is a 37-year-old, 'status unknown' woman who lives with her intimate partner in a house at Blaauwbosch that her partner's mother found for them when they expressed the wish to find their own place. Respondent B19 regards the property as her partner's house, seemingly because he paid for it, albeit with money his mother gave him. The partner maintains the tenancy relationship with the *amastand*, and Respondent B19 has only a vague idea how it works. However, although she regards her partner as the owner, the house is very much her home. Asked why she chose to move out of her parent's home, she replies:

Because I have found this man. I wanted to have my own house like other women. I am old enough to have a house. I need my place.

Although they are very poor (her partner is a car guard), and have a four-year-old child to support, they appear to be reasonably happy. She is eager to make their home beautiful, but at present cannot afford to do so.

Respondent N12

The situation of Respondent N12 is entirely different. She is a young woman of 23, also 'status unknown', who grew up in Blaauwbosch and who happily settled into her new home with her partner at Siyahlala, only to find herself increasingly oppressed by his controlling jealousy and violent temper. Although she denies that he has reached a point that could yet be called 'abusive' ('I have never come across a situation where I am abused, but I can see that I am on my way to being abused'), he has kicked her and beaten her on several occasions. Moreover, her preference for an alternative is quite clear:

Interviewer: Why do you want to have your own place?

Respondent: I want to have my own place which I can be very proud of and where no one can abuse me.

Interviewer: If you were to stay at your own place with whom could you stay?

Respondent: I could decide to stay with my mother.

Interviewer: What about staying with your partner?

Respondent: No, can you please give me a break about him?

Respondent N12 claims not to be aware if her boyfriend has other sexual partners, but does acknowledge that she is powerless to require him to wear a condom. On the question of her own health, she is decidedly vague: '...my health is not okay; I am normally sick but pretend as if I am okay since I am a woman; I pretend as if I am not sick until I eventually get well.' The suggestion is not necessarily that she is HIV-positive, but she is certainly enormously vulnerable.

What is perhaps most poignant about Respondent N12's situation is that, on the face of it, it could easily change. She earns an income as a domestic worker, and does not rely on her partner financially. Her mother stays in Siyahlala as well, and Respondent N12 could in principle move in with her while establishing her own place. Having her own place – both in her own understanding and objectively – would be a positive move, but unlike some of the other women in our study, she finds herself unable to take this step. While claiming to have no worry about being chased out of the home by her partner, her general view is that women depend on men for shelter:

If a woman is chased away from where she stays, she does not have a choice but to get another man so as to get a place to stay.

Respondent N12's situation has resonances with two respondents in this category from the 'status known' group, whose vulnerable situation has already been mentioned, Respondents B17 and N17.

Respondent B17

Respondent B17 is an HIV-positive, 20-year-old woman with a history of family violence, which has left her very vulnerable to abusive relationships in her adult life. Her mother died when she was a child so she and her sibling ended up in the care of an uncle for a while before he moved the respondent and her sibling 'out' and placed them in alternative care. Having left this place because she did not get on with the family, Respondent B17 found a place with another family 'in town' and then moved in with a man with whom she had fallen in love. The house is actually registered in his

mother's name – it is not clear where this mother is, or indeed whether she is alive. About a year and a half after she had moved in with her partner, he reunited with a former girlfriend, who subsequently moved in with him. Respondent B17 was then forced to move into the shack in the back, where she lives in abject poverty, even resorting to begging for food from neighbours because her partner refuses to support her despite having the means. The fact that she is pregnant with her partner's child appears to make no difference.

The respondent feels trapped. When she complains about her situation, her partner tells her she is free to go, and in fact he frequently threatens to chase her out. But she lacks the means to find her own place and does not have any family on whose support she can depend. In this case, lack of a family network compounds the acute vulnerability caused by the lack of a secure place in which to live.

Respondent N17

Respondent N17's story has also been described before. She is HIV-positive, with a small child, who is cohabiting with her boyfriend in his house in KwaMathukuza. She chose to move in with him to escape an overcrowded and emotionally abusive situation in her mother's place and establish a better environment for herself and her sick child. Her situation is quite different from that of Respondents B17 and N12, in that her boyfriend is not at all abusive. However, she feels insecure because she and her boyfriend are not married, as in her view this increases the risk of her boyfriend kicking her and her child out if any problems were to arise in their relationship. She has, as a result, applied for a stand in her own name. The significance of this story is that, while other women in the same situation might not perceive their tenure as insecure, the respondent is certainly correct that, should her relationship with her boyfriend sour, then she has no tenure rights as such to fall back upon.

Each of the four women described above present a different face regarding the possible realities of residing in a partner's place without formal rights, whether in the property or through marriage. Respondent B19 has finally found a situation that suits her, particularly since she shares the place with a partner whom she loves and who respects her, and she has the support of her partner's mother. Respondent N12 is too emotionally or spiritually disempowered to leave what she acknowledges is a bad situation, even though she has the means and opportunity, and the consequences for her could well prove grave. Respondent B17 is even more thoroughly disempowered than Respondent N12, in that she has no financial means and support network, and her future is no less bleak than her present, while Respondent N17 is aware that her situation might become precarious, and has placed herself on a waiting list for a state-subsidised house.

There appear to be two deciding features in each of these stories: first, the quality of the respondent's relationship with her partner, and second, the fact that the property is more in his control than hers. The underlying formal tenure system informs to some extent the nature of the partner's control over the property, but not vividly nor straightforwardly. The sense of tenure insecurity of the latter two respondents derives primarily from the fact that they are living with male partners whom they do not fully trust; at most this may be accentuated by the freehold nature of the tenure, in the face of which an unmarried girlfriend cannot launch an effective claim. But the situation of Respondent N12 – as with Respondent N14 (discussed first in this chapter) – underlines the importance of other

factors, not least the individual woman's self-belief, her social capital and the character of her partner.

Women living with natal relatives

The last category we touch upon is women residing in their natal homes or with natal family members.¹⁶ There are 16 such women; thus it is the second most populous category after women residing in their own place. Of these 16 women, four are in the 'status unknown' and 12 in the 'status known' category.¹⁷ All but one of these women had children, meaning that they had conducted their relationships with the fathers of their children from their natal homes.

An immediate question that arises is why women who are HIV-positive seem to favour living in their natal homes. One advantage is the level of support this household arrangement can provide, as illustrated by the story of Respondent B06 below – although her case also illustrates how a change in the composition of the family can upset the balance. What is also of interest in terms of the focus of this study is that a very high proportion of respondents – 12 out of 16, 11 in the 'status known' group – revealed that they had experienced some form of abuse by current or former intimate partners or husbands. For Respondents B07, N03, B06, and N04 abuse took the form of the respondent being forced to have sex against her will and/or her partner refusing to wear a condom. For Respondents T08, B05 and B09 abuse took the form of the partner withdrawing economic and emotional support in reaction to the respondent revealing her positive status. Contrasting the experiences of abuse of 'status known' respondents residing in their natal homes with that of 'status known' respondents residing in their own place, it appears that women in the former category were more likely to have been abused by intimate partners than women in the latter, possibly making it more difficult for them to contemplate living on their own.

There are also three instances where the respondent moved in with a family member outside of the natal home, as a means of leaving a disagreeable situation. When Respondent T15 needed to flee her abusive husband, she moved in with her mother who had recently been allocated a house in KwaMathukuza. When Respondent N04 felt an urge to leave her grandmother's house in which she'd grown up (because she felt threatened by her uncle's wife who had managed to transfer the property into the names of her children), her escape route was the home of her recently deceased brother, whose son (her nephew) was willing to accommodate her. In the third case, Respondent N07 learned that her husband back in Johannesburg had left her while she was on a visit to Amajuba. Rather than return to an uncertain future in Johannesburg, she decided to move into a family home in Osizweni that had been inherited, but left vacant, by her uncle. A straightforward interpretation of these stories is that these are women who might otherwise have tried or been compelled to acquire their 'own place', but because they had another option through a family member, or because they could not afford to take on responsibility for their own place, they availed themselves of it.

¹⁶ 'Residing in one's natal home' generally means that the respondent is residing in the same home in which she grew up or with those who raised her, whereas 'residing with a natal family member' describes respondents who moved into the home of a sister or brother or aunt later on in life.

¹⁷ Of interest is that the majority of women still residing in their natal homes had never left those homes. There are two exceptions: Respondent B09 spent a portion of her childhood in Johannesburg with her father while she finished school, but then returned to her mother's house in Osizweni. Respondent B05 left her father's house due to friction with her step-mother, but encountered worse problems at the home of the friend with whom she moved in, so returned to her father's home and managed to iron out her differences with her step-mother.

Respondent B06

This case has also been mentioned before. Respondent B06 is a 36-year-old, HIV-positive woman living at her father's place in Osizweni with her two children, as well as her brother, her unmarried sister and her sister's four children. (The respondent's father died between the first and follow-up interviews.) She was never married to the father of her children, a man ten years older than herself whom she met while she was still in high school and living with her parents. He was extremely abusive towards her, physically and emotionally, from the start of their relationship, to the point where she once had to be hospitalised. After this she broke up with him.

She stopped working in 2006 as a result of her ill health and is currently unemployed but drawing a disability pension. Her sister is the only employed member in the household; they also get two child support grants. In the first interview, the respondent viewed herself as 'protected' by staying with her family, as well as economically better off than if she were living on her own. However, she expressed some insecurity in the wake of her father's death – which happened between our interviews – as her brother had started saying that his sisters should start looking for their own place; also that if he were to marry they could not stay on in their father's house. These outbursts were most likely to happen if he were drunk. However because the brother is unemployed and economically supported by his kin, our respondent reported that they all hoped he was bluffing. Nevertheless, she expressed interest in the idea of her own place, where her children would be more secure and there would be more space.

Focus group discussions

The following chapter is organised in the order of the vignettes around which the six focus group discussions (FGDs) were structured. These discussions confirmed two issues: firstly, that attitudes towards women's property rights are gendered, with women more likely than men to support the principle of independent rights for women; and secondly, that social practices concerning property rights and the locus of authority within households are unstable, but that patrilineal values continue to be an important, albeit disputed, reference point in shaping attitudes.

The various discussions also brought to the fore points of tension over land rights among women, as a consequence of the way in which women's rights to property continue to be mediated through their relationships to men, albeit in more open-ended ways than in the past. In the vignettes round which the FGDs were structured, this was most apparent with regard to the relationship between the mother and the intimate partner of one of the male protagonists, as well as that between the man's sister and his intimate partner.

The complete vignettes can be found in Appendix 4.

Vignette 1

This vignette concerned the right of an adult son to return to his parents' home in Blaauwbosch after a prolonged absence and build himself a house on some of the household land presently used for gardening.

Most FGD participants, both male and female, felt that the son (Bheki in the vignette) had a right to return – he could not just be 'thrown away'; 'home is home'. However, there were differences between the male and female groups regarding Bheki's behaviour. Women participants raised questions about the reasons for his being in Durban, whether he had made a contribution to the financial support of his parents in the past and his reasons for wanting to return. They tended to feel that his right to return was tied to a responsibility to contribute to the support of the larger household. One of the female groups felt strongly that 'males are irresponsible' and Bheki's return would not benefit his parents' household.

Participants were divided as to whether the decision to allow the son to build his house rested with both parents or just with his father, but no clear gender distinctions were visible on this issue. However, gender differences did emerge on the issue of inheritance. While most women were strongly opposed to the idea that Bheki alone should inherit the property after his parents died, on the grounds that his sisters should have equal rights to the estate, male participants generally accepted Bheki's primary right to inherit the property. One woman noted that female-headed households are not respected in society while one man stated that the inheritance of the estate should be determined by the will, regardless of gender.

Vignette 2

This vignette concerned the relative rights of a widowed woman and her adult son to the family house and land on the death of the male head.

All the women agreed that the land belonged to the widow (Bheki's mother). There were suggestions that in order for her to secure her rights, she should seek legal assistance, register the property in her name, draft a will and/or discuss the changes with her family to minimise potential conflict. Men were divided as to whether the widow or her son should inherit the property. Those who favoured the son argued that as the son he was automatically the heir. Those who favoured the widow thought she would need legal assistance to ensure that her rights were secured.

Vignette 3

This vignette concerned the impact of community perceptions that the former head had died of AIDS on his widow's ability to maintain control over her home and land.

All groups agreed that rumours about HIV and AIDS would depress the widow and stigmatise her within her community, with one of the male groups going so far as to suggest that she should look for another place to stay, to avoid the stress of having to face her community. Although the women tended to argue that the widow should ignore the rumours, both female FGDs suggested that she should go for a HIV test: knowing her status would be helpful because if she was HIV-positive, she would be able to access treatment and link up with a support group. On this point one woman commented that although it was important to test, such a step should not be taken lightly.

On the impact of the rumours about HIV on the widow's control over the property, the consensus in both female and one of the male groups was that they should not impact on her rights. However, three of the four male groups felt that such rumours would undermine the widow's tenure security and that her son would try to manipulate the situation in order to take over control of the property from his mother.

Vignette 4

This vignette concerned the impact of the son bringing his girlfriend and their baby to live with him, and the rights of the girlfriend to her boyfriend's house and land.

All participants felt that the widow had reasons to be worried because of likely conflict with her son's partner, which would threaten her control over her possessions and her livelihood. Some women and men went so far as to say that the girlfriend might try to kill her partner's mother or that the son might chase his mother away once his girlfriend and baby were living with him. There was general recognition that according to Zulu custom, *lobola* (bride price) should be paid before the girlfriend could move in with her partner. If this was not the case, there was likely to be a clash of values between the widow and the girlfriend – although one female participant suggested that if *lobola* were paid, the widow's status and claim to the property would be weakened vis-à-vis the girlfriend. From the point of view of the girlfriend, however, as was discussed in the male groups, her situation would improve and she would feel more secure in her right to stay with her partner.

In response to the question as to whether the widow's position would be changed if she were the stepmother and not the biological mother of the son, all groups agreed that this would increase the likelihood of the son being disrespectful towards her.

Vignette 5

This vignette concerned the consequences of the widow's young adult daughter, who was unmarried but had a child, moving back to stay with her mother's place.

There were some interesting differences of opinion between the female and male FGDs. Women felt that the widow should not discriminate between her son and her daughter but anticipated conflict between the daughter and the son's girlfriend. In consequence, one woman felt it would be advisable for the daughter to look for her own place, as there would be conflict with her brother and his partner if she tried to assert her rights to the place after their mother had died. While one of the male groups felt that the widow should welcome her daughter home if there was still space for her to build her own house, another group felt that the daughter should not be allowed to build her own house as she would want to bring her boyfriend with her, and at some stage he might want to take over the site. All the male groups agreed that the relationship between the son and his mother was likely to be strained if the daughter returned; like the female groups, they felt that mothers tend to favour their daughters over their sons.

In terms of the effect on household dynamics if the son's baby was a boy rather than a girl, the male FGDs felt strongly that the sex of the baby would make a difference, as boys carry the family name. If his grandfather were still alive, he (the grandfather) would have been particularly happy to have a grandson.

Vignette 6

This vignette concerned the impact of the widow becoming involved with another man and possibly moving in with him.

There was no consensus about what the widow should do, but all the FGDs agreed that if the widow moved in with her new boyfriend, she was in danger of losing her claim to the house and land she had acquired through her marriage. Discussion was heated on the implications of such a move in terms of 'tradition' and customary rituals. One female group tended to view it as morally wrong for the widow to move into another woman's house (that is, the house of the deceased wife of her new boyfriend). In the other female group there was more concern that if the widow moved in with her boyfriend, she would struggle to keep control over her own property in relation to her son. They proposed that the widow should not give up on her new relationship but should not move in with her new partner.

The male groups were also divided over the widow's best options. One group felt there were financial/livelihood advantages for the widow if she were to marry her new partner. However, most men thought that it would be foolish for the widow to move in with her new partner as that would put her claim to her own home at risk and if things did not work out in her new relationship, she might not be able to return home. Generally the men felt that if she moved in with someone else, her property would become her son's, although a few thought she could retain joint rights with her son. On the question of *lobola* if the widow were to marry her new partner, there was no consensus on to whom the *lobola* should be paid – the widow's natal family, her son, or her deceased husband's family. The dominant view was that in terms of tradition, the last was the proper option. There was also a debate about what would happen if the new boyfriend moved in with

the widow instead – would her household henceforth be known by the surname of the former husband or the new male partner?

Vignette 7

This vignette concerned the choices facing the widow as her new relationship became an increasingly abusive one.

One of the female groups felt that the widow had the right to return to her own place, but other groups were divided on what her options were. One male group suggested that the solution would be for the widow to return to her natal family, while one man stated that the widow would not have had to deal with these problems had she stayed in her own house in the first place. Those men and women who thought that she should not stay in an abusive relationship suggested that she should seek legal assistance to secure a protection order against her partner, who had no right to abuse her.

Vignette 8

This vignette concerned the choices facing the daughter on learning she was HIV-positive and had been awarded an RDP (government-built) house in Madadeni.

There was general agreement that the daughter should move into her RDP house, although it was also felt that she would need support, in particular someone to look after her when she became ill and to encourage her to take her medication. Her mother was identified as the best person for this role. While one woman thought that by moving into her RDP house the daughter would be able to avoid the stigma of her status and start afresh, other women felt she should only make the move once she had regained her health. There were also concerns that her brother might try to claim her house on their parents' land if she moved away. It was suggested that whether or not she moved into her RDP house, she should register that house in her child's name to ensure that if she died, her child would have a place of her own.

Linkages and implications

This country-level study has sought to determine whether women's 'secure access to, ownership of, and control over property' has the effect either of reducing the risk of HIV and AIDS and family or intimate partner violence (the prevention proposition), or of coping with the reality of HIV and AIDS and family or intimate partner violence (the 'mitigation hypothesis'). The research was designed to be sensitive to the possibility of linkages between property rights and HIV and AIDS independently of, as well as in conjunction with, linkages between property rights and violence.

The study sought to situate the research questions as fully as possible in an understanding of the local context that applies in Amajuba district – a district which has undergone major changes in economy, demography, social relations and political institutions in recent decades. It is also a district with a very high HIV prevalence rate. In this changing context land has taken on new functions and new meanings. It is our contention that although Amajuba district cannot be construed as 'representative' of other districts in South Africa, it is representative of important trends in terms of agrarian change, extremely high levels of formal unemployment, rapid urbanisation and the growth of peri-urban settlement in the post-apartheid era. It illustrates the wide spectrum of prevailing tenure conditions and the availability of both formal and informal opportunities for establishing claims to property. The pervasive demographic changes seen in Amajuba district are also similar to changes in the province of KwaZulu-Natal and, indeed, nationally, including declining household size, declining marriage rates, and the increased proportion of women-headed households.

Our study adopted a qualitative approach that was geared to examine the role of property, illness, and violence in women's lives as well as our respondents' perceptions of these issues. Thus the goal was not so much to elicit abstract relationships between property, HIV and AIDS and violence, but to develop an understanding of what, if anything, connects them and how these issues play themselves out across individual lives over time.

Our findings in terms of the 60 women who formed our sample were that levels of domestic abuse were high, that the majority had never married, that relationships with intimate partners were frequently unstable, that women were able to secure independent property rights (both formal and informal) in most settlement types and tenure categories and that land is not valued as a productive resource as much as it is as a social resource. Interesting differences emerged between the 'status known' and 'status unknown' groups in a number of respects, including that 'status known' respondents were more likely than 'status unknown' women to be living in extended households based on natal kin, less likely to be in or want intimate relationships with men, reported higher levels of domestic abuse and were more likely to identify their children's interests and health issues as reasons for securing their 'own place'. Another significant finding was that coming to terms with their HIV status could be an empowering, even transformative experience for women under conditions where they had access to ARV treatment and supportive networks. Although not fully traced, the availability of state grants, including disability and child support grants, is, in the context of high unemployment, likely to play a significant role in allowing women to act in support of greater autonomy and self-reliance, including in the choices about where to live.

On the whole, our findings suggest that property rights do influence the extent to which women are vulnerable to HIV and AIDS and violence, but the linkages are highly mediated, and possibly in flux. In a time of AIDS, independent property rights or at least

autonomy for women who have struggled with abusive or unreliable relationships may hold out important opportunities for them in terms of relief, but this relief can also come at a cost for poor women and for sick women, especially if there is not a steady source of income or strong networks and social support.

This concluding section first addresses the research questions concerning the role of property rights in reducing risk and impact. It then addresses the question of how typical our respondents might be, before concluding by revisiting the issue of 'whose place' versus 'tenure type' that has emerged in the study.

Property rights in reducing risk

The importance for women of having independent property rights – in particular, their 'own place' – is widely recognised by our respondents as a means of increasing autonomy and thereby reducing their vulnerability to HIV and AIDS by positioning them in a stronger place from which to negotiate the terms of their sexual encounters with men. Respondents who did not share this perspective were by and large older women¹⁸ who on the one hand tended to be more ambivalent about women seeking independence, and on the other hand worried that women living on their own would be exposed to greater risks; some women also recognised that living with extended family could be a source of both economic and emotional support.

The extent to which our respondents were in verbal agreement with the 'prevention proposition' is uncanny (including with the idea that living in a male partner's place is a form of economic dependence that compromises a woman's ability to assert her own interests, for instance to insist on condom use and/or refuse sex). There is also a discernible relationship between known HIV status and favouring the idea of women having their own place: of the 33 'status known' respondents, 31 (94 per cent) agreed with the proposition, compared to 16 (60 per cent) of the 27 'status unknown' respondents.

However, the strength of this near-consensus is at odds with the actual situations and experiences of most of our respondents. Very few reside with a male partner in his place or have done so in the past, so the image of the economically-dependent live-in girlfriend is not widely applicable, but is, rather, either something of a stereotype or has become an anachronism. Furthermore, while many women have indeed made an effort to find their own place, it is not only or even primarily to distance themselves from male partners, still less abusive male partners (though such abuse is common), but rather to move away from a variety of disagreeable cohabitants and living arrangements. And third, relatively few of our 'status known' respondents appear to have been infected while living with husbands or intimate partners. These observations do not refute the notion that secure property rights can act or be used to reduce a woman's vulnerability to HIV and AIDS and/or the risk of experiencing violence, but suggest that currently there is little unambiguous evidence from our research in support of this relationship. Why, then, the contrast with respondents' perceptions?

Part of the explanation probably lies in the fact that at the time when most of our 'status known' respondents were likely infected, South Africa's AIDS-awareness campaigns were still relatively new; the idea of greater sexual self-determination for women may also have

¹⁸ The average age of the two women who disagreed with the proposition that it is good for women to have their own place and the three who effectively said that 'it depends' was 54 years; among the 38 women who agreed with the proposition and whose age is known, the average age is 38 years.

gained ground in recent years. Moreover, it is reasonable to suppose that, particularly among 'status known' respondents, the importance of sexual self-determination is heightened in retrospect, even if it was not fully appreciated five or ten years ago. As for the value attached to having one's own place, that appears to be felt all the more keenly among 'status known' women as part of the process of coming to terms with their status, as well as the need to impose order in their lives and look to the future of their children. In other words, the process of coming to terms with one's HIV-positive status brings to the fore the importance of self-determination (of which having one's 'own place' is an important part), but it is obviously too late to change the past choices and actions that placed the respondents at risk of contracting the HI virus in the first place.

In addition the growing importance of having one's own place probably reflects broader demographic changes, such as the increasing share of small households, the rising proportion of households that are female-headed, and the increased participation of women in the labour force, if not in successful employment – all of which have been noted as features of Amajuba district in the past decade or more. Here the shifts that this study suggests have taken place since Todes' study in the mid-1990s (around the opportunities for women to find alternative places to stay within the district) become important to probe further. While these processes may themselves be influenced by the HIV and AIDS epidemic (for example, as women choose to live on their own either to protect themselves, or because their HIV-positive status accentuates the importance of 'standing on their own'), they are likely also to be contributing to the perceived value of one's 'own place' independently of it.

Thus the suggestion is that although there is little evidence from our sample of respondents that living independently of intimate partners has reduced the vulnerability of these women to exposure to HIV and AIDS and domestic violence in the past, it is conceivable that this will change. Supporting this change is the fact that securing one's own place is increasingly a possibility for women, if not in all parts of South Africa, then at least in areas such as Amajuba. Added to this is the evident change in women's perceptions of their roles and rights, including greater willingness if not eagerness to define and assert their independence in relation to male intimate partners. What need much more serious consideration are the implications of these developments for families as primary groups in terms of socialisation, livelihoods and support. It is not only relationships between men and women that are being reshaped, but also relationships between children and parents, in particular between children and not simply non-resident but non-accountable fathers and paternal kin.

Property rights in reducing impact

While there is not unambiguous evidence of the prevention hypothesis, there is evidence in favour of the mitigation hypothesis, albeit subtle. This relates in the first instance to the women residing in their 'own place'. Overall, the share of our respondents in this category stands at 38 per cent; if we exclude those who reside in their own place less by choice than circumstance (that is, if we exclude widows), then 13 of our 60 respondents (about 22 per cent) have taken active steps to secure their own place. Of these 13, more than two-thirds are known to be HIV-positive, which is disproportionate to the share of the 'status known' group in the sample. While our numbers are small and we cannot claim statistical significance for this apparent relationship between status and having actively sought one's own place, nevertheless the percentages do mirror the attitudinal data

mentioned above and in a number of instances the link between status and tenure situation is conscious and clear.

On the other hand, far fewer women have actively sought their own place than seemingly want to. In some cases the reason is stated explicitly – commonly lack of money with which to acquire their own place, or the fact that their applications for subsidised housing have not yet reached the front of the queue. In other cases, emotional dependency and feelings of disempowerment appear to be the primary factors, while living with the natal family can have advantages, not least for women facing health problems.

In what sense, then, is a woman's ability to establish her own place a form of mitigation? Here we are not talking primarily about the mitigation of the economic impact of HIV and AIDS. Rather, what we are highlighting is that the ability of women to obtain their 'own place' is a means of escaping various kinds of stressful residential circumstances in which HIV and AIDS plays a part. Although there is no one type of scenario from which women who seek their own place are trying to escape, there are clear instances of HIV-positive women removing themselves from partners who refuse to be tested or use condoms, as well as situations in which they are stigmatised by other household members on account of their status. Thus what we mean by mitigation is not primarily that women with independent property rights are better able to cope in the event that they become ill with AIDS, but that women who discover they are HIV-positive can look to acquiring property rights as a means of improving their circumstances, not least psychologically by escaping stigma, as well as trying to improve the future of their children.

As for mitigating the impact of violence, the situation is similar although arguably more complicated. The similarity is that in some instances the situation that women are seeking to leave is one of emotional abuse by the family or various types of abuse from intimate partners or husbands; for a few respondents, these are the very same cases of stigma mentioned above, that is, the abuse takes the form of AIDS-related stigmatisation. The complication is that abusive relationships also have the effect of impeding women from taking action to improve their circumstances, including realising the wish to find and have their own place.

It is not possible to be definite about what distinguishes a situation where abuse serves as an impetus for a woman to find her own place from one where the abuse deters a woman from taking steps to find one. The availability of emotional support and external resources plays a role, as does the individual woman's capacity to envisage an alternative way of being. Our respondents' stories reveal a mix of circumstances. In one or two instances the danger of physical violence is perceived to be so great that the woman fears that any action on her part will expose her to harm, while in a couple of cases the experience of abuse has been deeply disempowering to the extent the woman has become resigned and passive. In these circumstances, at any rate, the continued exposure to violence by staying with the partner is clearly connected to the woman's vulnerability to HIV and AIDS, given her inability to refuse sex or insist that her partner uses a condom.

Are our respondents 'typical'?

Recalling that our respondents were selected in two different ways – half being recruited through HIV and AIDS support groups with whom they had had some interaction previously, and the other half being approached cold, based on pre-selected residential areas – we must be mindful of the fact that our recruited respondents in particular may

be atypical of HIV-positive women in Amajuba district. There are at least two reasons for supposing so. First, by and large they are 'in the system' – they have tested, have received counselling, are receiving ARVs or will be doing so when their CD4 count calls for it, and have been counselled by and are active, to varying degrees, within their support groups. In these respects they represent a small minority of the women in the district who are infected *and* in need of treatment but are not receiving it. The second reason why our 'status known' respondents may not be typical of their HIV-positive cohort is more palpable but arguably at least as significant, namely that the manner in which they are confronting their illness suggests them to be women of quite extraordinary 'courage, wit and resourcefulness'.¹⁹

We suppose that some of our respondents are among the fortunate few receiving treatment and counselling because they had these characteristics in the first place, that is, they had the resources to decide to get tested, to join a support group and maintain their treatment regimen. But it is clear that this is not always the case. Some of our respondents did not choose to be tested, but were tested when seeking ante-natal care. Others were in denial but through the agency of a support group were encouraged to face their situation with more courage than they could initially muster on their own. Nevertheless, whatever the route, more than half of our 'status known' sample reported a process through which the revelation of their HIV-positive status, in the context of varying levels of support and access to life-saving treatment, compelled them to adopt a different attitude towards life.

This different attitude is difficult to characterise precisely, but among other things it involves a greater sense of deliberateness and responsibility for the self. Two manifestations of this are of particular significance to this study: first, a sense of deliberateness regarding relationships, including but not limited to those with intimate partners; and related to this, a greater priority attached to independence. The very high agreement with the 'own place proposition', particularly among our 'status known' respondents, suggests that the value attached to 'own place' is strongly related to the idea that having one's own place implies greater independence. This comes clearly through respondents' explanations for why they want their own place, and ranges from the seemingly trivial (to decide what I want to eat) to issues that are clearly critical, for example, the ability to be economically independent and to refuse sex. The wider context in which these formulations are made includes the availability of social grants (with disability and child support grants especially significant here) and the range of housing opportunities available to resourceful women in the district.

Revisiting 'whose place' versus 'tenure type'

The design of this study attempted to take different types of tenure into account, as well as different relationships of respondents to the places where they reside. It also collected respondents' life histories, including the history of where they had stayed and the circumstances of their relocations in the past. The expectation was that by paying attention to the range of possible tenure situations, from 'traditional' to informal to formal, we would be able to identify the significance of different forms of tenure rights for security. However, what emerged in the course of the analysis was that the underlying nature of the tenure system is less important for shaping women's experience of de facto tenure security than the social recognition of her property rights, whether formal or informal,

¹⁹ The expression comes from a discussion by Deniz Kandiyoti (2003) of women traders in Uzbekistan in the context of major agrarian restructuring.

along with the quality of her relationships to other members of her household, including but not only husbands or intimate partners.

Having said that, the question remains how the social and legal dimensions of tenure intersect and interact. Possibly the most vivid example is in the case of formal, freehold tenure which, by virtue of introducing statutory, bureaucratic force to the idea of ownership, can work to women's advantage or disadvantage, depending on whether the title is in her name or someone else's. Within our sample the most common scenario with regard to perceived tenure insecurity was that of a woman residing in a formal settlement, in a property where the title was in someone else's name, whether an extended family member or a male partner. Here there were two main considerations. First, some title holders use their status as title holders to threaten other household members with eviction in a manner that does not appear so common in other types of settlements. And second, the perception that title confers the authority of ownership in a single individual appears to encourage situations where family members fight or manipulate one another for that ownership. By the same token, a woman who resides on a property where title is registered in her own name generally enjoys a strong sense of tenure security. Having said this, it is not as strong as one might imagine, partly owing to unfamiliarity with how the institution of private property functions and/or lack of trust in government's systems, but also because of the dynamics mentioned above, where because title is perceived as a prize, it is more likely to be contested.

At the other extreme is Siyahhlala, where there is very little tenure security in a formal sense, yet the perception of tenure insecurity is not particularly strong, except where the power exerted by an abusive intimate partner is such that the woman feels powerless in all spheres of her life. The pertinent question for our purposes is whether, hypothetically, conferring formal tenure rights of some kind upon these women would either give them a greater sense of power relative to their intimate partners, or help them extricate themselves from these relationship, for example, by compelling the abusive partners to leave. We cannot be sure, but superimposing this question on the cases that we have examined suggests that this is doubtful; in particular it is unlikely that ejecting an abusive partner would be easier than fleeing and finding a new place for oneself. What this suggests is the importance of various other types of interventions on behalf of women trapped in abusive relationships – including the interventions of police and social workers and community-based networks – in a way that is currently not seen in the district.

Implications for policy development

Based on our findings we consider the following issues to warrant more consideration in terms of policy development.

- Land and housing policy should support the development of a suite of tenure options for women, including options to secure property in their own names, joint rights with partners, and the registration of a family or group interest in property that has been acquired on behalf of and is sustained by family or other household groupings. Title may work for some women, but is not a panacea.
- Informal settlements offer important advantages for poor people, because of their relatively low entry barriers and the lower costs of settlement, and housing policy needs to recognise and work with this understanding as it works to upgrade levels of shelter and services. Having options at the less formal end of the settlement spectrum

is important, especially in light of the fact that South Africa's residential property market appears to be becoming particularly strong in black townships. This is fortunate for those who already have a property stake, but debilitating for those of modest means who do not, many of whom are single women.

- The importance of an effective, well-targeted and monetarily adequate system of social grants cannot be over-emphasised if women are to be able to extricate themselves from abusive domestic arrangements and invest in their own wellbeing as well as in the wellbeing and future of their children.
- Linked to this, our research highlights the devastating consequences that many women face when their husbands or boyfriends abandon them. Failure to pay maintenance is perhaps the most common way in which men impose an unfair burden on their ex-partners, and this calls for more visible and aggressive moves of the state to intervene to ensure that parental responsibilities for children are met.
- Economic opportunities for women outside of welfare and maintenance is obviously of crucial importance, but how to achieve this is well beyond the scope of this study. Even though our study shows the relative unimportance of land for agricultural purposes, there is considerable scope for a municipality such as Amajuba to support urban agriculture as a supplementary if not fulltime economic activity. This could involve the identification and provision of well-located sites for women (and men) for urban agriculture at different scales, both for own consumption and/or for sale, as well as the provision of support for such initiatives through, for instance, the facilitation of markets, transport, irrigation, etc.
- Education about tenure options and their implications in terms of rights and responsibilities are important, as are simplified and accessible systems for registering, confirming and adjudicating property rights.
- Access to ARVs for HIV-positive people in need of them is critical – with effective treatment it becomes more possible for individuals to cope with HIV as a manageable condition and live their lives accordingly.
- Local community-based HIV and AIDS support groups are playing a critical role in terms of support for people living with AIDS and challenging stigma and denial in communities; such initiatives need to be actively supported by both the local governments and the national state, as well as by other sectors of society, for example, churches and the private sector.
- Support for community-level interventions that are assisting women and girls who have experienced domestic and sexual violence needs to be intensified, such as the provision of shelters, counselling services, enforcement of protection orders and the apprehension of abusers, along with the promotion of education and awareness programmes in schools and communities.
- Although we have not detailed this in the report, substance abuse was identified by many respondents as a serious precipitating and/or aggravating factor in the abuse of women, demanding concentrated efforts by the state in terms of regulation, policing, treatment and community education.

Implications for further research

Clearly many important issues suggest themselves for further research in terms of the dynamics surrounding changing gender relations, the social and economic impact of housing policy and land reform, the psycho-social dimensions of HIV and AIDS and violence against women, and responses to it. With specific reference to the focus of this study, we wish to highlight the following issues for further research:

- One area of ignorance highlighted by the current study is the thinking and perceptions of men in relation not only to broader changes in tenure relationships and opportunities, but to women's rights in property more specifically. This was in large measure because the focus of the study was on women and, within the constraints of time and budgets for the project, a decision was made to work with a larger sample of women respondents, to deepen our understanding of different situations. This study would be immeasurably enriched by a follow-up study aimed at developing a much deeper understanding of men and male property owners in relation to the themes of this study.
- The significance for this study and our findings of the broader economic and demographic changes taking place in Amajuba district needs further work. Linked to this, the striking increase in one or two-member male-headed households and its relationship to changing relationships within families, in the context of HIV and AIDS and economic change, warrants further investigation.
- The relatively urbanised nature of Amajuba district is such that the focus of this study has been largely on land and settlement in terms of housing rather than on agriculture and rural livelihoods. It would be extremely valuable to complement the current study with one that explores dynamics around women's property rights in a context where land is also valued for its productive possibilities.

SECTION 3

Research findings from Iganga, Uganda

Margaret A Rugadya, Kamusime Herbert

Chapter 10: Background to the Ugandan site

Chapter 11: Socio-economic profiles, Iganga

Chapter 12: Property ownership and use

Chapter 13: Domestic violence and gender relations

Chapter 14: Property and HIV and AIDS

Chapter 15: Linking the findings

Background to the Ugandan site

Country profile

Uganda is an East African country bordered by Sudan to the north, Zaire to the west, Kenya to the east, and Rwanda and Tanzania to the south.

Uganda's economy is mainly agrarian with 71 per cent of the total population engaged in subsistence agricultural production. The agricultural sector employs a relatively higher population of women (83 per cent) as compared to 71 per cent of men (MoFPED 2004). Seventy-one per cent of Ugandan households are headed by men, with a slightly lower percentage in urban than in rural households (66 and 71 per cent, respectively). The mean size of households in Uganda is 5.2 persons; urban households are smaller than rural households, at 4.3 and 5.3 persons, respectively (MoH 2006).

In 2002, Uganda's population was approximately 24.4 million (UBoS 2002). According to the United Nations Fund for Population Activities (UNFPA), the population figure stood at 30.9 million in 2007 with an annual growth rate of 3.6 per cent per annum, the second highest in the world (UNFPA 2007). It is expected to soar to 127 million by 2050. Only 13 per cent of the population lives in urban centres. In terms of structure, Uganda's population is a 'young population' with 56 per cent of the population below 18 years old; and with a sex ratio of 95 males to 100 females (UBoS 2002).

Women's land and property rights

Property and land rights are absolutely essential to economic survival. Historically, both statutory and customary law govern women's right to land. In the words of Mbilinyi (1997), 'it has confined the majority (both male and female) to an arbitrary and contradictory world, governed at one moment by universal laws which apply to all citizens, and at another moment by laws, which apply solely to members of a given gender, tribe, clan and ethnic group'. Claims for women's property rights are sometimes resisted by vacillating between the two systems and successfully neutralising any reforms that may be instituted.

The customary tenure regime prevailed in Uganda before the advent of colonial rule. Land tenure relations under customary tenure varied, depending on the customs of a given ethnic community. In Busoga (Iganga district), customary land tenure was broadly under two systems, namely, communal or tribal tenure and clan tenure. Ownership of land was vested in the ruler, either as owner or trustee. Although cultivated fields and homesteads were owned corporately under the tribal and clan tenure systems, individuals enjoyed specific rights. Such rights included individual rights to fields, agricultural products, trees, trapping sites and homesteads. The clan or tribe however communally owned some resources, namely, grazing lands, forests and virgin uncultivated grasslands within the clan or tribal boundaries. No specific rights, estates or interests were vested in the individual members for such resources. The quantity and nature of control exercised by the clan was defined by cultural practices and customs.

The head of the clan naturally became the land controlling authority through this role, and the clan exercised rights over the land and their obligations to look after it. The clan head normally had the authority to allow members both from within and occasionally from

without the clan to: occupy and use unused land; allocate unused land; settle disputes; and arrange customary procedures at specific times, like sowing or harvesting. Traditionally, men had an absolute inheritable right to the use and possession of land under their effective occupation. After fulfilling minor pre-emptive customary obligations, the individual had an absolute right over the products of the land he occupied or cultivated, and the right of privacy of his home.

Essentially, effective use and occupation of land signified indisputable 'ownership', this however did not apply to women. Traditionally, women did not inherit land; a boy usually took over the land allocated to his mother by the father for her use and care in the event of the father's death.²⁰ A surviving wife continued to live on a portion of her deceased husband's land until she elected to return to her father's family or remarry outside the clan of the deceased husband. Sons were usually allocated land, which was not occupied or claimed, as soon as they married or wanted to grow their own cash crops. Even where women were given land/property on their natal family's land, they would not be allowed to give away family property.²¹ The rights to disposition were vested in the kinship group and also in male family heads, who had vested powers to allocate unused land family land to needful members. These patrilineal systems made it impossible for the majority of women to inherit or own land. The colonial legal systems left intact the traditions and customs above which were adhered to by various patriarchal societies in Uganda, making it difficult for women to inherit, access and own land. Customary law continued to thrive provided it did not conflict with colonial interests. In essence, the new laws further strengthened the patriarchal relations that already existed.

The legal system upholds patrilineal ideologies, and provides that a wife may claim 15 per cent of the husband's estate when he dies. Whereas when a woman dies, her husband becomes automatically the owner of everything she possessed. This bias in inheritance was recently addressed in a constitutional court case filed by a women's activist organisation.²² The High Court declared that the provisions of the Succession Act and Penal Code discriminated against women's inheritance on grounds of sex, which is contrary to the fundamental principles and human rights enshrined in Uganda's Constitution,²³ and thus struck them off the statute books and ordered Parliament to draft new laws.

Customary tenure referred in Iganga has developed sub-regimes such as clan land, family land and individualised customary land, referred to as *kibanja* in the rural areas. The specific distinction between the sub-regimes is ambiguous and, often, reference to each of the sub-tenures is not easily distinguishable or clearly distinct in the rural areas. While a limited amount of land in urban areas is gazetted and appropriated under formal title (either as leasehold or freehold), it amounts to only 1.6 per cent of all the parcels of land in the district. Because of the smallness of urban parcels, they are called *plooti*, which is a corruption in pronunciation of the word plot. It refers to a piece of land, the rights to which are deemed to be less than ownership. The parcels are rented or sold in smaller units, often less than an acre, to make them affordable.

20 Where such a boy child was still a minor, normally a brother of the deceased father, until the minor became of age.

21 Their rights to land in traditional society were especially in respect of their positions as daughters and sisters.

22 Constitutional Petition Nos 13/05 and 15/06 between Law and Advocacy for Women in Uganda versus Attorney General of Uganda, judgment delivered on 5 April 2007.

23 As amended 15 February 2006.

Almost all housing units in rural areas are owner-occupied, as compared to urban centres where the majority occupy rented houses. The quality of housing differs in rural and urban centres; in rural areas dwellings are made of mud and wattle with grass thatching, though this is fast changing to iron sheets (MoWLE 2005).

Inheritance is the predominant method of acquisition and access to land (54.8 per cent); purchase is rated at 39.3 per cent, while other methods of land access, such as sharecropping and renting, account for only 6 per cent. On the other hand, there is evidence of transactions on customary tenure, especially through purchase (41.8 per cent) or the transmission through written will (14.6 per cent). However, such transmission is largely to males; only a small percentage (4.7 per cent) is said to be jointly transmitted to both husbands and wives. Evidence of such transmission is often in the custody of males (husbands) – 35.6 per cent, as opposed to 10.4 per cent in the custody of a husband's relative and 5.6 per cent kept by wives (MoWLE 2004).

Women's property rights and policy

Uganda has made great strides in enhancing women's rights and incorporating gender equality into its policy and legal framework. However, despite the remarkable progress, rhetoric has failed to translate into action. Classic examples – such as the failure to secure co-ownership of land for spouses in land legislation and the summary shelving of the draft Domestic Relations Bill in 2005 on the flimsy grounds of insufficient consultations – are a blow to the seemingly positive environment. They show up the absence of political will to directly tackle gender issues and the use of productive resources. The government's failure to criminalise domestic violence and marital rape is costing women their lives. The long-awaited Domestic Relations Bill, which reforms existing family laws and ensures women's equality and justice within marriage, is yet to be passed by Parliament. The bill, if passed, will make marital rape a civil and criminal offence. It also tackles traditional customs such as bride price, which it defines as an optional marriage gift, and makes demanding its return upon divorce a punishable offence.

In 2005, the National Gender Policy was revised to emphasise the mainstreaming of gender concerns in the national development process with a view to improving the social, legal, civic, political, economic and cultural conditions of women. However, the overall level of gender responsiveness still remains low because of: inadequate capacity among sectors and local government planners and implementers to apply gender analysis skills to the policy making process (MoLGSD 2006); limited gender awareness among communities; and bureaucratic resistance to gender mainstreaming among decision-makers. As a result, the poor and the vulnerable remain subject to abuse.

Efforts have also been made to enhance women's representation within governance structures. The Poverty Eradication Action Plan (PEAP) IV is progressive and directly reflects the Millennium Development Goals (MDGs) by tackling the different aspects of human development, which directly impact on women. The plan recognises the role of women in agriculture and their special category among the poor, and thus aims to ensure that all programmes are gender focused and gender responsive. It also notes that reforms in land geared towards enhancing women's access and ownership are a catalyst for production and food security (MoFPED 2004).

PEAP makes a commitment to women's land rights, which are limited by the inequitable legal structure and by traditional practice. This is in response to the overwhelming

recognition that poverty is partially exacerbated by women's lack of control over productive land assets due to the restrictive practices under customary tenure. If women had full ownership of the land they farmed, they would be in a better position to retain control of their income. Women do not always share in the benefits of production, even though they may have done most of the work. Evidence shows that particularly for rural women, this inequality of access to the key productive asset is a fundamental determinant of poverty and social disadvantage (MoFPED 2004).

Since Uganda primarily relies on agricultural production and women form the core labour force, it is understood that secure women's rights in land can be a strategic tool for poverty reduction. The Poverty Status Report (MoFPED 2001) notes the need to move beyond consent to transactions on land (as required by the Land Act, Cap. 227) to more substantive agreements capable of withstanding the threats and shocks of tenure insecurity.²⁴

However, the government has failed to pursue policies that would: eliminate violence against women; provide women with equal protection under the law; ensure women's rights to the highest attainable standard of health; and protect women's rights to their own autonomy.

HIV and AIDS

Uganda has been affected by the HIV and AIDS epidemic since the early 1980s. HIV infection spread quickly, initially in major urban areas and along highways (MoH et al. 2006). By 1986, HIV had reached all districts in the country. Throughout the 1980s and early 1990s, HIV infection continued to spread as more HIV-infected people succumbed to opportunistic infections arising from their suppressed immune systems, and subsequently died of AIDS. The impact of the disease has been mainly felt through the escalating morbidity and mortality that disproportionately affects women and men during the prime of their productive life.

From the outset, the Ugandan government recognised the gravity of the HIV and AIDS epidemic and initiated public health strategies for containment. The approach to prevention, colloquially known as the 'ABCs' (*a*bstinence, *b*eing faithful, and *c*ondom use) has been the backbone of the HIV-prevention strategy. This has since included voluntary counselling and testing (VCT), the prevention of mother-to-child transmission (PMTCT), antiretroviral treatment (ART) and HIV and AIDS care and support services (MoH et al. 2006). In addition to acknowledging the public health consequences of the problem, the government recognised the impact it would have on all other spheres of public life, including on the developmental challenges of the epidemic such as the labour withdrawal from the production process both in industry and agriculture and its impact on GDP.

Results from the national sero-status survey (MoH et al. 2006) indicate that an estimated 1.1 million Ugandan adults (just over 6 per cent of the total population) are infected with HIV; and of these, 77 per cent are sexually active and 84 per cent do not use condoms. In addition, 79 per cent are not aware of their sero-status. Urban residents have a significantly higher risk of HIV infection (10 per cent) than rural residents (6 per cent). Prevalence among urban women is 13 per cent, compared with 7 per cent for rural women; prevalence among urban men is 7 per cent, compared with 5 per cent for rural

²⁴ What the Land Act Cap. 227 recognised was only an occupancy interest and an ownership interest or right.

men. Results also show that knowledge of HIV prevention methods is widespread. HIV and AIDS is predominantly spread through heterosexual contact – 88 per cent of women and 90 per cent of men indicate that the chances of getting the AIDS virus can be reduced by limiting sex to one partner who is not infected and who has no other partners. Sixty-eight per cent of women and 77 per cent of men indicate that they could reduce their chances of getting the AIDS virus by using condoms every time they have sex (MoH et al. 2006).

Domestic violence

Ugandan women confront a male-dominated power structure that upholds and entrenches male authority in the home. In a 2003 World Bank Institutional Civil Society capacity audit in 4 districts (AfD et al. 2003),²⁵ it emerged that the common types of domestic violence in Iganga district were wife battering (25 per cent) and rape (37.5 per cent). In Iganga, the rating for land disputes between spouses is 13 per cent; while 36.4 per cent of women, especially widows, are particularly prone to disputes over land (MoWLE 2005). Land grabbing from widows and orphans was claimed to be common by 30.4 per cent of the respondents, and 5.3 per cent claimed that it was common for disputes involving women to persist and/or to have a tendency to recur. Much of Uganda's progress in combating HIV and AIDS will be lost if the government continues to ignore the role of violence against women manifested in harmful traditional customs and religious practices.

The latest prevalence rate for domestic violence in a study by the Uganda Law Reform Commission (*Weekly Observer* 2007) is placed at 65 per cent. This is higher than a hospital-based study among pregnant women that showed a prevalence of 57 per cent. However, only a few studies have explored the context in which domestic violence occurs in Uganda. Factors that influence a culture of violence can be classified as originating, promoting and facilitating factors. Accordingly, violence originates from the breakdown of social integration mechanisms, followed by a weakening of the family's role in socialising individuals, and finally, is promoted by the absence of mechanisms for the peaceful resolution of conflict (Kaye et al. 2005).

Intimate partner violence is common in eastern Uganda, where our study site is situated, and is related to gender inequality, multiple partners, alcohol, and poverty. A recent study placed the prevalence of lifetime intimate partner violence at 54 per cent and physical violence at 14 per cent. The study also suggested possible linkages between intimate partner violence, HIV risky behaviours, the failure of prevention strategies to be clearly established, domestic violence and alcohol consumption, and women's perceived risk of contracting HIV from their male partner (Kaye et al. 2006). On the basis of this indirect evidence, the study thus concluded that domestic violence may represent a significant factor in increasing women's vulnerability to HIV and AIDS in Uganda, and that it was an issue needing further study and exploration.

Policy on HIV and AIDS and domestic violence

Uganda has successfully reversed the incidence of HIV and reduced the mother-to-child transmission rate of HIV by 50 per cent through effective antenatal clinic screening and ART programmes (Uganda Aids Commission 2004). Despite this decrease the government

²⁵ Iganga, Mubende, Rakai, Apac and Kampala.

is yet to adequately incorporate violations of women's rights including domestic violence in HIV and AIDS programming, nor is this catered for in terms of policy. There is however a draft law under consideration on 'intentional HIV and AIDS infection' through rape and defilement by the Uganda Law Reform Commission that provides for death by hanging as punishment (Namubiru 2007). Furthermore, the government recognised the importance of political leadership and commitment at all levels of governance in all efforts as the second pillar in the national response (MoFPED 2004). The government adopted a policy of openness about the epidemic which is vital to fighting stigma and discrimination. Finally, the Ugandan response received unprecedented support and involvement of development partners at all levels of governance and civil society.

The National AIDS Policy, which is currently in draft form, provides a framework for addressing the multidimensional challenges of the epidemic by a variety of stakeholders in a co-ordinated way; it emphasises the main HIV and AIDS concerns in the development agenda in the country by all sectors and sections of society. HIV control is one of the developmental priorities addressed in the country's Poverty Eradication Action Plan (PEAP) and the National Vision for 2025 (MoFPED 2004). Consequently, the multi-sectoral approach to HIV prevention and control, including care and support services, was adopted as early as 1990 and currently forms one of the pillars of the national response. This comprises the concerted effort and involvement of all stakeholders according to their mandates and areas of capacity and comparative advantage.²⁶

Although Uganda has ratified international and regional human rights treaties providing for women's rights to health and protection against violence, unchecked domestic violence and lack of access to HIV and AIDS services are clear indications that the government is failing to meet its responsibility to criminalise or prosecute violence against women in the home. Since the early 1990s, local non-governmental organisations have lobbied the Ugandan government to pass domestic violence legislation as well as legislation providing for women's co-ownership of land. However, parliament has resisted such reforms. Moreover, none of the pending legislation adequately addresses domestic violence – nor will it as long as the government upholds the notion of the inviolability of marital privacy and fails to address discriminatory marriage and property laws that impede women's escape from abusive marriages. The fact that the very serious underlying and contributing issue of domestic violence is not addressed – in a country widely considered a success story in the fight against HIV and AIDS – holds grim implications for women.

Iganga district profile

The Iganga district (Figure 10.1), where our study was conducted, is located in south-eastern Uganda and covers an area of 2 482.3 km². It is 119 km from Kampala and 39 km from Jinja. Lying 25 km to the north of Lake Victoria at an altitude of 1 138 m above sea level, Iganga falls within the Busoga tribal region. The population of Iganga district is described in Table 10.1.

The population in Iganga district is highly illiterate; about 33.4 per cent have never been to school (UBoS 2002). Of those enrolled, 21.7 per cent did not complete primary level 1. The drop-out rate increases as the level of education rises, implying that little education is attained at all.

²⁶ Stakeholders involved in the effort to contain the epidemic include all individuals, communities, public and private sectors, civil society and community-based organisations.

Figure 10.1: Iganga district, Uganda

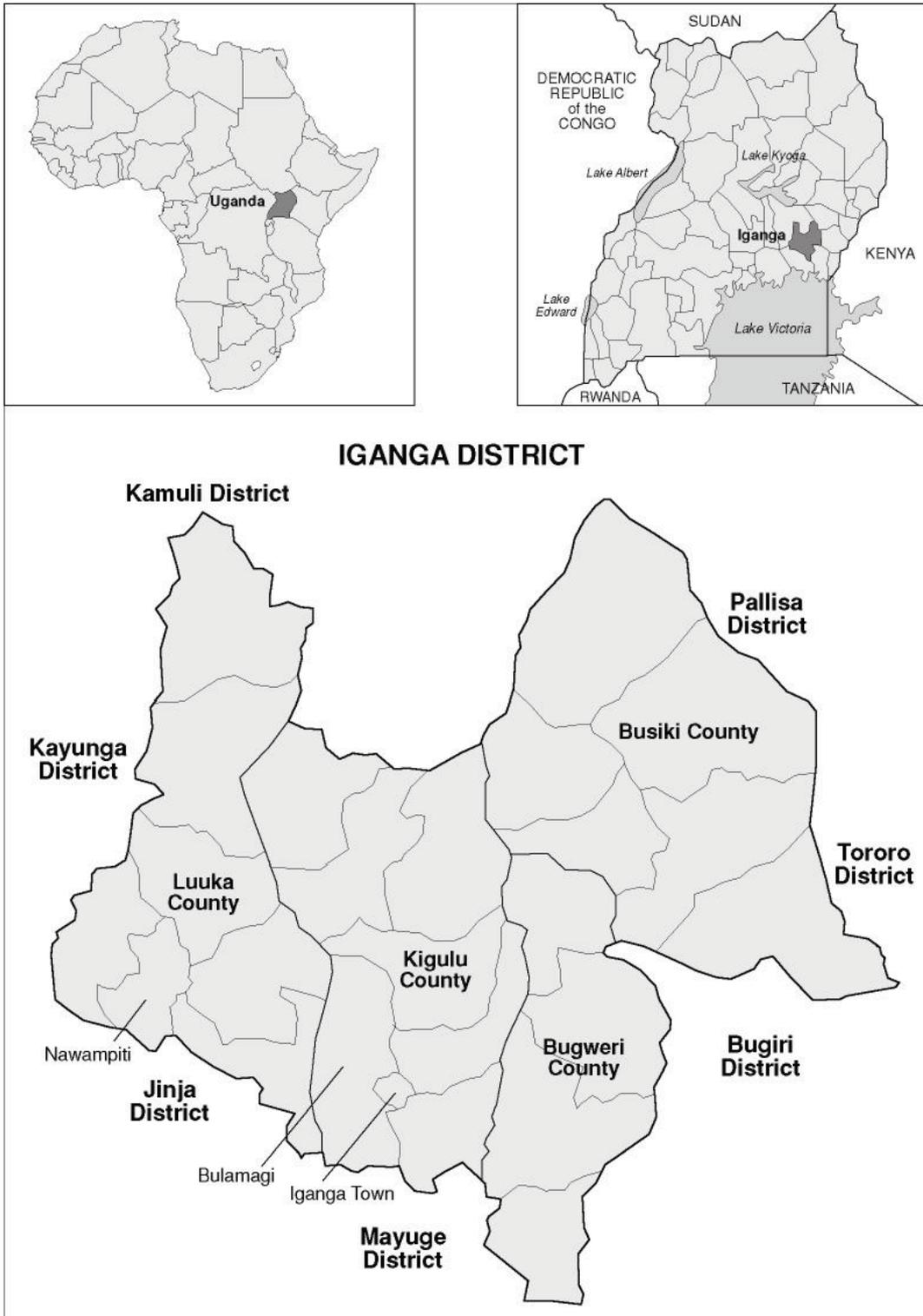


Table 10.1: Description of the Iganga population

Population category	
Total number of people	708 690
Males	339 131
Females	369 559
Urban population	39 472
Total number of households	140 225
Household size (persons)	5
Average duration of marriages (years)	20
Life expectancy of females to males (years)	47:43
Population density (Persons/km ²)	304.8
Average land holdings per individual	0.8–1.4 hectares

Source: National Household Survey 2002; UBoS 2002

Iganga has three counties:²⁷ Bugweri, Kigulu and Luuka (see Figure 10.1). Luuka was the rural site of the study, which drew interview respondents from all seven of the sub-counties within it. Participants in the rural focus group discussions were drawn from only one of the sub-counties, namely, Nawampiti. The urban study site was situated in Kigulu, with respondents from all its seven sub-counties, plus the Iganga Town Council. Participants in the urban focus group discussions came from one sub-county, namely, Bulamagi.²⁸

Iganga is predominantly (95.4 per cent) a rural district with over 74 per cent of households depending on subsistence farming (hand tools and human labour) as a source of livelihood. Poverty indicators in the district are close to the national averages. There is widespread unemployment especially among the youth and women (MoFPED 2002), which is attributed to the lack of formal economic activities. Households often fail to produce enough food for subsistence and, as a result, rural–urban movement in search of work is common, despite the urban situation not providing any more work opportunities (Okwi et al. 2006).

HIV and AIDS in Iganga

Surveillance reports from the Ministry of Health indicate an increment in the number of HIV and AIDS clinical cases reported in Iganga district, from 494 in the period prior to January 1995 to 615 to the period prior to January 1998 and to 973 in the period prior to January 2002 (MoH 2003). The national sero-status survey found that the East Central region, where Iganga is located, has an HIV prevalence of 6.5 per cent, compared to the national prevalence rate of 6 per cent, with women the most affected. Nationally, age- and sex-specific prevalence of HIV for both women and men increases with age until it reaches a peak, which for women is attained at ages 30–34 (12 per cent) and for men at ages 35–44 (9 per cent). Women are more highly affected at younger ages compared to men (MoH et al. 2006). By tribe, the Batoro people in western Uganda are the most

27 As of 2005, however in the background to the budget 2006/2007, Busiki County was named a new district, Namutumba, leaving Iganga with three counties of Luuka, Kigulu and Bugweri.

28 Note that the pretest of data collection instruments was carried in Busiki County, in the sub-counties of Ivukula as the rural site and Busembatiya as the urban site for both in-depth interviews and focus group discussions.

affected by the HIV epidemic, with 15 per cent of adults infected, compared to the Basoga people (5.6 per cent), who are the dominant ethnic group in the Iganga district (UBoS 2004).

A survey carried out in Iganga in 1997 amongst widows, revealed that the percentage of spouses killed by AIDS or related diseases was 51.2 per cent, compared to non HIV-related deaths at 48.8 per cent (Ntozi 1997). In the same study it was established that Iganga exhibits a high percentage of re-marriage by widowers. A respondent in the study asserts that:

...many of these widowers are HIV-positive and they know it, they go ahead to remarry, it is through such behaviour that the disease is spread to new sexual partners, which is unfair and outrageous.

Customs such as the payment of 'bride price' – whereby men effectively purchase their wives' sexual favours and reproductive capacity – underscore men's right to dictate the terms of sex. Practices whereby men marry their brothers' widows (widow inheritance) can expose women to unwanted and unprotected sex with HIV-positive partners (Karanja 2003).

Socio-economic profiles, Iganga

The population for the qualitative study was profiled during the introductory part of the in-depth interviews (IDIs). Information was gathered on age, sex, educational attainment, migration and place of residence, as well as on the key socio-economic factors related to property and social relationships (with mainly intimate partners), and health trends to do with domestic violence and HIV and AIDS.

Respondents in the study are defined at three levels:

- Sixty-four respondents were involved in extensive in-depth interviews, which employed a speeded ethnographic approach of detailed historical timelines to relate events in their lives. These respondents were deliberately selected from both 'status known' and 'status unknown' groups.
- There were two categories of focus group discussions (FGDs), namely, men only (36 participants) and women only (46 participants). These groups were selected from different sites to where interviews had taken place in order to avoid back-lash responses that would effectively contaminate the study. Out of a total of seven FGDs (four female and three male), there were no mixed groups. Two of the female groups were for 'status known' respondents and two for 'status unknown', while all the male groups consisted of 'status unknown' respondents. All respondents had to be above 18 years old and were a mix of partnered and un-partnered. The male respondents were recruited through local councils as well as through the 'status unknown' women. The 'status known' women were recruited through the National Community of Women Living with HIV/AIDS in Uganda (NACWOLA).
- The six respondents for the key informant interviews were selected from institutions charged with servicing communities in the areas of land and property, domestic violence, and HIV and AIDS.

Status and location

Out of the 64 in-depth interviews with male and female respondents (who, as indicated by their knowledge of clans and totems, were all Basoga people), only three were born outside Iganga. Twenty-two respondents were from urban areas and 42 from rural parts of the district. The 'status known' group comprised 30 respondents, and the 'status unknown' group, 34. The distribution of in-depth interview respondents is shown in Table 11.1.

Table 11.1: Location by respondents' HIV status

Respondent group	Urban		Rural		Total	
	n	%	n	%	n	%
Known (HIV+)	13	59.1	17	40.5	30	46.9
Unknown	9	40.9	25	59.5	34	53.1
Total	22	34.0	42	66.0	64	100.0

In accordance with the purposive nature of sampling for the in-depth interviews, 47 per cent of the respondents knew their HIV status (they either volunteered or were put forward by various service providers), while 53 per cent were selected without regard to their HIV and AIDS status. Of this latter 'status unknown' group, a limited number (approximately five respondents) suspected they were HIV-positive because their intimate

partners had died of illnesses resembling the opportunistic infections of HIV and AIDS. However, it was difficult to conclusively determine the status of such respondents because neither they nor their deceased partners had taken confirmatory tests.

Education

Only four of the 64 respondents had attained tertiary education, and 20 had either never been to school and/or didn't specify the highest level of education they had attained. The majority of the respondents hadn't attained a functional level of education, having dropped out at lower or upper primary school levels. Respondents explained that the high drop-out rate at high school was due to the lack of fees. Other reasons given to explain the lack of education included parents' preference for boys to be educated rather than girls, and parents' apparent lack of interest in educating their children generally. A few respondents alluded to early pregnancies and forced marriages as well as their own lack of interest in pursuing education.

My father produced 37 children from seven wives. We were many children and back then girls were not given priority for education. To make matters worse, one of our sisters became pregnant, from that time on our father vowed to never to spend money educating girls, so that is how we ended sitting at home. From then he only paid school fees for the boys. That sister of ours had reached in Senior 4, and for me I was in Primary 6 that is where I stopped.
(Rural respondent, 35 years old, currently widowed, HIV-positive)

Table 11.2 shows the education distribution of the in-depth interview respondents in rural and urban locations. The majority of respondents in this qualitative investigation either never went to school or have extremely low education levels. They fall between the mean and median age of 42 years, with the youngest respondent 22 and the oldest 71. Respondents living in urban areas are better educated than respondents in rural areas.

Table 11.2: Education and age by respondents' HIV status

Age	Urban		Rural		Total
	Known	Unknown	Known	Unknown	
Maximum	67	50	57	71	
Minimum	22	25	30	30	
Mean	41	39	44	42	
Median	41	44	45	41	
Highest level of education					
Never went to school*	5	2	7	5	19
Lower primary		1	4	5	10
Upper primary	4	3	6	5	18
Lower secondary	2	2		7	11
Upper secondary	1			1	2
Tertiary education	1	1		2	4
Total	13	9	17	25	64

* Includes those who didn't mention their highest level of education

The findings of this study corroborate earlier studies (UoBOS 2002; MoH et al. 2006), which found that, over all, 26 per cent of women in Uganda have never been to school, compared with 15 per cent of men. Fifty-seven per cent of females and 61 per cent of males have had only some primary education. In both cases, percentages are higher in the older age groups. The percentage of females attaining higher education levels is also lower than males. Educational attainment is substantially higher in urban areas than in rural areas and for those in the higher wealth quintiles.²⁹

Marriage

In this report, the term 'married' refers to formal as well as informal unions such as living together (also known as cohabitation). The terms 'partners' or 'partnered people' are preferred to the term 'spouse'. This is intended to include legitimate, recognised partnerships that are not 'legal' in that they sense that they fall outside the undertakings of marriage laws pertaining to civil, religious and customary marriages. An informal union is one in which the man and woman live together for some time, intending to have a lasting relationship, but who do not have a formal civil or religious ceremony. Partnered women are thus those who are married (traditional or formal), cohabiting or in a longstanding relationship. Non-partnered women are respondents not in a relationship at the time of the study. Marriage is further classified into monogamous and polygamous, as these distinctions impact specifically on relational attitudes and practices associated with household property, HIV and AIDS, and domestic violence.

All in-depth interview respondents in this study claimed to be 'married' either currently or at some point in their life. Marriage is an important factor in the risk of exposure of both women and men to HIV through heterosexual intercourse, which is the primary means of HIV infection in Uganda. At the time of the study, 53 per cent of the respondents were widowed, 6 per cent were divorced or separated, and 41 per cent were partnered. Amongst the partnered respondents, 14 were cohabiting, ten had had customary marriage ceremonies, one was married in church and another was in an Islamic union.

There were 16 respondents who were either in polygamous unions or were in relationships with multiple partners. Ten claimed to be in monogamous relationships, that is, they were not aware if their partners had relationships with other people. It was common to have 'on-off' phases in partnerships within a particular 'marriage' on a regular basis, the short (less than a year) or long (over one year) separations and returns were a common characteristic. The distribution of partnered and non-partnered women according to whether their HIV and AIDS status was known or not known at the time of interview is shown in Table 11.3.

It is also important to point out that the higher the number of sexual partners, the higher the pre-disposition to HIV and AIDS, since in Uganda, HIV and AIDS is mainly spread through heterosexual multiple partners. In addition, it is important to note that while women seem to have multiple partners progressively (one at a time in a sequential manner), older respondents claimed, and the male focus group discussions confirmed, that their partners were having multiple relationships concurrently, either in openly polygamous unions or in undisclosed ways.

²⁹ The wealth quintile is a measure of relative household wealth as opposed to more elaborate income and expenditure issues. It relies on other categories such as the use of health services and other health outcomes.

Table 11.3: Marital status by respondents' location and HIV status

Current relationship	Current partner status	Urban		Rural		Total
		Known	Unknown	Known	Unknown	
		n	n	n	n	
Polygamous	Cohabiting	1	1	1	3	6
	Married – customary		2	1	5	8
	Married – Church				1	1
	Married – Islamic			1		1
Monogamous	Cohabiting	3			5	8
	Married – customary			1	1	2
Non-partnered	Widowed	9	5	12	8	34
	Divorced/separated		1	1	2	4
Total		13	9	17	25	64

It was a significant finding that polygamy is practiced in varying degrees among respondents, where men have multiple sexual partners either in a combination of both formal and informal relationships. For instance, in urban areas it is common to find women considered to be 'outside the marriage wives' engaged in more stable relationships than the ordinary boyfriend-girlfriend arrangement. It is a preferred arrangement because it implies less financial commitment from the man than if the partnerships was a fully fledged marriage, either formally recognised or acknowledged as legitimate by the community.

HIV prevalence is related to marital status – those who are widowed are by far the most likely to be HIV-positive. In Iganga, almost one-third of women and men who have been widowed are HIV-positive, compared with around 6 per cent of those who are currently married (MoH et al. 2006).

As a result of multiple relationships or marriages, most respondents had an average of six children. This is above the national mean number of 3.7 children per woman as stated in the national sero-status survey (MoH et al. 2006). Though fertility decisions were not probed in the interviews, high numbers of children were a result of demands placed on respondents by each partnership.

Generally, the household composition for partnered women depends on the location of the home and the nature of the marital relationship with the partner. In polygamous relationships subsisting on 'clan land', wives, husband and children live under one roof. This is often considered to be a homestead and will include children from different relationships for both spouses. For widows, the household composition was limited to only biological children due to the tendency to divide up the land once the male spouse is dead.

Re-marriage

It was also common for women to be serially or sequentially 'married' over their life histories, spanning a minimum of two marriages and a maximum of four.

In my first marriage what amazed me were the good beddings, providing for my healthcare, allowing me to visit my relatives. When my relatives would come to visit me they would be received well by my husband. I was happy; that made me feel that I was on my husband's mind all the time. My husband was happy because I would look after him, I would boil bathing water for him, I would kneel before him while serving or greeting him, carry for him the towel, I would do everything. That was my first marriage. I would sleep on a big mattress. I would fall inside and it would take you back, he bought me a lamp for the table.

In my second marriage what made me happy was that I and my husband were close, we would go together for a drink, if he went alone, then he would carry home something for me. There was nothing like sadness. Happiness only! Though he was a poor man, he knew how to dig, he was a good farmer, that is how we got a cow and we had milk.

In my third marriage there was nothing good. I was the second wife that man loved his wife so much and he even feared her. He even refused to tell his wife that he is going to marry me. He just got her by surprise because she wouldn't have accepted him to marry another wife. I don't have what to say but what hurt me most was chasing me and making me leave my food.

For my fourth marriage, I was also a second wife, my husband fell sick and together with his wife they died. They left me with AIDS and I am living in pain, that's what hurts me. They left me with children who are making me suffer. (Urban respondent, 34 years old, HIV-positive)

The narrative clearly shows the material welfare and wellbeing experienced by this respondent and the extent to which it influences her decision to remarry or engage in another relationship for the purposes of survival.

Childhood experiences

Respondents revealed a number of experiences that took place during childhood or early adulthood, the effects of which are still evident in their current lifestyles.

A striking point of similarity is that virtually all respondents changed their residence at some point in their lives. The most common reasons for leaving the natal home were for marriage or re-marriage, or in instances where the family was required to move because the partner had secured employment or work in another location. In other instances, respondents relocated from their homes due to unbearable circumstances associated with the death of a partner or in instances where the clan decided to take over a deceased partner's property by force.

It was also apparent that respondents moved residence or place of abode when their parents separated or remarried, and in such events they were commonly sent to stay with other relatives, particularly aunts and grandparents. Though rare, two respondents claimed they were fleeing from forced marriages. Most respondents had moved home while young; later on this movement was driven by the search for work and, in other instances, the return to their actual natal homes due either to the break up of marriage or the death of a spouse. There are studies showing that women widowed by AIDS tend to migrate to urban areas to avoid stigma or to seek the means for economic survival.

Table 11.4: Outstanding childhood experiences (frequency of mentions)

Outstanding experience	Urban		Rural		Total
	Known	Unknown	Known	Unknown	
Conceived while mother schooling, through rape or abuse	2		1		3
Dropped out of school/ started school late	2		1		3
Early/ forced marriage (elopement/ trickery)	2	1	1	2	6
Grew up with guardian ^a	5	1	6	5	17
Difficult childhood fending for basic necessities ^b	3	1	3	3	10
Experienced violence ^c	1		3	5	9
Orphaned early; parents separated early in life	2	3	2	4	11
Polygamous family (many children and segregation)	1	3	1	4	9
Moved home (with husband/ marriage, re-marriage)	7	1	7	9	24
Moved home (fleeing forced marriage; land grabbing by clan)	2	2	2	6	12
Total	27	12	27	38	104

a: Grand parents, aunts or step mothers

b: Life of striving through child labour, fending for food, fees, basics)

c: Abuse from father especially beating; violent step-mother or auntie (mainly associated with orphanhood)

Conclusion

The majority of the respondents in this study were involved in intimate relationships not legally recognised under statutory law, and a small percentage were in unions recognised by customary law. Despite these relationships being statutorily illegal, they are considered legitimate in the wider community, particularly when the male partner is still alive.

However, because this legitimacy is premised on the presence of a male partner, it creates a lot of uncertainty for the individual woman in such a relationship, to the extent that it not only affects their levels of commitment, but it also affects their labour, savings (if any) and how much effort they put into income generating engagements within the household.

Property ownership and use

This chapter looks at the practical experiences of individual women and the community's view of women's property rights, as opposed to the bundle of legally defined rights in the law. This is in recognition of the legal dualism that defines the operations of statutory-law and customary-law practices applied concurrently with regard to woman's property and inheritance rights.

In addition, this chapter covers current community practices and accepted norms, and how these affect relationships between intimate partners at household level. The focus is on the related issues of:

- The ownership of immovable property such as land and housing while realising the importance of other property such as livestock, as defined by the respondent groups (these aspects are linked to the rights of an individual woman to own a property and keep the income earned from it as well as, typically, the right to use the property as she sees fit and to sell it when and to whom she chooses).
- Inheritance rights, which, on the other hand, are concerned with the women's hereditary succession to title or property, and specifically the practice of passing on property upon the death of an individual (in this case to an intimate partner) whether in a formally recognised relationship, a socially legitimate union or a less formal, but nevertheless intimate, relationship.

In this study, women's understanding and definition of property differs from the conventional definition of property, which emphasises the asset value attached to property without necessarily considering the ease of turning property into cash. It was unanimous amongst respondents that property is considered to be 'an item movable or immovable that can readily be converted into cash in the market'. Two distinct categories of property were identified (Table 12.1):

- Land, which in rural areas includes the house by definition. In the urban areas a distinction is made between land and plot based on the size of the land holding.
- Other household property is categorised as:
 - Livestock (mainly chickens, goats, sheep and pigs, and cattle as the highest value item);
 - Household utensils and chattels (including bicycles and radios as higher value items than chairs, tables, cups, etc.)

Patrilineal kinship is the basis of property ownership and justifies the ideology of male superiority and female inferiority. The key property power-holders in the household include: the male partner, the patriarch (the father-in-law) and the clan or extended family. The woman's powers are largely limited to other household property (mainly livestock, chattels and utensils) as different from land and house. Women's powers over livestock are limited to the value of the property in question – if of high value, such as cattle, then power is restricted to the male partner.

Table 12.1: Ownership and use of property in household

Persons	Land and house		Other household property	
	Ownership	Use	Livestock	Chattels utensils
Male partner	√	√	√	√
Female partner			√	√
Matriarch ^a		√	√	√
Patriarch ^b	√	√	√	√
Extended family ^c	√	√		√
'Clan' ^d	√	√		

a: Matriarch is often the mother of the husband (male partner) or the eldest wife of a husband's father in the case of a polygamous marriage.

b: Patriarch is the husband's or male partner's father.

c: Family does not refer to a nuclear family but to the extended family, sometimes including clan members.

d: There is a thin line between clan and extended family which tends to be misleading, since the terms are fluid and often used interchangeably.

Rural and urban property

Rural land holdings – *kibanja* – are owned by males in the family or clan, although they are farmed by husband and wife together (very often only by the woman). They are controlled by the man, the family and the clan. Women are culturally frowned upon when they purchase *kibanja* land or other property in their own names. As a wife, a woman has the right to use land under the corporate ownership of her husband's patrilineage. One respondent disclosed that:

As a woman married into this family [the husband's], I can only farm on this land; I cannot sell it, I cannot rent it to anyone, but my husband can. Even my husband cannot sell it to an outsider but to a fellow clan member. (Rural respondent, 35 years old, HIV-positive, primary school education drop-out)

The urban *plooti* is considered to acknowledge and guarantee women's continued access to the land in the event of spouse's death because of the woman's involvement or contribution at the time of purchase. However, it does not guarantee any form of ownership rights. Nevertheless, the *plooti* sub-tenure is often one in which women acquire undisclosed rights. This is because there are no cultural restrictions in the acquisition thereof, nor does clan authority extend over it. Accordingly, it is considered the most secure form of land ownership in the face of threats from family and clan. Women feel secure in investing in urban land in this manner because, when challenged, it is easier to defend their ownership rights. Evidence from focus group discussions shows that it is one of the kinds of sub-tenure for which social safety networks are effective in fending off family and clan threats, for example, from neighbours and local councils. The major mode of acquiring urban sub-tenure is purchase.

My husband had a stall in the market while for me my working was digging and I would sell my crops. We would combine the money and buy things. We bought four plots of land together. So for these plots, the clan members did not have any powers over that land. (Rural respondent, 40 years old, HIV status unknown)

However, for rural land, the rights of women are recognised as part of the male partner's rights, to the extent that, even if she may have contributed resources for purchasing the land as a 'partner', the transaction records do not recognise this contribution – the male partner is clearly named as the purchaser in the transaction and it is assumed that the interests of the female partner are subsumed under the male partners' name. What is more, in the event of the death of the male partner, this de facto recognition is subject to the conditions, limitations and authority of the extended family and clan because the documents for ownership are invariably in the name of the husband (or brother or son).

The clan expresses a perceptual recognition of the female partner as 'a co-owner' as long as she conforms to the norms and practices expected of her. These exclude the right to sell the land, and are conditional on the woman remarrying within the clan. The recognition and recording of only the de jure head of household (most often the man) in fact deprives the female (often the de facto head of household) of an even share. This practice is needless to say a major source of inequality.

Table 12.2: Ownership of rural and urban land

Urban/peri-urban <i>plooti</i> /leasehold	Customary (<i>kibanja</i>) in rural areas
Mainly located in urban and peri-urban areas	Predominant tenure regime in rural areas
Often family held and vested in the household head as a residual owner (individualised customary land)	Exhibits sub-tenures whose ownership is either considered family, clan or individual
Women who are economically empowered can purchase and hold this land as long as they can afford to	Women can only have access rights through marriage or through other male relations
Easily disposed off in event of distress within household, either due to HIV and AIDS, or other factors such as education costs	Not open for sale, generally; in exceptional circumstances sale can be permitted with approval of the clan or family (subject to lineage control)
Ownership is perceived to be for both spouses, although documentation excludes the female partner's name (may actually include name of patriarch instead)	Right of ownership and acquisition is limited to specific lineages in a particular location in a given clan
Often acquired through purchase, with both partners contributing; clan has no control or authority.	Ordinarily passed on from generation to generation through inheritance amongst male children under practice called <i>kugabana</i>
In circumstances where male householder is absent, the patriarch is considered to have authority over it	Patriarch and the clan members have authority over it; in the absence of a son (husband to female partner), the matriarch controls land use

The acquisition of property/land by women under either the *kibanja* or *plooti* systems does not necessarily result in their improved household and/or personal welfare. Even if the property acquired is under the control of the woman (or even if she is able to control any income from it), the income or property will be used for the needs which the male partner deems a priority, to the extent that female partners can even go without access to basic healthcare. A respondent narrated that:

I don't have rights to sell crops. Not at all! It is him to sell. He does ask me about spending it, but he asks me when he has already decided. However much you suggest he does not cancel his plans. Remember he is the one who gets the money (when he goes to sell in the market). If he does help you, he

starts bringing things in small quantities: some sugar, some soap, paraffin; you can't have time to ask him [for] the rest of the money. (Rural respondent, 45 years old, HIV status unknown)

Livestock as property

Livestock is the only form of property whose ownership is clearly defined and considered absolute. Because of this perceived security and the ease with which it can be sold, livestock is attractive for women to invest in. In reality however, men abuse the ownership rights of their partners. Depending on the circumstances, a man can dispose of the woman's property without her consent.

We used to rear goats, chickens, we had a banana plantation. Now when you take the goats to the bush to graze my husband would sell them from the bush, we would find ropes waiting for us, then he could steal the matooke from the gardens at night, we could find the banana stems hanging without a bunch. For crops like beans and maize that would be in the house, the moment you would go away say to visit or for burial he would sell everything, the coffee, the beans, and the maize leaving nothing for food. The man would sell a chicken with its eggs, can you imagine! Because this man had allowed us to do business we would respect him even if he stole our money we would quarrel silently and leave him, we would not report him or imprison him. (Urban respondent, 55 years old, HIV-positive)

It is also clear that the risks of losing livestock multiply in a woman's absence. In addition, a woman's rightful property becomes vulnerable if it is considered valuable, as is the case with cattle.

I had reared some chicken and from the chicken I exchanged and got goats, then exchanged goats for two cows, which later produced. Problems started when I got the cows; my children, the boys, wanted to marry the responsibility shifted to me from my husband and his clan. I told the first one to sell off one cow. My son got a wife and then another and another. 'My sons you have killed me because I was benefiting a lot from these cows especially the milk, which I would sell and also drink some. (Rural respondent, age uncertain, married at 14 as a second wife to current, much older husband, HIV status unknown)

Women often need to get permission to sell their livestock from their partners, who, instead of granting permission, can carry out the sale themselves, thus depriving the women of control over the income.

Decision-making on property matters

Women's ability to purchase land and have their rights accepted is dependent upon their being able to access an income and to persuade their male partners' family to respect their rights. Women's difficulty in achieving these conditions, either as individuals or jointly with their male partners, forces them to accumulate property secretly, most often in collaboration with members of their natal families. Women save discreetly over protracted periods of time until they have sufficient funds to invest. The natal family then colludes to ensure the male partner is kept ignorant of such developments.

Decision-making on the use and disposal of livestock within the household is a special case, in that it is linked to women's ownership. However, in the case of clan land (*kibanja*), decision-making is strictly determined by the male partner, who apportions land parcels for different uses at the commencement of a production season or period. In his absence (in the event of death or due to his working as a migrant worker far away), decision-making becomes the prerogative of the patriarch, the extended family and the clan. It is interesting, though, to note that matriarchs also wield power and have specific roles to play in deciding land use, despite the fact that they are female members of society. Their decisions are prioritised above other involved parties, substituting directly those of their absent sons and wielding the same authority.

The land had been divided into three portions for myself, my mother-in-law and my co-wife. In my portion I had planted bananas. My mother in-law came and sold off my garden to raise money. Imagine having toiled all that time and my bananas were about to yield. The person who bought the land failed to pay fully. My mother-in-law raised the money and recovered the garden back. She instead gave it to my co-wife, with all my bananas! I was so angry. (Rural respondent, 44 years old, HIV-positive)

Decisions on what crops are to be grown on land that is already apportioned out is shared between partners according to their generic roles and responsibilities in the household. Hence land parcels earmarked for food production are under the control of partnered women, while their male partners control the aspects related to crops grown for income or whose value is considered to be long term, especially in the case of perennial crops.

Decision-making is my husband's responsibility. The things on which decisions are made are mainly those that will generate income for the family like if you plant and get your money; he is very quick in deciding. Though he consults me, he tells me let's do this, he makes most of the decision. Being a mere woman I'm always calm so I just accept. There are instances when you find that my husband is over beating my children, there I tell him to stop, but things concerning money he is the decision maker. (Rural respondent, 45 years old, HIV status unknown)

In the rural areas, women work the land in order to provide for the extended family's food needs and, in the case of saleable surplus, cash income. Land use in urban areas under the *plooti* sub-tenure system is not considered completely beneficial to partnered women because the economic advantages that accrue are firmly under the control of male partners. However, when a woman acquires land in this way, it is at least beyond clan control, even in the event of widowhood. Hence the majority of the respondents in this study expressed a desire to acquire or hold land under this form of sub-tenure.

Joint ownership and undisclosed property

There are very few instances of joint ownership of property in all forms. A number of respondents expressed the desire to jointly own land with their intimate partners, but they were unclear on how decisions and authority regarding such property would be exercised, and they expressed their reservations about taking on such responsibility. It was evident that even when female partners acquire property independently, including livestock, their authority and control over such property disappears if their male partner decides to use it

for their own interests. Often livestock is disposed of and women find themselves in a situation where they cannot defend their rights.

In the beginning its possible and you can jointly own property because even dividing things is not good for the family...However considering what I have been through I would not want to co-own anything with a man because of what happened to me. I saved money and bought a goat which I sold after sometime plus money from a different source to buy a cow. I bought my cow and reared it for sometime. One day I had gone to bring it back home in the evening and I did not find it there, while I was there panicking a neighbour told me that it was taken by my husband. I looked around whether he had taken it to a different grazing spot, nothing! I went back home and waited for me. When I asked him, he told me that he had sold it because he had a problem and that I should wait for three days then I will know the problem. After three days, another woman was brought home as my co-wife. From that day I never want to co-own anything with a husband. It's better to have my own however small it might be. (Urban respondent, 32 years old, HIV-positive)

As clearly articulated in this narrative, the male partner often assumes authority over the female partner's property. The sense of powerlessness is exacerbated by the fact that women are unable to seek recourse in courts of law or from local authorities within the locality. Women therefore tend not to invest in livestock due to the absence of real independent rights.

It is worth noting that joint ownership of property is often entered into at the start of a relationship when things are going well. However, when the relationship deteriorates, the chances the woman will forfeit her rights are high. Furthermore, when a female partner dies, the likelihood of her children inheriting the joint-owned land, especially if they are from another relationship, is small.

Property inheritance

Inheritance is governed by either a written or oral will. In the latter case, an (ageing) father invites clan elders to physically witness the distribution of his land to his children: to the heir (who retains the largest portion) and those sons who previously had not benefited from gifts of land (unmarried sons mainly). On his death, the clan elders are expected to implement the wishes of the deceased accordingly. If neither written nor oral will exists, the clan elders are empowered to distribute the deceased's land according to their customs.

After the death of my husband, so many things happened that I was forced to abandon my marital home and return to my parents; the in-laws distributed the land according to the number of boys per widow. We were two wives, the first wife had two boys while I had five boys, so the piece that was given to me was bigger compared to hers. (Urban respondent, 51 years old, widow, HIV status unknown)

Rural land that is a communal asset (*kibanja*) is passed on to men according to custom.

In my clan girls do not inherit land, however, they are allowed to use it especially after failing in their marriages, they are allowed to dig, but for the

boys they own the property. When my father died the girls did not get anything at all, I was the only one who was the child (of my mother and father) but because I am a girl no one bothered to listen to me. When he died the land was given to my step brothers. (Rural respondent, 45 years old, HIV status unknown)

A woman is not her partner's automatic property heir; land is passed from father to son. Women do not inherit land from their fathers either because daughters marry outside the clan and would therefore take the inherited land with them to another clan. Husbands do not bequeath land to their widows for the same reasons: there is concern that the widow might sell the land to non-clan members. The responsibility of looking after the widow falls to the son, who must protect his mother's interests, not her natal family. After all it is in their husbands' homes that most of their contribution, in terms of their labour, is made.

It is therefore of great importance for a woman to maintain a stable relationship with her husband's relatives. Relatives of the deceased partner can claim rights to property under patrilineal inheritance customs and can consequently chase the widow off the land at any time. To prevent this from happening, widows' continued access and land use rights are conditional on their acceptance of the clan's rights.

When my husband died my in-laws sold one of our pieces of land, and they also wanted to take over the coffee plantation. My sisters-in-law suggested my late husband's brother comes and stays with me as my husband, which I could not allow. He had been made heir to the children not me their mother as his wife. The wrangle intensified. I didn't want him to come and start controlling me and his wives insulting me that I had taken their husband. So I persisted and refused. (Urban respondent, widowed with four children, was married as second wife at age 16)

A woman's role in managing property after the death of her partner seems to be attached to children. It is commonly accepted that when a parent dies, surviving female partners look after property as 'yours to hold in trust for the children' (*bibyō naye bya baana*), until the children come of age. The guaranteed access to and ownership of land is therefore only possible if the widow has children from the relationship, whether that partnership is strictly legal or not.

However, even in this case, a widow's continued occupation and use of land is dependent upon a number of factors. If the widow is young she will be encouraged to remarry. If the children are all girls, her rights are not protected either, and especially if it was a polygamous partnership and male children exist from other unions.

In this clan they don't recognise girls as people who are also entitled to property. Whoever doesn't get married or manage to succeed in marriage, comes back and stays at home. (Urban respondent, 47 years old, HIV-positive)

Focus group discussions revealed that if the clan sub-divides the land and gives the widow a share, she is nevertheless encouraged after awhile to live with one of her children, who will look after her. This leads to the subsequent loss of her share and, as the child looking after her is usually male, the land reverts to the clan. How the land was acquired in the first place also determines a widow's inheritance rights. If the widow had contributed to the purchase of land, then she is automatically entitled to share it.

However, if the land was inherited by her partner as customary (clan) land, the widow then has no inheritance rights.

I started with rearing chicken, from chicken I got goats. When I sold the goats I got money and bought a cow. I later sold the cow. I also had business where I was selling pancakes so I put together the money from those two sources and I bought the *plooti*. The good thing is that this property will remain mine, no one can touch it. But if I had gotten these things when my husband was still alive, his relatives could even have decided to sell, but now no one can interfere with it. (Urban respondent, 39 years old, secondary school education, widowed from a monogamous marriage, HIV status unknown)

Conclusion

Property ownership determines who makes the decisions as well which decisions are to be made. Across the board, males are the main decision-makers within households, either as husbands or intimate partners, or as the patriarch. As the father of the intimate partner, the patriarch is considered the family authority; his authority is also supplemented by his eldest wife or first wife, the matriarch.

Custom, based on the assumption of male superiority, dictates gender roles and reinforces notions of female frailty and domesticity. Men inhabit the public sphere and women are restricted to the domestic sphere. Consequently, women's exclusion from decision-making on land use is principally the result of their lack of status.

Statutory law does not discriminate against women in their access or ownership of land and property. In practice, however, women are not encouraged to own land. The transmission of rights is typically limited for women; they cannot designate an heir, sell land, or lend land to others. The nature of women's rights is *dependent on their relationship with a male*, usually a father, husband, brother or son. In most cases, women do not inherit land on their own, and when they do, they inherit less land than their male counterparts. It is mainly through marriage that women acquire land use rights, and husbands assign particular fields for them to cultivate. When widowed, women act as guardians or trustees for the children until a male heir comes of age and takes charge. Women with grown up sons are largely assured of cultivation rights, in contrast to childless women or women who bear only daughters, whose position is very precarious.

Whether a widow inherits land depends on a number of factors. If the clan (and council of elders) in the locality is powerful, they can apportion out the deceased's property, often without allocating the widow any, except as 'a caretaker' on behalf of her children. Even if a will exists, the elders can apportion the property of the deceased either in favour of the widow or not.

Where widow inheritance exists, the widow's continued access to property is conditional on her marrying the successor. If she refuses, her rights to use and cultivate the land may cease. Thus *women enjoy transient rights to land* as a result of their rights being appended to those of their male relations and essentially being pegged to the institution of marriage. The widow's future security with regard to the matrimonial estate largely depends on the type of her marriage (customary, cohabiting or religious) and whether she has enjoyed good relationships with her dead husband's family.

Family land (clan/ancestral land) is land that has been handed over by several generations through the male lineage. As a result of this customary practice, sons have automatic rights to family land, whereas daughters have none. As far as the parents are concerned, daughters have largely transient rights, since it is taken for granted that, once their daughters marry and they move away to their husbands' homes, their status within the natal family changes.

When threats of land grabbing occur after the death of a male partner, the local authorities, legal-aid service providers and courts argue that it is easier to defend and enforce widows' rights in *plooti* sub-tenure cases because they can refer to the purchase documents to deter the clan or other family members.³⁰ This tenure system is considered one of the most effective ways of controlling the excesses of clans and family with regards to property grabbing from widows in urban areas.

³⁰ From key informant interviews and focus group discussions.

Domestic violence and gender relations

Triggers of violence

Agricultural produce – mainly crops such as maize, beans, potatoes and cassava – are often grown in excess of the household food consumption requirements and can then be sold, becoming a major source of household income. Findings show that the control of household income is the major trigger of physical domestic violence.

Any produce that women sell is subject to their intimate partners' control. Income earned by men, however, is disposed of on 'personal matters' and not necessarily on household goods, without discussion. This clearly indicates the power imbalance between partners in intimate relationships.

...the situation is still hard for me because when my husband decides that is what he does, however much you tell him he can't change. There was a time we harvested maize. After selling it he wanted to buy a goat and I wanted the money to buy the iron sheets so that we complete roofing the house. My husband completely refused. He said he didn't take it as a major issue to complete the house, he refused and he ended up buying a goat and the rest was spent in ways I didn't know. I began planting maize again to get money and complete the house. So he makes his final decision and whatever he decides is what he takes. I tried talking to his mother and father, but they sided with their son. I gave up and there is no more reporting. (Rural respondent, 28 years old, status unknown)

An additional trigger of violence, according to female respondents, is the suspicion, accusations and counter accusations of infidelity. In the focus group discussions, male partners revealed that their suspicions would be based on the sudden appearance of unexplained items found in their partners' possession. Their reasoning is based on the belief that women conduct extra-marital affairs for the purposes of material gain. Disagreements around infidelity take place in a social context in which women are expected to be faithful to their partners, although the same rule does not generally apply to men. A man who remains faithful to a single wife may be mocked by his peers for having no sexual prowess.

Alcoholism is also cited as being a main cause of irrational and inconsiderate behaviour towards women.

What used to annoy me is when he would come back home, he would wake you up and the children ordering you to get seated for him to first eat and then sleep. Before him finishing the food you don't sleep, after eating he would go back to drink and he would instruct me not to close the doors both the front door. When he would find the doors locked, he would quarrel saying that I want to kill him, 'You have planned with people outside to come and kill me'. (Rural respondent, 45 years old, HIV status unknown)

I won't say much but the main issue that caused the misunderstanding was my husband's drunkenness, and whenever I would suggest something to do he would refuse and even quarrel and fight. But with time, he has since reduced on his alcohol consumption. Whenever he would come back and quarrel, I would wait until the next morning and talk to him and he would always realise his mistake since he would be sober at that moment. The drinking also affected his digging, he started falling sick. What I think he used that money for was; sometime back he had an affair with a woman and it's believed the parent of the woman told him to take three cows for the woman as bride price and that is how he sold the three cows then he sold the fourth cow to buy household items for that woman. (Urban respondent, HIV-positive)

Other triggers that deserve mention are disagreements resulting from polygamy. For example, disputes can occur with a co-wife about authority or respect, or with the husband about his decision to take another wife. Polygamy also becomes a trigger for domestic violence when household resources have to be divided among more than one wife.

My husband wanted to marry a second wife. He wanted to sell that cow and the produce that we had harvested during that season to raise money for getting his new wife and I was against it. We started quarrelling. It so happened that at first we had a hen, then with time it multiplied and we got a goat and the goats also produced with time and we exchanged them with a cow. One day it was market day and I realised that the cow was being taken to the market to be sold. I grabbed the rope from him and started pulling the cow back home. He beat me and I made an alarm, people gathered to find out what the problem was, we ended up at the local council court and he was ordered to take the cow back home. (Rural respondent, 20 years old, HIV status unknown)

All the triggers of violence (Table 13.1) clearly illustrate the power imbalance that exists between intimate partners in the region.

Table 13.1: Triggers of violence (frequency of mentions)

Trigger of violence	Urban		Rural		Total
	Known	Unknown	Known	Unknown	
Alcohol	1	2	3		6
Control of household income	4	3	4	8	19
Disposal of household assets		1	1	2	4
Inheritance discrepancies				3	3
Control over land (separation of gardens)	2	1	1	1	5
Refusal to have sex	2		4		6
Respect/authority (co-wives)	2	1	3	4	10
Suspicion/accusations of cheating	4	1	3	6	14
Taking another wife		2		6	8
Discrimination (tribe/education)				2	2
Total	15	11	19	32	77

Forms of, and responses to, violence

Violence seems to be experienced along a continuum from verbal disagreements to physical abuse, as shown in Table 13.2. The most common forms of violence reported in this study were verbal abuse, insults and quarrels, followed by fighting or physical beating and being stopped from selling produce. In instances where the violence escalated into a physical show down, it would primarily be because of attempts by the women involved to fight back or respond to accusations and counter accusations. Physical violence is condoned to a certain extent by society, although it is not clear what distinguishes acceptable from non-acceptable abuse.

Beating was the order of the day; in case of any slight or small mistake he could beat you up. In fact several times he could beat me to the extent of removing my teeth. These gaps you see in my teeth, he beat me and the teeth fell out. I reported him to the local council and they were taking him to the sub-county prison, but I forgave him. Any slight disagreement – ‘pack your things and leave’ – and it would be him in the wrong! (Urban respondent, HIV-positive)

Most threats, respondents revealed, are intended to induce a behavioural conformity to what is expected of a partner as ‘a woman’ or ‘a wife’, especially the threat of beatings and being chased away from the marital home. This reveals how tenuous livelihood and tenure security are for female partners.

Table 13.2: Forms of violence (frequency of mentions)

Form of violence	Urban		Rural		Total
	Known	Unknown	Known	Unknown	
Abandonment	1	1			2
Accusations of spreading HIV and AIDS				2	2
Allocation of land to different uses	1			1	2
Deprived of sleep/personal belongings	1		1		2
Stopped from selling produce		1	6	3	10
Forced into sex			2		2
Harassment from in-laws	1		1	4	6
Being ignored/not listened to	1		1		2
Quarrels, insults, abuses	6	7	11	16	40
Threats of beatings/being chased from marital home			4	3	7
Witchcraft (co-wife)			1		1
Fighting/beating	3	3	2	7	15
Total	14	12	29	36	91

Women respond differently when faced with domestic violence (see Table 13.3), depending on a number of factors. In this survey, the responses seemed to fall into two groups, hinging on decisions to either end the relationship or to stay and negotiate strategies for dealing with the violence. The majority of the respondents who opt to negotiate their way around violence after a confrontation, try to prevent it re-occurring by dealing with the event that triggered it. If the confrontation becomes physical, they sometimes fight back, making the situation worse.

Table 13.3: Protective response to violence (frequency of mentions)

Response to violence	Urban		Rural		Total
	Known	Unknown	Known	Unknown	
Abandonment of abusive marriage	3		2	6	11
Avoid confrontations	5	3	1	5	18
Fighting back		1		1	2
Involve local councils		1	1	2	4
Just keep a low profile	4	3	3	4	14
Negotiate/talk to him	1	2	3	6	12
Run to/involve neighbours			1	2	3
Report matters to in laws	2	2	3	3	10
Total	15	12	18	29	74

It was also common for respondents to keep a low profile or to express resignation towards their situation.

It's only God's mercy that I am still here but I would have left him already because whenever we had a wrangle he could get *pangas* [machetes] and sticks threatening to beat me up. I thought of divorcing him but I had nowhere to start from I stayed in that situation until God himself made him come to his senses. (Rural respondent, claims was forced into marriage by her mother, HIV status unknown)

Although the majority still preferred to avoid confrontation or opted to take a low profile, some respondents fall back on the social networks of neighbours and in-laws. Other took more drastic measures such as taking recourse in the law or in authorities such as local councils. In more extreme cases, respondents opted to totally abandon abusive relationships or marriages.

Respondents tended to tone down physical domestic violence with expressions such as, '[H]e used to beat me but now he stopped' (urban respondent, 41 years old, status unknown). This kind of denial was particularly prevalent among the status unknown group. Generally, the women in this group, most of whom are widows, have been exposed to counselling and peer comforting, which has enabled them to critically review their life experiences. It is also true that in most cases there is social pressure to tow the line – the women either do not want to be labelled as 'abused partners', or they feel compelled to conform to socially accepted norms of not revealing abuse within an intimate relationship to outsiders. In contrast, the status-known respondents, the majority of whom are in relationships, while more open about their experiences of domestic violence were nevertheless quite guarded, saying they feared reprisals from their intimate partners if rumours spread after the focus group discussions.

Respondents tended to exhibit resignation, helplessness and powerlessness, especially with statements such as 'what can I do?' The cycles of domestic violence and subsequent resignation were evident throughout their life histories.

He became a very different thing; he was very hostile, used to scare me very much. One day he grabbed me and said 'I can beat you, cut you, and kill you;

there is no one in your family who will take me to prison'. It was 1995, even his parents feared, it was like he had been possessed. (Rural respondent, no schooling at all, third wife in a polygamous marriage, status unknown)

When we have a problem and decide to sell an animal at home, instead of using the money to solve that problem, he uses the money for other things and I feel hurt in my heart. We had four cows he sold without consulting me. I wasn't around. I had gone to attend a funeral and when I came back he had already sold them. I asked him why he had done it since our children were still young and he told me that he had personal problems to solve. Ever since then we have never replaced the cows. I felt bad but I had nothing to do. I just watched him. (Urban respondent, HIV-positive)

It is argued that this high level of resignation to intimate partner violence indicates that the community environment is tolerant, or even supportive, of women being the victims of violence. The sense of powerlessness and unresponsiveness further perpetuates the cycle of violence. In fact, women, and not the male perpetrators, are held responsible for domestic violence.

Property rights and violence

Domestic violence resulted in a number of lifestyle changes in the lives of the respondents, either as an immediate response or as a way of coping with the frequency of the violence, as shown in Table 13.4.

Table 13.4: Effect of violence on women's lifestyles (frequency of mentions)

Changes in life style	Urban		Rural		Total
	Known	Unknown	Known	Unknown	
Demanded land from husband while alive				1	1
Doesn't sleep around (faithful)	6		3	1	10
Doesn't work as before	1	1	3	5	10
More cautious with life now		1		4	5
Took on more control over sex in marriage		1		1	2
Routine hospital/support organisation visits	4	2		9	15
Increased quarrels with partner			1		1
Limited access to land			1		1
Open on status/people supportive		1	2	5	8
Re-marriage				1	1
Resettled on own plot/to grandmother		1	1		2
Shunning by most relatives		1	1		2
Sickly/worried most times	3	2	5	4	14
Taking on 'breadwinner' responsibility	3	4	9	5	21
Total	17	14	26	36	93

The table reflects how many women take over the role of breadwinner while others experience health problems as the repeated violence takes its toll, with increased visits to hospital and a general reduction in labour hours.

Disagreements often arise around the sharing of proceeds from the sale of agricultural produce. Male partners may renege on prior agreements, for example, that all produce should be for household food consumption, and go off to the market to sell them without discussing it. Any complaints from the female partner are viewed as challenges to male authority and attempts to usurp roles, which often leads to domestic violence in the form of beatings.

'You are just a woman and I am the one who brought you into this home, you will not benefit from this land because you don't own any land here. I have the capacity to do what I want because am the head of this family as a man.' Then me I said, 'What about me who has worked hard for the things we have, can't I also make a comment?' (Rural respondent, traditional marriage at 19 years old, HIV status unknown)

In response, women sometimes either under-declare earnings from the sale of produce or they simply sell produce without their partner's consent. This situation breeds misunderstandings, which over time degenerate into conflicts or physical fights. When this happens, male partners tend to abandon the home and hand the responsibilities of providing for household welfare to the female partner by refusing to buy the basic household necessities.

My husband never used to provide for us properly, he would come back with a kilo of sugar only after being away for two or three weeks. So I decided to start selling crops. I planted lots of maize and all my in-laws would look at us with envy. Whenever I would sell he would demand for the money and any attempts to explain that the money was used for household items would fall on deaf ears. My in-laws informed him after realising that I had sold the maize. He came and told me that he wanted some of the money that I had got; I told him I didn't have any money. God had helped me and I had put the money in a polythene bag and had buried it between banana suckers in the compound, he turned the whole house upside-down. He wanted to beat me! He said 'they have told me you sold a lot of maize, bring the money', I showed him the sack for seeds and the one which I had put aside for home consumption. He was not convinced, 'Whatever you grow this time is going to be supervised.' (Urban respondent, 35 years old, HIV-positive)

In these cases of abandonment, when women become totally responsible for the household welfare and food, they are not only unable to take care of their own personal needs, but they are also unable to save or invest money. Male partners can stay absent from a few days to a number of months.

He comes when [I] am not around and sells all the coffee. After selling he disappears from home spends all the money. Before he suspected that we had HIV he would spend weeks or months without coming back, there was a time he spent a year. When I would find a sack of maize or coffee missing then I would know that he was around. There was a time we had a disagreement over

crops being sold without my knowledge, I packed my things and went home.
(Urban respondent, 35 years old, HIV-positive)

The period of temporary separation presents risks and vulnerabilities to HIV and AIDS. When women engage in sexual relationships outside their official partnership it is often to gain economic support. Men, on the other hand, tend to use liaisons outside the partnership as a means of punishment or as a way of showing power.

Whenever he sells [produce from the land] he disappears for around two days without even communicating his whereabouts, quietly hiding in another woman's house. The moment he comes back and you happen to ask him where he has been, then you would be 'answered' by beatings; using sticks, blows. He just beats us [woman and children], even his mother supports him. For us we could just look at him and let him do what he desires and indeed he has reaped [got HIV and AIDS] from his actions.
(Urban respondent, 47 years old, HIV-positive)

There are often conflicts in polygamous relationships between male partners and female co-partners over land resources. One parcel of the family land can be more fertile than another. This especially becomes problematic when the joint use of land provides for food production and household income. Such conflicts draw in the patriarch and the matriarch (or persons responsible for allocating land use rights) as mediators. The more wives there are, the greater the number of conflicts over land use. Often such conflict comprises psychological violence with accusations and counter accusations of witchcraft. It can also escalate into physical violence if no mediation takes place, mostly involving the co-wives and children. At the end of a fight, a woman can be left with fewer acres to cultivate. In extreme cases, parcels of land can be re-allocated to other family members.

My in-laws were complaining that I was cultivating their land, and acquiring property. One of them came and told me 'give me that cow I have a case to settle', then I told him 'no'. Then he asked for [a] goat, still I refused. Then he asked me 'should I then sell part of the land', then I told him 'you are so free to sell the land but not my cow', they wanted to trick me by deceiving me to remove the cow away from me. So he sold part of the land. After some time my cow died, someone inserted a piece of wood in the cows private part, it was five months pregnant I was hoping to sell it and buy iron sheets to roof my house. (Urban respondent, HIV-positive)

Both focus group discussions and in-depth interviews indicated that the seasons of planting, tending crops and harvesting are relatively peaceful. In contrast, the seasons of drying, storage and selling are characterised by disagreements, quarrels and fights and are the times when separations tend to occur. It is clear that on market days and other income-earning times, drinking and acts of promiscuity are most common, often resulting in violent confrontations.

As a result of the often violent confrontations brought about by the sale of excess produce, often women deliberately don't grow a surplus and instead try to accumulate other, more secure forms of property, like livestock.

My wish had been to sell crops and buy a goat or a cow, he would tell me 'you did not come to get wealth from my home; you go and do those things from Buganda where you came from'. He would tell me how I have another man

because I had a lot of money which I used to buy all the things the children talked about, I would tell him how I cultivate, then sell and buy them what they needed. (Rural respondent, married, HIV status unknown)

When a woman *is* able to exercise control over income from the sale of produce, she enjoys a certain level of contentment and well being, since she is able to take care of basic household needs for food, nutrition and health. However, it is clear that even livestock is not safe from intimate male partners. It is possible to turn livestock into cash, and it is easy to do so without the owner's consent while they're not there or simply by force. Women are often not able to challenge such events because of the conventions of domestic hierarchies.

I have a right over that cow because it's mine and it's in my hands and it belongs to me, however we women are always victimised by the husbands. He will say I got that cow when am in his home so the rights I have over it are limited. Some other men take away the money from the woman when she decides to sell her property and yet she is the one who looks after it. Men have a tendency of thinking that if a woman has something of her own; she may not respect her husband. The relatives and community members can criticise me because they look at me as an independent woman and yet in a home there is a husband. In this case the home will be run by two people. (51 years old, married, HIV status unknown)

Women who have lost income in the ways described by the respondent above often lose interest in investing further in livestock. Domestic violence can also occur simply if the benefits of a sale are not shared equally.

There was a time when I sold some maize and I decided to buy for myself some clothes. He didn't refuse, but his idea was that I give him the money to buy me. I gave him the money; he bought the clothes and hid them. I could not tell his intention why he was doing it. I reported him to his parents and he gave me my clothes. (Rural respondent, 35 years old, married, HIV-positive)

However, respondents asserted that under the *plooti* sub-tenure, at least inter-family violence arising out of property disputes is reduced, and in some cases completely silenced, because of the recognised contribution the woman makes to the tenure acquisition and the fear that she may turn to local authorities, who hold the sale documents, to deter the claims of the clan. However, it does not seem to deter intimate partner violence when women attempt to assert their rights. In these cases, women are seen to be challenging the authority of their male partners by disobeying them.

According to the focus group discussions, women often maintain property rights illicitly with the help of their natal relations. They are obliged to do this because men see women's independent property rights as the first step towards an independent existence. For the same reason, men try to ensure that their female partners do not have independent sources of income.

Conclusion

Although the laws are quite clear about women being as free as men to own and dispose of property, including land, women are not able to enjoy these rights in practice because they are unable to earn the money with which to purchase land.

As a result, and as this study has shown, women are driven to own property and to earn independent income illicitly. Property rights and independent means are treated suspiciously by male partners, seeing them as a bid for independence. The non-disclosure of property is therefore a protective measure, intended to mitigate the consequences of absolute loss in the event of the death of, or the separation from, their partners, whether they are in formal or informal unions.

Intimate partner violence often occurs as a result of disagreements over the use of property (in the case of land) and over its disposal (in the case of livestock and crop yields). The struggle is gender-based – males assert their power by controlling access to markets. Domestic violence also occurs in disputes over land grabbing and when land is sold without discussion, especially in the female partner's absence.

Inter- and intra-family violence occurs after disputes over land use, especially between the extended family or clan when the surviving partner is a woman. Violent disagreements arise over the fairness of land allocation, either because of the size of the parcel or because of degrees of fertility. Matriarchs and patriarchs often intervene to diffuse tensions, especially in the absence of the male partner. It is not uncommon for women to be chased off the land and have all their property burned.

Significantly, women are unwilling to discuss their HIV test results or their suspicions about their partners' status for fear of outbreaks of domestic violence. This finding reaffirms the national sero-status survey results, which show that 83 per cent of respondents have never discussed HIV with any of their sexual partners, and 89 per cent do not know their sexual partners HIV status (MoH et al. 2006). These percentages are similar among men and women. The most common reasons given for not testing are: that they do not need to get tested; that they have a low risk of contracting HIV; that they already know their status by virtue of the fact that their partners died of AIDS-related illnesses.

A further form of abuse perpetrated against women is economic abuse. Women seldom have alternative means of income and are therefore unable to contribute to household expenditure when a male partner abandons them. In some cases the male partner refuses to provide for household expenditure in order to deplete the store of money a female partner may have illicitly accrued.

Property and HIV and AIDS

Intimate partner relations

The definition of a good intimate partner relationship is one in which the man provides all the basic household necessities as well as sexual gratification. These aspects bear directly on partners' property rights, and portray a value attachment beyond the ordinarily accepted norms in society, according to in-depth interview respondents.

Women respondents reported that while it was important to be loved and to live in a stable domestic environment with their intimate partners, these harmonious situations were in fact frowned upon by society, with the women being suspected of having bewitched their partners. Societal attitudes like this contribute directly to women's vulnerability to HIV and AIDS.

The possibility of generating income from property has an impact on the nature of intimate relationships, especially considering the fact that the access and use of property is controlled by the male partner or his extended family/clan.

Healthy intimate relationships are also associated with the ability to bear children, since women fulfill a fundamental societal expectation through motherhood. Children and especially male children determine women's continued access to land and other property in the event of the male partner's death.

Marriage and HIV and AIDS

Marriage is important as it is associated with status in the community. An unmarried woman is called a *malaya*, a whore. Marriages have God's blessings and must be respected. In addition, the legitimacy of children and their position in the father's lineage and that of his clan guarantees inheritance rights. Out of the 64 respondents in the in-depth interviews, 45 stressed that marriage gains one respect and builds the social networks (with in-laws) which are important for safety and security in times of stress or difficulty.

Marriage is still seen as an attractive institution because it is a place of economic refuge in which men are obliged to cater for women's needs. It is also seen as a security measure against HIV and AIDS – provided the partners remain faithful to each other.

However, respondents also expressed negative views on marriage. Women cannot make decisions independently and there is always the risk of domestic violence. Unfaithful male partners make women vulnerable to HIV. Women respondents pointed out that seeing as one is obliged to provide for oneself anyway, the only advantage of marriage was in getting societal approval.

In my view I feel better now when I am not married because I am not under pressure from anyone, I am not worried of being beaten. I don't feel like being married anymore. In fact even when I have a problem I go and share it with my father. (Urban respondent, 47 years old, HIV-positive)

Polygamy

Respondents also intimated their dislike for polygamous marriage, despite accepting and engaging in it. They stated that a monogamous marriage without co-wives is a sign of a good intimate partnership. They argued that polygamy could only be considered equal if each co-wife lived in a separate house on a separate piece of land. The negative attributes of polygamy concern financial insecurity. Violence occurs in situations where the male partner is unable or unwilling to provide separate living spaces for co-wives.

In focus group discussions, it was revealed that women are unable to trust and hold to account other female partners in polygamous relationships with regards to exposure to HIV. This finding is in tune with the national sero-status survey findings which highlighted the fact that HIV prevalence amongst married partners accounts for 66 per cent of all new infections and is particularly on the rise amongst female partners (MoH et al. 2006). Rumours about one's HIV status are stigmatising and affect one's good standing in the community.

HIV status and disclosure

The majority of the women in this study, particularly in the rural areas and among those whose HIV status was unknown, had never had an HIV test; they assumed they were infected after witnessing the illnesses of their intimate partners. Awareness of HIV status can motivate individuals to further protect themselves against infection or protect their partners from infection. However, the national sero-status survey data indicates that the most Ugandans have never been tested for HIV and therefore do not know their status (MoH et al. 2006). According to the focus group discussions, women were reluctant to ask their partners to use condoms, to test for HIV and to disclose the results because they feared intimate partner violence.

Respondents from the 'status known' group would readily tell the interviewers that they are sick, but had never had an HIV test. Others who had tested doubted they were really infected until they contracted an opportunistic infection.

I have never tested for HIV, because of rumours that whoever tests starts losing weight and become very thin. (Rural respondent, 35 years old)

I was told that when blood is tested for HIV, it has to first be boiled, and in my case when I went for the HIV test, my blood was never tested. Then they told me that I was HIV positive. I did not believe them. Our friends' whose blood was tested on the first day, their blood was taken to Iganga and boiled, but ours they didn't boil it. (Urban respondent, 33 years old, HIV-positive)

Widows tend to join support groups despite not being tested. Statistics show that out of the 1.1 million adults who test positive for HIV in Uganda, 58 per cent are in discordant relationships with partners who are either negative or do not know their status.

Strong peer influence through membership in support organisations accounted for the decision of many respondents in the 'status known' group to test for HIV.

It was common to find disclosure limited to the support group and to those close family members who offer their support. Focus group discussions revealed that violence and the

fear of violence hinder women's ability to prevent transmission of HIV, often experiencing further violence once they are tested or are perceived to be infected.

[A]s soon as you return home and say that you have taken a test and your results are positive, the man can bring out *pangas*, knives and sticks. He would ask you to name all the men you have had affairs with, and how you brought the disease into the home. (Respondent, focus group discussion)

It was common for male partners to tell their female partners not to go for HIV tests or take medication; this is partially because of power relations within the household, in which case the female partner gets the help of her natal relatives to access health services. Male partners are apprehensive about stigma despite the fact that respondents often said that stigmatisation was not a problem in 'our' home, school or community. This is contradicted by first person accounts.

I became a member of TASO [The AIDS Support Organisation] Jinja but now since he is not a member he doesn't allow me to go for treatment. His problem is people seeing me there and spread the rumour about our sickness. But for me when I get some money, I deceive him that am going to Jinja to my relatives because I have some relatives in Jinja, I have an aunt who stays there and it's from her place that I proceed to go for treatment when I come back with the medicines, he says nothing, I use them until they get over. (Urban respondent, 33 years old, HIV-positive)

People living with HIV and AIDS are viewed as shameful and the disease is perceived to be a result of personal irresponsibility. If not counteracted, such attitudes fuel prejudice against those living with HIV and AIDS. Furthermore, stigma leads to secrecy and denial, which hinders affected people from seeking counselling and testing, as well as care and support services.

The practice of widow inheritance by the brother of the deceased historically has been seen as a form of social protection that ensured that the needs of the mother and orphans were provided for by the clan. Given the fact that the inheritor may be having unprotected sex with multiple partners, the practice exacerbates the risk of HIV transmission.

It was a tradition in their clan where an heir would be appointed to look after the widow and the children. I was not consulted; except they told me no other man should stay in their son's house apart from his brother. I sought advice from my relatives and they said since he is a clan member and he has shown interest in you, let him stay and take care of the children. He did not help me in any way, if anything he benefited from my late husband's property. He didn't have any other wife. After his death they brought another man, this time I refused!

After the funeral I returned to my marital home. One day, one of his brothers come and told me that the fellow clan members have selected him to come and stay with me and also help me to raise the children. At first I refused, I didn't like it but I had no choice since they had threatened to chase me away after the husband's death, they said if I don't like the idea, then I should leave the home, my children were still very young. We stayed together for four years

and produced two children. He was a brother to my late husband. After four years he also died. (Rural respondent 47 years old, widow, HIV-positive)

It was also evident that a combination of stigma and ill health due to HIV and AIDS limits the participation in production activities in both the rural and urban areas.

I don't feel fine like when I used to before I got sick, even I no longer dig and do hard labour like sorting maize from the cobs. Whenever I try such activities I do feel bad the following day in almost every joint. Also the body itches and having too many thoughts at the same time that am going to die any time. (Respondent, focus group discussion)

Property rights and HIV and AIDS

Abstaining from sex, being faithful to one uninfected partner, and using condoms are important ways to avoid the spread of HIV and AIDS. Knowledge about HIV transmission and ways to prevent it are less useful if people feel powerless to negotiate safer sex with their partners. It is important in the fight against HIV and AIDS for women to assert greater control over access to their bodies.

I said no to sex and whenever he could be in the moods of having sex I would say no. For sure he was coughing blood; just imagine having sex with such a person. I reminded him about the caution and he refused to listen to me. After the HIV test he was given treatment before his results were back. It would take two week for someone to get their results, but because of his physical appearance the nurses did not wait for he results. Openly speaking I cannot deceive you that at any one time did we ever use a condom. In fact after knowing our status we spent one year up to the time of his death without having sex with him though he used to ask for it, but me I refused. (Rural respondent, HIV-positive)

He used to force me to have sex with him. He would beat and slap me when I refused. (Rural respondent in her third marriage, HIV-positive)

A female partner's ability to refuse sex with an infected male partner is rare, indeed the majority of respondents viewed sex as a marital obligation. This immense social and cultural pressure places married partners at a greater risk of HIV infection than un-partnered respondents, who do not feel the same obligation to have unprotected sex with their partners.

It's not appropriate when you are married and your partner asks for sex and you refuse, unless when you are sick. The monthly periods are known by all. If you don't have any problem affecting you then there is no reason as to why you refuse to have sex with your husband. (Rural respondent, 51 years old, HIV status unknown)

It was also evident that female partners were unable to negotiate condom use. Many respondents were afraid to raise the subject of protection for fear of being beaten. Physical abuse is a common response to requests for condom use, as is the general suspicion that the woman may be the partner who has transmitted the virus in the

relationship. Some respondents considered the idea of condom use unthinkable given the fact that one is married.

It's a bit hard. I don't know. I cannot tell him to put on a condom...How can I start to tell him that he should put on a condom? He will even ask me why am suspicious? In fact he can even suspect that am cheating especially if I have not been around, how would I answer him? (51 years old, married, HIV status unknown)

This manner of thinking perpetuates women's submission to men's demand for sex. In the national sero-status survey, 72 per cent of women and 82 per cent of men said they feel that a wife is justified in refusing to have sex with her husband if she knows he has a sexually transmitted disease, while 71 per cent of women and 83 per cent of men believe that a wife is justified in asking that they use a condom if she knows that her husband has a sexually transmitted infection (MoH et al. 2006). These responses indicate widespread understanding of women's right to negotiate safer sex with their husbands. However, the focus group discussions and in-depth interviews revealed a different scenario.

The man wants sex and you refuse! You the woman! Do you refuse because you are sick? Unless you are in your periods, but if you give him the pleasure and you to get the pleasure as well, why should you refuse? Yet that's what made you get married. That's why we leave our families. Why do you refuse to sleep with him? Do you want him to hack you [to death]? (Urban respondent, widow, not sure of her HIV status but claims husband died of AIDS)

A woman cannot; she cannot push away her husband unless she is in her periods. God gave us those days as a holiday. I can equate those days to a Sunday where God said we should rest. But if it is not so, pick up the hoe and go to dig. (Rural respondent, 35 years old, status unknown)

Not being able to negotiate safer sex, women have no control over intercourse and are unable to protect themselves against infection. They can be forced to have sex, since marital rape is not legally recognised in Uganda. Reproduction is therefore controlled by men in their desire to have children.

The very first time I asked my husband to use a condom because I didn't want to give birth he said no. He raped me and I got pregnant. I'm still with him because I don't have a cent. He at least pays the rent. (Respondent, focus group discussion)

Disagreements over property lead to temporary separations, during which intimate partners often commence new relationships. This allows men to exercise their right to sexual satisfaction by substituting the absent female partner. For women, however, the new relationships are necessary for their economic survival. After the dispute has been resolved and the separation ended, intimate partners' sexual relationships simply resume. Without establishing their HIV status after the separation or taking any precautions against contracting the virus, women's exposure to infection increases.

In many cases, the threat of abandonment or eviction constrains economically dependent women to remain in abusive relationships, thereby exacerbating their vulnerability to HIV infection. In other instances, the male partner may opt to marry another woman during

the separation period. This polygamous arrangement affects the balance of property rights and access to land use between the co-wives.

Conclusion

While investigating the study population it was evident that all the in-depth interviewees had engaged in extra-marital or extra-relational affairs with other people other than their partners. Similarly, the level of re-marriage was evidently high, which also leads to increased exposure to HIV infection.

HIV prevalence is related to marital status because marriage exposes women to HIV infection through heterosexual intercourse. Women have no control over their bodies and sexuality. It is common for women to be serially or sequentially 'married' over their life histories, with a minimum of two marriages and a maximum of four. These sequential re-marriages are secured as a source of economic support, especially if, in the absence or in the event of the death of a male partner, the individual woman concerned has no property or no alternative source of income.

Marriage in essence has become a necessity for accessing welfare and survival. Women widowed by HIV and AIDS are under more social and economic pressure to remarry than those whose spouses died of other diseases. This trend leaves little room for protection against HIV and AIDS. As women progressively engage with several partners in a sequential manner, their vulnerability to HIV and AIDS increases, as well and the exposure to incidents of violence.

Separation and abandonment arising from property conflict, though temporary, provides a window for engagement in extra-marital affairs. This increases the number of sexual partners and the exposure to the risks of contracting the virus. Almost all HIV-positive respondents in the in-depth interviews alluded to periods of desertion and separation, after violence, quarrels and break-ups. They would realise shortly after reconciling that they are infected or they become ill. In this way the virus takes its toll.

Women's accumulation and ownership of property is viewed as transgressing the norms and practices of what is expected. Suspicions abound as to where the money for the purchase came from, and in this way female property ownership is seen as the product of promiscuity and thus an indication of their positive HIV status. This means that clans can grab land or sell it forcefully with impunity, taking advantage of female property owner's reluctance to be stigmatised as HIV-positive.

It is evident that despite massive government effort and action to inform the public about HIV and AIDS risky behaviour, the required behavioural changes are affected by other factors as well. This study clearly establishes the fact that asset endowment and property ownership, which directly relate to economic welfare and survival, are key determinants of vulnerability to HIV and AIDS. This is especially the case when women are obliged to consider marriage and re-marriage as a source of economic security.

Linking the findings

This section is a synthesis of the specific linkages between the findings of the Uganda study. HIV and AIDS, property rights and intimate partner/domestic violence have interfaces which are either two- or three-way as all three interlink. The issues discussed in this section build on preceding chapters, but seek to show whether interfaces are mitigative, preventive or exacerbating and how these vary amongst women given differing levels of property/tenure security and partner/non-partner situations.

The *mitigative* interface considers whether property rights provide an avenue that alleviates, solves and/or aids the management of the effects of HIV and AIDS.

The *preventative* paradigm considers whether property rights play a role in stopping HIV and AIDS and intimate partner/domestic violence.

Exacerbating refers to the intensification of negative effects, that is, when property rights, instead of being either mitigative or preventive, serve to make matters worse than they should be.

Dual linkages

HIV and AIDS and property rights

The linkage between HIV and AIDS and property rights manifests strongly as mitigative; though this study found evidence of situations when it exacerbates the situation, depending on the specific circumstances of the affected party. From a mitigative perspective, property rights were found to endow a level of empowerment that enabled women to manage the effects of HIV and AIDS, especially access to healthcare and nutrition. This was particularly pertinent amongst urban women. However, urban partnered women, in spite of having property rights that tended to be more definitive and thus more secure, were found to be comparatively disadvantaged in relation to their non-partnered counterparts, because decisions to seek health services and join social support groups for persons living with HIV and AIDS in which resources accruing from property were to be used were often vetted by their partners. On the other hand, property rights amongst rural women were much less fixed, often context defined, and tended to exacerbate to the effects of HIV and AIDS irrespective of whether the women were partnered or not. In Iganga, a preventive linkage between property rights and HIV and AIDS was not found. In fact, the contraction of HIV and AIDS was directly linked to emotional needs and economic insecurity among both partnered and non-partnered women.

It is our conclusion therefore, that property rights were not found to reduce risky behaviours and therefore the risk of infection; but rather were found to play a big role in the empowerment to manage the effects of HIV and AIDS; though this was skewed to favour urban non-partnered women compared to their urban partnered and rural counterparts.

Intimate partner violence and property rights

In Iganga, the linkage between property rights and intimate partner violence is strongly exacerbating. Incidences of violence were found to be tagged to moments of property rights returns/rewards, particularly where rights are viewed to include or encompass rights to income accruing from property. For rural and urban respondents, as well as

property/tenure secure and insecure women, the issue was not the occurrence of domestic violence (because everyone experiences it), but rather its severity. In Iganga, partnered women seemed to experience violence with less severity compared to their non-partnered counterparts. Violence was found to be fueled by a host of issues, which, on closer scrutiny, boiled down to economic insecurity; better property rights even at a primary level of certainty over crops and proceeds there from translated into improved welfare and perceived economic security – yet this often triggered suspicion from partners resulting in violence.

On the other hand for non-partnered women's property rights, tenure on land still presented the most common area of contention that translated into violence. The severity of violence varied by type of property in question – highest with land and income accruing from activities on land, and least with other categories of property. Evidence of property rights being preventive to intimate partner/domestic violence was dismal and inconclusive even from two women in the samples who had a reasonable level of education (teachers) and were income secure in addition to having their own land.

It is our conclusion, therefore that property rights whether definitive or obscure are a precursor to intimate partner/domestic violence; there is a gradation in the severity of the violence depending on whether the woman with the property rights is urban- or rural-based and whether she is partnered or non-partnered and also depending on the type of property in question.

Intimate partner violence and HIV and AIDS

Intimate partner/domestic violence and HIV and AIDS relate in a mutually reinforcing manner. HIV and AIDS creates a host of stigma related situations that in turn nurture an atmosphere of tension which triggers violence, particularly where disclosure of status of partners upon undertaking a sero-status test is concerned. First is the prioritisation of expenditure of household resources on ill health, which favours the male partners at the expense of the female; household land property sale to finance health is limited to males as beneficiaries, because of the absence of control and authority over property by women. Hence, a scenario that could have been mitigative to women, only aids the males due to an imbalance in power relations over property and within the household.

Secondly, intimate partner violence – especially in the form of forced sex and disempowerment to negotiate safe sex even in instances where it was very clear to the females that their partners were or have been exposed to HIV and AIDS – is not mitigated due to fear of violence. This direct pathway for increased exposure to the possibility of HIV and AIDS infection is exacerbated by the absence of alternative livelihood sources or survival means upon which one can fall back on. For those respondents who had access to other livelihood means, the ability to rely on it was dissolved by the cultural norms that demanded submission and obedience to their male partners within marriages or relationships.

It is our conclusion therefore, that intimate partner violence and HIV and AIDS have a reinforcing relationship that enhances vulnerability of the affected party to either or both of them. It should be noted however that the trigger for either derives from the fact that empowerment both in terms of rights to property and recourse to economic means is limited, in addition to the controls imposed by the social cultural context, norms and practices.

Tri-partite linkages

The three-way linkage between variables (HIV and AIDS, property and violence) depicts a cyclical relationship. Property rights are clearly mitigative to HIV and AIDS and intimate partner violence but fall short of being preventative. The evidence obtained by this study shows property rights at times creating exacerbating situations particularly in terms of increased predisposition to HIV and AIDS and intimate partner violence. Manifestations of these interactive relationships are conditioned by economic security, which is not necessarily linked to tenure security. The pathways of this three-way linkage are described below.

Mobility was found to be a key characteristic in the life histories of almost all respondents. Mobility not only exposed them to situations that predisposed them to intimate partner violence and HIV and AIDS, but it also erased opportunities for claims that the respondents could make with respect to clarity of property rights. This study found that mobility whether in childhood or adulthood enhanced a perspective of transient rights for women, which served in the case of property to actually erode rights, given the fact that in Iganga tenure as security is derived from actual occupation and use (under customary land).

Power relations came out as a critical element in determining the interplay between property rights, HIV and AIDS and intimate partner/domestic violence. Property rights were clearly shown to be empowering to women, particularly at a mitigative level; this however, was viewed as a disruption by their male counterparts triggering a series of reactions, which exacerbated predisposition to HIV and AIDS and intimate partner/domestic violence.

Dual economy at household level – it is apparent from both partnered and non-partnered women that economic activities and assets within the households are distinctly divided between spouses to the extent that even gardens are referred to as belonging to either partner in spite of being on the same piece of land. This situation is mirrored by differences in priorities and trickles down to incomes and expenditures and is a source of friction once control over more rewarding undertaking is sought by either partner.

Neglected responsibilities were another pathway to HIV and AIDS and violence, particularly where husbands are away from home for prolonged absence because of work or polygamy. Evidence shows these periods to be characterised by hardships particularly in terms sustenance, which drove many women into risky behaviours with regard to HIV and AIDS, even in instances where they were tenure secure. Return of the partner on the other hand was characterised by suspicion of infidelity, which translated into violence.

The evidence generated by this study points to the fact that there are factors that have a significant influence on the interplay between HIV and AIDS, intimate partner/domestic violence and property rights. Particularly, these are: the level of exposure the woman has had to empowering situations; recourse to economic means; and the extent to which culture plays a role in the woman's life.

Other linkages

Evidence in this study re-affirms earlier research study findings that show the inability of 'good' law and 'good' policy in securing property rights of women and safeguarding against occurrence of violence, if practice is not cognizant of the empowering stance provided for in law. This forces women who are the most affected to negotiate tactfully and often below the necessary standard for rights of access and property use as long as this fulfills their immediate survival and sustenance needs, in addition to their socially constructed responsibility of maintaining the food supply within households. This study thus shows that law or policy needs to be cognizant of relational aspects between HIV and AIDS, domestic violence and women's property rights, especially if the socio-cultural construct of rights in property for females continues to be drawn around relations with males, the non-contractual nature of such relations directly imply inability to claim property rights.

For women living under customary systems of tenure, marriage remains the primary means for access to land on which to live and grow food or cash crops. In the current context of rapid social change, the institution of marriage is increasingly unstable and the rights in land are vulnerable to forfeiture or erosion of various kinds. It is therefore not sufficient for statutory laws to guarantee women the right to purchase, own and dispose of property (as is the case in Uganda) in their own right without setting a regulatory framework that will ensure a change in practice, 'nice laws on the shelves do not deliver rights' for women (key informant interview). Until the control of property within the household is vested in the hand of the women, household welfare may not necessarily improve, and contestations and negotiations over control of income which lead to violence will continue.

Marriage is a deeply held value and tradition in Uganda and sexuality is controlled within marriage; marriage is assumed to give the male partners exclusive sexual rights to the female partners, but the reverse are not often expected. Tolerance of male infidelity in marriage has implications for the spread of HIV and AIDS. And regarding the beating of the wife or female partner as justifiable in one or more circumstances, 'little progress in reducing levels of domestic violence in settings is likely to be achieved without significant changes in prevailing individual and community attitudes toward such violence' (Koenig et al. 2007). This view is re-affirmed by the findings of this study, that violence is a leading cause of female injury, deprives women of bodily integrity by eliminating their ability to consent to sex, negotiate safer sex, and determines the number and spacing of their children.

Recommendations

The status of women in intimate relationships

Existing law and policy in Uganda has tended to address women in 'formal' relationships, setting aside the majority who are in socially legitimate unions or socially accepted relationships. Evidence in this study shows that such law or policy is not effective in securing property rights of women and in safeguarding against the occurrence of violence. Property rights violations exacerbate the vulnerability of HIV-positive women, who may be evicted from their homes and forced into poverty because they lack the ability to secure land and shelter for their families. Taking charge of property, especially land, is tactfully achieved, through negotiated mechanisms; several widows negotiate to have or to be given access rights for property use. It is also imperative that the drafting of law or policy

is cognizant of relational aspects between HIV and AIDS, domestic violence and women's property rights. Vulnerability within marriage relates to the non-contractual nature of some types of marriage and the resulting inability to claim spousal rights in the event of mistreatment, divorce or abandonment. The current draft HIV and AIDS policy ought to provide for secure property rights of affected persons and deterrent penalties for domestic violence meted out on people living with HIV and AIDS.

Women's education

The level of education of the widow is a determining factor as it relates to her ability to access the justice system and other alternative income options, as well as to the ability to assert her rights in the face of the clan. Education is also associated with the ability to secure or own property, and defend one's rights in property. However, this is an inter-generational capacity gap that takes decades to build. Uganda's universal primary education and universal secondary education are policies supportive to the creation of such a base; however, the two programmes are plagued by a high drop-out rate, currently put at 60 per cent of enrolled pupils, falling off before completion of primary level (Namubiru 2007). Despite this drop-out rate, in five or more decades to come the status of women in relation to HIV and AIDS, violence and property will witness numerous changes. Women who have their own sources of income are more empowered to take leave of a violent environment.

Women's tenure status

Women's unequal property and inheritance rights contribute to women's poverty, and place them at a social disadvantage. For women living under customary systems of tenure, marriage remains the primary means for access to land on which to live and grow food or cash crops. Women's rights are vulnerable to forfeiture or erosion of various kinds. It is therefore not sufficient for statutory laws to guarantee women the right to purchase, own and dispose of property in their own right without setting a regulatory framework that will ensure a change in practice, 'nice laws on the shelves do not deliver rights' for women (key informant interview). Until the control of property within the household is vested in the hand of the women, household welfare may not necessarily improve, and the contestations and negotiations over control of income that lead to violence will continue. Explicit provision for women's property rights or tenure in law and policy is essential for the control of violence and the expansion of income for household welfare. However in other instances, this does not necessarily improve relations between partners because tensions arise..

Violence in intimate relationships

In a community-based study by Koenig et al. (2006), 70 per cent of men, and 90 per cent of women, viewed beating of the wife or female partner as justifiable in one or more circumstances. In their view, 'little progress in reducing levels of domestic violence is likely to be achieved without significant changes in prevailing individual and community attitudes toward such violence' (2006: 68). This view is re-affirmed by the findings of this study, since violence, already a leading cause of female injury, deprives women of bodily integrity by eliminating their ability to consent to sex, negotiate safer sex, and to determine the number and spacing of their children.

HIV prevalence among partnered people

In Uganda, sexuality is controlled within marriage; marriage is assumed to give the male partners exclusive sexual rights to the female partners, but the reverse is not often

expected. Tolerance of male infidelity in marriage has implications for the spread of HIV and AIDS. In this study, female respondents are emphatic that it is norm for 'men to be inherently polygamous and it is their 'normal' state to have more than one wife'. In their view, a man cannot be satisfied with one wife; therefore absolute monogamy (one wife, one husband) is very rare and would be an aberration for a man not to have an additional intimate partner 'outside' marriage.

Research gaps

Within the conceptual framework of this study, polygamy needs to be added as an exacerbating factor to HIV and AIDS which increases the vulnerability of female spouses, and diminishes the mitigating value of property within a household. Witchcraft also needs to be explored separately in relation to property rights, violence and HIV and AIDS.

SECTION 4

Comparative analysis

Hema Swaminathan, Kimberly Ashburn, Asliban Kes

Chapter 16: Comparing projects

Chapter 17: Women and property

Chapter 18: Property, HIV and AIDS,
and domestic violence

Comparing projects

In this section, we examine the findings from the two country studies to explore the commonalities and the differences in how property, HIV and AIDS, and gender-based violence intersect. The analysis presented here is based on the country reports as well as the transcripts of in-depth interviews conducted among women in rural and peri-urban settings in Uganda and South Africa. The section is organised into three chapters. This chapter provides context for the two study sites in terms of key features of the demographic and economic profiles and the HIV epidemics in each area of the selected study sites. It also describes the demographic profiles of women interviewed. Chapter 17 compares the meaning and significance of property, as well as how women acquire and access property across the study sites. Chapter 18 presents associations between property, HIV and violence, and offers concluding remarks.

Understanding the context

In Table 16.1, we summarise some of the more salient contextual differences between South Africa and Uganda as well as between our study sites in those countries, namely, Amajuba and Iganga. These social, economic, and demographic differences form the background for the comparative analysis of the relationship between HIV, violence, and women's property rights. These structural variables, however, do not capture the important historical and cultural contexts. If the checkered history of apartheid and the recent history of reconstruction shape tenure relationships in South Africa, the intersections between tradition and colonial experience underscore the Ugandan experience. Land and credit markets also exhibit different levels of development and add to the differences in the context. These structural variables also do not fully capture the important differences in the cultural moorings between the two sites.

The most obvious difference between the two study sites that has a direct bearing on our research is the degree of urbanisation. While over 56 per cent of Amajuba consists of urban population, only about 5 per cent of Iganga live in urban settlements. As we will see below, this has important implications for how women's property rights intersect with their ability to prevent and mitigate HIV infection, or violence.

Another fundamental difference between the two study districts is the fact that agriculture dominates the economic lives of women in Iganga, where over 90 per cent of the women are employed in this sector. By contrast, in Amajuba, agriculture is relatively insignificant; only about 18 per cent of black households practice agriculture at any scale (most of this is small scale gardening), while agriculture's share in total wage employment in the district was only 1 per cent in 2002 (Statistics South Africa 2004).

To understand the relationship between women's property rights and HIV, it is important to take into account the vastly different trajectory of the epidemic in the two countries. The spread of the disease, as well as policy responses, have been different in South Africa and Uganda. Thus, currently only 6 per cent of the adult population of Uganda is estimated to be HIV-positive but over 20 per cent of South African adults carry the HI virus.

Table 16.1: Key socio-demographic indicators across the study sites

	South Africa	Amajuba	Uganda	Iganga
Life expectancy at birth	49 (Males) 53 (Females) (2007) ¹	n.a.*	47 (Males) 47 (Females) (2007) ²	47 (Male) 43 (Female) ³
Marital status women, 15–49	Widowed, divorced: 4.6% Married: 33.7% Never married: 48.3% (1998) ⁴	n.a.	Widowed, separated, divorced: 13.7% Married: 48.7% Never married: 23.8% (2006) ⁵	n.a.
HIV prevalence: population aged 15–49	18.8% (2006) ⁶	39.1% ⁷	6.7% (2006) ⁸	
Prevalence of violence against women	High levels reported	n.a.	65% (2007) ⁹	54% ¹⁰
Percentage of women in agriculture	Specific figures not available, but insignificant	Specific figures not available, but insignificant	75.4 (Rural, 84; and Urban 19.2) ¹¹	90.1 ¹²
Household size	4.2 (1998) ¹³	4 ¹⁴	5 (2006) ¹⁵	5 ¹⁶
Percentage of female-headed households	41.9% (1998) ¹⁷	50% ¹⁸	29.9% (2006) ¹⁹	n.a.
Percentage of population below the poverty line	11.5% (2002) ²⁰	n.a.	33.8% (2000) ²¹	n.a.
Population density (pop/km)	39 (2007) ²²	70 (2006) ²³	124 (2006) ²⁴	304.8 ²⁵
Urbanisation	53% ²⁶	55.6% ²⁷	12.3% (2002) ²⁸	5% ²⁹

1–29: See References, Section 4 for citation details

* not available

Differences in demographic profiles

Age and education

There are some marked differences in the demographic profiles of respondents from the two countries. Overall, respondents from Iganga are older than those from Amajuba. The median age of Ugandan respondents was 42 years and the median age of women in the South African sample was 37 years. In both countries, HIV-positive women were younger than women whose status was unknown. Educational attainment was relatively low among women interviewed in both countries; however, women in Amajuba had relatively higher levels of education compared to the women sampled in Iganga. Nearly one third of women interviewed in Iganga had never attended school, as opposed to only three women interviewed in Amajuba. Among those who had attended school, a majority (18) reached only upper primary in Iganga, while in Amajuba, more than 50 per cent attended school beyond the primary level.

Marital and intimate partner status

The nature of intimate partner relationships, within, and outside the legally sanctioned institution of marriage, is central to addressing our research themes. Beyond the legal entitlements of land ownership and access through marriage, individual perceptions of woman's right to property and latitude in negotiating safer sex with intimate partners were defined by marital and natal family support, the quality of partner relationships, and normative behaviours within intimate partnerships. These observations are examined here to the extent the data will allow. Marriage, as it is referred to at both study sites, includes informal marriage involving family approval and/or bride price as well as formal, legal marriage where a marriage certificate is granted by the government. Therefore, in this section as in the previous ones, the terms marriage and informal unions are used interchangeably.

A large proportion of women – 40 per cent in Amajuba and 50 per cent in Iganga – did not have a current partner. Women interviewed in Amajuba more frequently used the term 'boyfriend', when discussing cohabitating or non-cohabitating partners to whom they were not legally married, and 'husband' for legal marital partners. It was rare for women in Iganga to use the term 'boyfriend' or to refer to a non-cohabitating, non-marital partner. Long-term cohabitating partners were referred to as husbands with no distinction between formal and informal unions.

Women in both countries described serial monogamy but rarely reported having concurrent, extra-relational partners. Multiple concurrent partners among men however, was a predominant theme across the study sites. It is hard to distinguish if the limited mention truly reflects low incidence of multiple partnerships or a relative lack of candour among women.

Views on marriage, formal and informal, were not similar across study sites. Women interviewed in Iganga were more favourably inclined towards marriage than women in Amajuba. Marriage had greater social importance for women in Iganga than in Amajuba and was also a significant channel for women's access and ownership of property in there. Most Igangan respondents believed that married women had more 'respect' in the community and unmarried women were looked upon unfavourably; marriage as a means to have children was often reiterated.

Women in Amajuba were not asked specifically about their views of the advantages or disadvantages of being married as compared to being single or living in union. Views on marriage were shared more spontaneously through questions about the importance of having your own 'place' and how this would help women protect themselves against HIV. These questions elicited a range of responses about the importance of women living independently, having more control of their lives, and having a sense of tenure security for themselves and their children in relation to intimate partner relationships. Women with unknown HIV status tended to be more positive about intimate partner relationships (ten of 27 versus four of 33 among HIV-positive status). Abuse and infidelity were chief concerns among those women with less positive views of marriage and/or unions (five of 12 among unknown status and seven of 11 among HIV-positive status). For some women, having a non-co-habitating boyfriend whom they could meet whenever they wanted to was a more suitable arrangement, given that they perceived men to have more control in intimate relationships.

I think it is a good thing, for me to make rules in my own house because I think the main thing about men in their houses is obeying him, do things that you do not like because you want to get something at the end from this person. I personally feel it is a right thing for women to have their own places, if one likes, she can have a boyfriend who stays in his own place and see each other where ever they want to. (Respondent N10, Sandlanas Farm, divorcing, 50 years old, HIV-positive)

I have a boyfriend but he doesn't stay with me in my place, I don't want him in my place. He will change things. I don't want someone to control me in my place. He will give orders even though we are not even married. (Respondent B01, Lister Farm, partnered, 33 years old, HIV-positive)

The theme of control of sexual relationships also emerged very clearly among HIV-positive women across study sites. Of the 11 respondents in Iganga who expressed the view that it was better to remain single or unmarried, nine were HIV-positive and almost all believed they had been infected by their husbands. This largely mirrors the views in Amajuba, where nine of the 15 HIV-positive single women were not inclined to begin a new relationship. A major consideration was loss of control of the terms of the relationship, including their ability to negotiate safer sex.

Women and property

Interviews in both countries included extensive discussions about property. Women were asked about the history of how they came to live in their current location and whether they owned the property where they were residing, and their proof of ownership. Based on the actual context, these questions were asked using slightly different wording and were given varying emphasis. For instance, in Iganga, discussions concerning property were often initiated with a conversation around what women consider wealth to be, which expanded the definition of property beyond land, house, and livestock, while interviewers in Amajuba focused closely on land and house.

The phrasing of the question around the notion of 'wealth' in Iganga provides insights into the differing uses of the kinds of property and the centrality of land to their existence. Almost all the women counted as part of their asset wealth livestock and other household and business assets, such as bicycles, sewing machines, grinder and radios. However, land was the central asset, and all the other components were subsidiary to it.

Some can say I have wealth when he/she has chicken, has cattle, has goats or items to use at home. Land is the wealthiest thing. If you have land, then you have everything because you just handle a hoe and go and dig. Because if you are healthy and always go to dig you cannot be defeated; whatever you want, you get it. (Widow, 46 years old)

In Amajuba, the interviewers generally referred to land and house in their discussions as opposed to the more open ended approach adopted in Iganga. Women were asked what importance their land and house had to them and how they felt about women's rights to own property. Specific rights related to the sale or lease of property were not included in interview questions, although use of property and perceived sense of tenure security was probed. Women typically felt property was important as an inheritance for children and as a place to live more independently from partners or relatives, particularly among women with HIV.

Land, assets and livelihoods

The rural–urban difference and different levels of economic development at the study sites are most sharply revealed in the role and importance of land and housing in the lives of our respondents. In Iganga, where agriculture is the main occupation, it is vividly evident that land is a productive asset and an essential part of a livelihoods strategy. In Amajuba on the other hand, given the largely peri-urban nature of the study site, land and housing are primarily used as places of residence, with less than quarter of the respondents using the land to grow food (as described in Section 2). Women in South Africa were largely reliant on government assistance programmes in the form of grants for women with young children, pension grants for the elderly, foster care grants for families caring for children with HIV, and disability grants for HIV-positive women. This reflects both the generally high rates of unemployment and the availability of an extensive welfare system.

Although the main sources of livelihood differed across the two countries, the common finding from the interviews was that few women in the sample at either site currently held formal-sector wage-earning employment. This was virtually absent in Amajuba (though a number of women reported having had formal jobs which they lost or gave up upon

becoming ill from AIDS) and very rare in Iganga, and included working as a teacher, as a nursing aide in a local factory and as a policewoman. The striking difference, however, is in the levels of informal-sector activity. Women in Iganga undertook a range of activities – mainly related to petty trading, sale of old clothes, sale of livestock-related products, and brewing and selling millet liquor (*malwa*). Because several of these activities depend on the availability of arable land and livestock, it provides some explanation for why women in Iganga were more engaged in them than women in Amajuba. Informal sector work in Amajuba was less frequently mentioned, perhaps because many South African women have the opportunity to rely on government grants to sustain them and their families. Informal work was mainly service oriented and included washing clothes for people, selling health and beauty products, running a crèche for children, or selling homemade knitting. In both countries, however, HIV-positive women had either stopped working due to poor health or were finding it difficult to engage in economic activity at their previous levels.

At both study sites, remittances from children and extended family were another income source in several households.

The household as a unit of production

In Iganga, a clear division of labour between men and women within the household seemed to exist. Women were responsible for providing for the family (including subsistence farming), caring for children, preparing meals, and managing household needs. In this relationship, women gain access to land by providing their labour. Men, on the other hand, were supposed to provide household necessities other than food – paraffin, soap, salt, oil – children's school fees, and infrequently occurring expenditures. Most importantly, men were supposed to build a house for their children and family; in fact, failure to do so was an often-repeated complaint by the women and was a source of dissatisfaction within a marriage. It was a cause of anxiety for women and their children if their husband had died or left them before building a house that was considered suitable for residing.

A similar sense of compact is not evident from the Amajuba sample. There could be several explanations for this. First, as already discussed, the centrality of the institution of marriage is generally in decline; second, gender norms are in greater flux in South Africa. These changes re-define gendered roles and responsibilities. In general, it can be said that women did not expect their partner to provide for them at the same level as commonly as in Iganga. Also, at our particular study site, the availability of low-cost housing could have caused women to look to the state, rather than their partner to fulfill their need for shelter.

Marriage is not mentioned directly as a means of acquiring property in Amajuba, though men are often considered as a way to get money and ultimately, a house. Several women explicitly mentioned that having an income was necessary not only to acquire a place of one's own, but also to maintain it. A place of one's own was perceived as conferring greater independence from male partners and more control in decision-making. This sense of independence did not only apply to a relationship with a partner. For some women, this independence meant focusing on self-care and the health of their children, and not having to share earnings or food with others. Several women mentioned that owning a place also requires self-control and was only safe for those women who are mature enough to handle the potential sexual freedom that is associated with an independent lifestyle in the absence of parents or relatives.

Acquiring and accessing property

Here we consider the different ways in which women access or acquire property, mainly land and house, across the study sites. The differences in context and social institutions, compounded further by differences in the phrasing of interview questions, do not permit a straightforward comparison. Nevertheless, the attempt to understand women's experiences of property acquisition across diverse settings is illuminating.

The distribution of respondents by current residence and marital status for Amajuba and Iganga is presented in Tables 17.1 and 17.2 respectively. It must be noted that these residence categories were not exactly homologous across the two study sites; for example, the six married women living with intimate partners (IPs) in Amajuba would correspond to the 19 married women in Iganga living with their partners on marital land. It is important to reiterate that marital status is derived from the women's self-reporting, which may not correspond with legal marital status.

Table 17.1: Distribution by current primary residence and marital and intimate partner (IP) status in Amajuba

	Own place	Natal family	with IP	Joint ownership	Total
Never married, no IP	4	9			14
Never married, IP	7	5	5		15
Married, IP			4	2	6
Widow (7 no IP; 3 IP)	10				10
Separated/divorced	2	2	1	2	7
Total	23	16	10	4	52

Table 17.2: Distribution by current primary residence and marital and intimate partner (IP) status in Iganga

	Living on marital land	Living with natal family	Other*	Total
Married, IP	19			19
Widowed	23	4	5	32
Separated (2 IP)	2		3	5
Total	44	4	8	56

* *purchased or rented*

It is interesting to note the difference in the proportion of women who reside with their natal families – more than a quarter of the respondents in Amajuba as compared to a negligible percentage in Iganga. This reflects in part, the norms and attitudes regarding intimate partner relationships; women in Amajuba are more likely to have non-cohabitating intimate partner relationships than women in Iganga, where most unions are patrilocal in nature. The women in Iganga who live with their natal family are all widows who left their marital residence for a variety of reasons – two of the women moved back due to property conflict after their husbands' deaths, one respondent's mud house was destroyed by termites and another respondent's husband sold all property prior to his death, and she returned to her natal home to care for her elderly mother. On the other hand, most women in Amajuba who live with their natal family describe themselves as

never having married, though some have non-cohabiting intimate partners. With the exception of two respondents, the women have always continued to reside in their natal homes.

A noteworthy difference across the two study sites is that in Iganga women are more often reliant on the institution of marriage to access and acquire land. This does not appear to be the case in Amajuba. In fact, in Amajuba, large numbers of women have been able to independently access and acquire property through various options – renting stands, or registering for own place through the government's housing programme, or even building informal shelter in a squatter camp. Of the 23 women living in their own place, 16 of them actively acquired their residence, while the others inherited theirs from either their partner or their natal family (as described in Section 2). In contrast, only seven women in Iganga live on land that they have purchased or rented.³¹ For women in Iganga, the inability to acquire their own property has not been due to a lack of desire; women mostly want to own independent property, but lack the financial wherewithal to do so. These findings do not imply greater wealth among women in Amajuba district but rather structural conditions of a network of government assistance programmes and the availability of accessible alternative accommodations. Despite these conditions, however, some women in Amajuba could not afford to live on their own and cited lack of financial resources to acquire property or to maintain it.

Another difference relates to joint ownership of land and other assets. In the Iganga sample, women perceived their right to joint ownership via marriage. While some women felt that joint ownership could promote harmony in the household, they were also insecure about losing their claim if the marriage dissolved or if their husband died. Legal/formal joint ownership for some women was hard to conceptualise and for others of no benefit, as putting a man's name on documents of ownership made women vulnerable to losing it; this was a particular source of anxiety when women had contributed their labour or resources. Women's sense of comfort with a joint ownership arrangement (if it were to occur sometime) was conditioned by several factors, mainly the quality of their relationship with their partners and if they had children from other partners. In Amajuba, of the four women that lived in a jointly owned residence, only one had a formal title; for the other women, the nature of the arrangement seemed to be somewhat informal. In general, women in Amajuba were not extensively probed on their perceptions surrounding this form of ownership.

Tenure security

A majority of women (married and widows) in Iganga live on marital land – this is clan land that was given to the husband or land that was purchased independently by the husband. The situation of widows is particularly relevant for understanding tenure insecurities that women may face when their husbands die. Most of the widows have continued to live on marital land and seem to be enjoying tenure security to some degree. However, the bundle of rights that widows enjoy with respect to marital land lies along of spectrum ranging mainly from use/access rights to the right to rent it out as a source of income. Women are mostly clear that they cannot sell the land due to clan restrictions or because they are holding the land in trust for their children. This does not necessarily imply that these women have always enjoyed security of tenure. Several of them faced

³¹ Another respondent, a widow who lives on marital land, has also purchased her own plot of land, but she is not included in the count of seven as it is not her primary place of residence.

property-related conflicts but they have been able to resolve them and negotiate continued access to land. These conflicts were usually with in-laws or co-wives. The ability to negotiate rights depends to a certain extent on the quality of relationships with in-laws and other clan members, as well as their status in the community. Widows with children enjoy a greater security of tenure because the land is viewed as being used and held for the children's benefit. Some women in this situation who had natal family support or had an alternative source of income were able to move away from their marital land.

Similarly in Amajuba, what emerges is that women's perception of tenure security is mediated by the quality of personal relationships – most significantly with their intimate partners, and with the larger extended family, both marital and natal. This may be true even when women are clearly the property owners, based on a land agreement or title deed. Such a situation is described poignantly in one interview where the respondent holds the title deed but feels her partner with whom she lives takes too much control of the house:

- Interviewer:* Which rights do you have in this place as it is yours?
Respondent: I do not have rights even though I am supposed to have them. I told you that sometimes we sleep in my friends' house when there is a fight at home.
Interviewer: What contribution does he have in this house that makes him to feel so powerful?
Respondent: He bought the tiles and also buying food.
Interviewer: You bought the place but you are the one who ends up leaving the house when there is a fight.
Respondent: That is exactly what my friend told me that I will end up being the one to leave my property with this man if the situation becomes worse. He treats this place as his. (Status unknown, Siyahlala, Respondent N14, partnered, 40 years old)

In contrast to these situations, other women described themselves as having tenure security despite having no legal ownership of the property where they lived. The quality of the intimate partner relationship and/or with the property owner is more influential than legal structures of ownership. In this case, the property owner is the respondent's partner.

There were a few cases of very insecure tenure and one incident where a woman was chased off her marital property by her mother-in-law when her husband died (Respondent T12, status unknown, Siyahlala). Women experiencing very insecure tenure were in unique circumstances ranging from living with an abusive partner to living on a relative's property. Family conflict over property was not uncommon in Amajuba and often tensions related to various relatives having an interest in the same piece of property. These disagreements suggest high demand for housing and land. As in Iganga, women in Amajuba mentioned the possibility that, on their death, their current partner or their partner's relatives would abandon their (the women's) children from previous relationships.

Thus, despite distinct contextual differences, one finds that tenure security is manifested in very similar ways across the study sites. Broadly speaking, tenure security is a function of legal recognition, customary – or in practice – recognition, support of marital and natal family, and the quality of intimate partner relationships.

Property, HIV and Aids, and domestic violence

Our key research challenge was to explore the intersections between property ownership and tenure security for women with their experience of HIV – from the approach of both mitigation and prevention. The research also sought to enquire into how these associations related to women’s experience of violence. A broad generalisation across the two sites is that women’s secure rights and property ownership play very critical roles in their lives, particularly as they seek to navigate social and economic shocks like HIV and AIDS and violence. These links, however, are context-specific, and the processes by which secure rights may work to protect women are not only heterogeneous and complex but also not guaranteed. This chapter compares the major findings across the research sites to highlight these nuances and sharpen our understanding of these linkages.

Land, assets and mitigation

Across both sites, there is evidence, albeit nuanced, that secure property rights and property ownership can help mitigate the consequences of HIV and violence. As discussed previously, quality of relationships is important to secure rights. In addition, the context – whether rural or urban, agrarian or otherwise, and the level of economic development – has implications for the use of property and its role in being protective.

The Amajuba study (Section 2 of this book) shows that the mitigation is more along the lines of ‘social’ rather than economic. The social aspect of mitigation manifests itself in the opportunities that property provides for women to move away from situations that are unpleasant. These situations could include experience of violence by family members or intimate partners, HIV-related stigmatisation, lack of control of sexual relationships with intimate partners, or the inability to adequately take care of oneself due to overcrowding in the previous residence. However, several women who were able to take advantage of opportunities to acquire land and housing continued to live with relatives or parents, for example, if they had an ill or elderly parent to take care of. Typically, the women did not occupy the houses they acquired, nor did they rent them to others. They visited their houses occasionally. In one case, a woman paid someone to live in the house to provide security on the property. In this way, women could use their house as a fall back place in case their current living arrangement changed. The houses also provided a secure inheritance for their children. This last consideration was a major motivation for some women to purchase the houses.

As originally conceptualised, the economic mitigation aspect of property would provide options for livelihood as well as a resource base to meet HIV-related and other expenditures. However, this is not borne out within our sample in Amajuba, partly because the study site is peri-urban and our respondents mostly used land and property for residential housing. In a few cases, land was used for gardening for household consumption. Another explanation why property was not considered a generator of livelihood and also why the women did not mention sales of productive assets is that welfare grants provide a degree of economic security for the household.³² Livelihoods

³² Another important reason is that women in Amajuba were not probed exhaustively regarding the sale of assets/property as the women in Iganga.

in Amajuba seem to depend more on government programmes and less on productive assets or property.

In Iganga, the evidence linking property/asset ownership and mitigation is stronger – driven in part by the rural-agrarian context of the sample. The theme of food security is very strong in the Iganga sample, and access to land becomes critical for serving that purpose, both for subsistence production as well as for the market. In addition to meeting food security requirements, availability of land has other benefits for the household through renting or other labour-sharing arrangements. These are particularly useful when women are too sick to cultivate the land. In one instance, a woman, Respondent ADO 010, rented out her land. She is a widow and too sick to cultivate it herself. But unfortunately, her tenant did not always pay her on time and she had to discontinue this arrangement. Another women in a similar situation, Respondent KAJ 004, also rented out her land. Her in-laws were not in favour of this, but the clan supported her because she had children to maintain. A few women also mentioned renting out a house on a different plot of land or a few rooms in their current residence. The HIV status of women did not seem to drive these arrangements exclusively (three positive women out of eight), though the majority of them were single, that is, widows or separated, reflecting perhaps the loss of income from the husband.

Land sales, however, were mentioned infrequently. As discussed previously, women were largely unwilling to consider the possibility of selling land because it is their most productive asset, provides food, and defines their current residence. It is hard to differentiate between these women and others who are unable to sell land because they enjoy only access rights. In any case, it cannot be assumed that they would be willing to sell land even if they had the right to. For women across both sites, their children's future and inheritance was an important motivation to secure their rights over land and housing.

The larger definition of property as used in Iganga, beyond that of land and house, to include livestock and other household consumer durables, also enhances our understanding of the interaction between property/assets and the shocks experienced by individuals and households. Taking a somewhat broader view of mitigation to include the abilities of individuals and households to cope with income shocks and crises, one sees that other assets in addition to land – livestock in particular – have an important role. Women frequently mentioned having to sell livestock for myriad reasons. Some are or maybe related directly to HIV (treatment, funeral or burial expenses); others are related to meeting such expenses as school fees or payment of bride price. Less frequently, though not absent completely, there is mention of sale of household items such as radios, sewing machines, television sets, and so on to meet household expenditures.

Land, assets and prevention

The concept in this research was that secure property rights and ownership and HIV prevention were primarily linked through a poverty/risky sexual behaviour nexus, that is, mainly through transactional sex and the ability to negotiate condom use, refuse unwanted risky sex, or exit risky relationships, including violent ones.

The transactional sex link is much less evident in this study compared to what has been suggested in the literature. Both in Iganga and Amajuba, there were some subtle references to transactional sex. Some women interviewed in Amajuba mentioned transactional sex, most often in reference to resolving basic needs, particularly problems

of food security and shelter. However, most of these references were either in the abstract or in relation to other, unspecified women. Living with relatives seemed to cause anxiety among some mothers who felt they were being judged if they failed to provide food or other necessities for their children. These women felt they had to take risks to provide for their children, risks that they would not have taken had they been living on their own.

Ever since I found a place, I have children and we stay with my sisters and her children also, you can see that whenever something is finished [groceries] we stare at each others' eyes. You end up thinking of doing wrong things just to get what you want at that time. But if I am staying at my place, everything is my responsibility if something is short it is my business. (Madadeni B, no current partner, 40 years old, HIV-positive)

You sleep anywhere because you don't have your own place...like me, I was staying with another, if I was someone I would have slept with her husband. He wanted to sleep with me, but because I was faithful to the woman, I told her what her husband wanted and that they know my status but someone [else] would have slept with him so that she can stay in that place. (Respondent B05, Osizweni, 34 years old, HIV-positive)

Other women alluded to having multiple, or concurrent partners. One woman mentioned having to 'reduce the speed', meaning have fewer partners, while living with relatives, and another said, 'Even married women liked having their affairs'. Women did not explicitly describe reasons for seeking multiple or concurrent partners; however, these relationships likely fulfill many needs. Concurrent and multiple partnerships are probably not motivated exclusively by material or emotional needs, but rather a combination of necessity, desire, obligation, and/or other concerns.

When asked how having a place of one's own might be beneficial to women, particularly in preventing HIV infection, many responses revealed a very direct connection. These responses may be due to the phrasing of the question, but they included comments that indicate a material side to male/female partnerships. Several women seemed disinclined to become involved in a relationship that they considered would be primarily transactional.

I don't see the need for a male, well there is a need because I have not built a house but if I do that for a house it will be like selling my body...I feel better when I am with my children even if there is no food. (Respondent B10, Madadeni, no current partner, 40 years old, HIV-positive)

I think the chances are less [of HIV infection] because sometimes we get the disease because we think we want money from men but if you have the money and have your house, like if I can have money and a house I do not see myself going to look for a man because I have everything. (Respondent T08, Ballengeich, single, 31 years old, HIV-positive)

Similarly, in Iganga, very few women mentioned having concurrent partners or an intimate partner after they became single due to widowhood or separation from their husband. One woman, Respondent KAJ 008, widowed and HIV-positive, mentions having a concurrent partner due to economic needs while her husband was still alive.

Yes, I took on another man because of constraints, lack of paraffin, lack of matchbox, everything, the child has defecated and so on. My husband would take long without coming, when he heard what was going on, I became a wrong doer, and we then clashed with each other. They usually say that 'what a rich man throws is what the poor man picks'. My lover used to get for me soap, sugar and he used to give me some little things but he was also not giving me enough that I needed. So when my husband got to know of it and confronted me, I left my lover. (Respondent KAJ 008, widowed, age unknown, HIV-positive)

It is difficult to conclude that women have intimate partners only for material or economic reasons. The emotional and other needs are not usually explicitly expressed and thus may be overlooked. The experience of Respondent MWI 011 illustrates this. She is HIV-positive and widowed and lives on her marital land in the house built by her late husband. She currently has a partner but keeps it a secret from her children. However, she also mentions that the heir (to the land) will not mind as she is still young. Asked about the relationship, she says:

He also gives me gifts, money and solves my body desires; otherwise why would I keep him? So it is a two-way traffic, he benefits and I also benefit. (Respondent MWI 011, widowed, age unknown, HIV-positive)

It is significant that none of the few women who mentioned economic needs as one of the reasons for an intimate partner after the death of their husbands were tenure insecure. While lack of land access and tenure security is an indicator of poverty for a household; having only this resource does not ensure an adequate livelihood for most. Other income-generating options or financial support appear to be essential to maintain a livelihood and potentially reduce the risks women face.

A textbook example of how women's secure property rights reduce their risk of HIV infection concerns the practice of *levirate* or widow inheritance. In spite of anecdotal literature that mentions this as a flourishing practice, we found very little evidence of this practice in Iganga. The experience of Respondent KAJ 004 (previously mentioned) not only illustrates this practice but also shows how she negotiates the norms and customary practices. She is currently widowed and HIV-positive. On the death of her first husband, she was inherited by a member of his clan. She had no choice in the matter; the clan member was chosen and brought to her house. She had to accept him or leave the village. She claims to have been infected by her second husband, and she used her status after the death of her second husband to refuse to be inherited again. Now, she rents out her land against the wishes of her in-laws; she has the support of the local council in this, given her status as a widow who has children to maintain.

A clear link to HIV prevention is the ability of women to negotiate condom use and prevent forced sex. Some women across both study sites, particularly those who were HIV-positive, exited relationships due to their partners' refusal to use condoms. Nevertheless, the relationship between secure rights and asset ownership and women's ability to negotiate safer sex or leave abusive relationships is neither direct nor straightforward. While it is likely that material considerations can improve women's ability to negotiate safer sex or to leave unsafe relationships, it is not purely a question of economic power.

Often, the type and quality of the intimate partner relationship determined whether or not women could negotiate safer sex with their partners. A recurring theme across the study sites was one of rejection of condom use within marital and long-term relationships. Women typically felt that requesting condom use in these relationships was a challenge because of issues related to trust and fidelity within the partnership and child bearing. Suggesting condoms after being in a long-term relationship in which condoms were never used would raise suspicions of infidelity or risk being perceived as accusatory. Women commented that men would automatically assume they had been unfaithful. In Iganga, there was some mention of condom use for family planning, but particularly among older women, many had never used condoms. A few women described attempts to frame requests for condom use as family planning or 'for the good of the family', but their partners refused. The partnerships where condom use was acceptable for protection against HIV, and not for family planning, were typically ones in which one or both partners were HIV-positive.

Across both sites, women felt that negotiation of condom use with a partner was easier for women who were not married. Relationships outside of marriage were considered to be free of the normal marital obligations of marriage, such as child bearing and never refusing a husband's requests for sex. Most women felt that single women had more control in demanding condoms in relationships. In Amajuba, the perception was that women with their own place have greater control over their sexual relationships and can more easily demand condom use or refuse sex. This, however, was not evident in terms of women's personal experiences. Owning your own place did not necessarily guarantee them greater control in sexual relationships. This perception of having one's own place as a means for wielding more control suggests an attempt to discover new ways to change established norms in negotiating safer sex in intimate partner relationships.

The ability to harness natal family support or access alternatives is also an important element in the dynamics of women's ability to protect themselves. Some HIV-positive women in Amajuba were able to leave risky situations after they tested for their status and their partners refused to use condoms. These were women who had alternative housing options, such as a relative to live with, but those women who lacked these options literally risked their lives staying with partners they knew could re-infect them. Similarly, one woman in Iganga left her partner because he refused to use condoms even though they were both positive. She went and stayed with her parents and returned only to her marital home after her husband abandoned her children. Another woman and her co-wife were able to refuse sex with their husband after becoming aware of his HIV status.

Conclusions

While structural features in each study site made an obvious and significant contribution in determining individual property ownership, intimate partner and familial relationships were also an extremely critical component of defining women's property ownership and access. Moreover, the quality of these personal relationships was a major influence on HIV risk, including the potential ability of women to leave violent situations. As such, women's vulnerability to HIV risk and their ability to manage the consequences of HIV, threats of violence and experiences of violence differed across the two study sites. Although migration and relocation was apparent in both study sites, women in Iganga district more often moved due to marriage, embedding them in more traditional households within closer physical proximity to marital family, extended family, and clan. The forced migration or relocation for employment more commonly experienced among women in

Amajuba created households of perhaps less traditional composition and dispersed family members across greater geographic areas.

Women's individual purchase of property and housing was much more common in the Amajuba district study site, in part due to the availability of low-cost housing; however, for those women who did not own their own property, relationships were important mechanisms in accessing property. Women interviewed in South Africa who were unmarried and did not own their own home typically lived with family or extended family. Individual land ownership through purchase was much less often the case in the Iganga study site, where women's access to property was much more dependent on women's marital or cohabitating, and natal relationships. Women are able to create advantages for themselves primarily through the support of marital or natal relationships. Social networks play a central role in gaining property ownership and access, particularly when policies and institutions do not fully provide for secure rights for women.

In terms of HIV protection, the theme of male dominance in intimate partnerships was one that resonated with women in both sites. The nuanced difference seemed to be that women in Iganga relied on intimate partner relationships more universally for not only property ownership and access, but also for social acceptance and prestige among other women and within the community. In Amajuba, women were much less inclined to get married, and did not necessarily regard marriage as important for a woman's social standing, or as a conduit to property ownership.

Greater control in negotiating HIV risk with intimate partners was linked to both marital status and property ownership. Social norms around condom use and refusal of unwanted sex in intimate partnerships were emphasised as important factors in HIV risk reduction among women in both sites, particularly as respondents described their intimate partners' engaging in multiple concurrent relationships. In Amajuba, women perceived greater control in negotiating sexual relationships, both for single women and for women who own their own property. Women's rights to property and individual ownership of property were sometimes perceived by women as also allowing greater control over sexual negotiation with their partners. Women in both sites felt that being single versus married allowed women more leverage in negotiating their own sexuality, including demanding condoms and refusing unwanted sex. In Amajuba, where individual property ownership was more common, property ownership was referred to or perceived as being protective by many respondents, although this was not always the experience of women who did own property. Among women in Iganga, where women typically did not own their own property, having property was not emphasised as necessarily decreasing women's vulnerability to HIV.

What was most readily apparent in these interviews was the capacity of property to mitigate consequences of illness, including HIV, and the cycle of vulnerability created by poverty. The fundamental shelter aspect of housing emerged clearly for all women, irrespective of their HIV status, and their children. In Amajuba, women who moved once they knew their status often did so because of the need to have their own 'space' for myriad reasons. In Iganga as well, women were articulate in their expectations of adequate housing. An important aspect of the mitigation of HIV or indeed any health shock is the ability to plan for and secure the future of their children; having secure property rights for women would certainly contribute to that process. However, women's experiences also underscore the fact that secure rights are not enough; viable income generating options (keeping in mind HIV-positive women may not be able to undertake

physically demanding employment) are a necessity even when basic food security is met as shown in Iganga, or when women have access to state housing as in Amajuba.

The relationship between women's experience of violence and property rights was comparatively distinct across the study sites. For women in Iganga, given the advantages of marriage in accessing or owning property, it was evident that women's ability to leave violent situations is circumscribed unless they are able to return to their natal families. Only when women have individual access to and ownership of property through natal family, the state or purchase, may property ownership empower women to negotiate violence. In contrast, women in Amajuba who had alternative housing through the support of their family or individual purchase were able to leave violent situations. Many women in Amajuba regarded a partner's refusal to use condoms as violence or abuse, which was mentioned by several women as the reason for separating from a relationship. In these cases women were able to leave but some who had no alternative property were forced to continue to live in abusive situations including the risk of re-infection with HIV.

Though the qualitative nature of the study does not allow for generalisations, what we learn from this study is a better understanding of the central role property plays in women's ability to better mitigate the consequences of HIV and AIDS. Property in some ways may also enhance women's capacity to leave violent situations. The protective role of property emerged less clearly, but may have some role in creating alternative ways to negotiate sexual behaviour with intimate partners. The results of this study also provide evidence of the importance of social networks and the quality of relationships within those social networks in women's ability to access and acquire property. Each of these points form new avenues for research in understanding the role of securing women's property rights and the direct or indirect benefits women may gain through securing their access to, and ownership of, property.

APPENDICES

Appendix 1: Contributors

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Hema Swaminathan, ICRW, USA, and subsequently at Centre for Public Policy, Indian Institute of Management, Bangalore, India)

Cherryl Walker, Department of Sociology and Social Anthropology, University of Stellenbosch, South Africa

Appendix 2: The research teams

South Africa

The full research team comprised:

Principal researchers

Cherryl Walker, Stellenbosch University
Michael Aliber, HSRC

Field research team, HEARD, Newcastle office

1. Busi Nkosi (senior researcher)
2. Mandisa Cakwe (senior researcher, planning stage)
3. Nkgatiseng Molefe (in-depth interviews)
4. Busi Sibeko (in-depth interviews)
5. Thembalihle Zwane (in-depth interviews)
6. Ishmael Hadebe (focus group)
7. Menzi Hadebe (focus group)
8. Owen Magadlela (focus group)
9. Clive Mavimbela (male focus group facilitator)

Uganda

Principal researchers

Margaret A Rugadya, Executive Director, AfD
Kamusiime Herbert, Research Manager, AfD

Field research team

1. Christine Kajumba (field supervisor)
2. Diana Ssali (in-depth interviews),
3. Mwiroro Mable (in-depth interviews and focus group discussions),
4. Kyakobyeko Juliet (in-depth interviews),
5. Kevin Guttabingi (in-depth interviews),
6. Mark Batyagaba (focus group interviews and key informant interviews)
7. Adongo Caroline (in-depth interviews).

Appendix 3: In-depth interview guidelines (English)

In-depth interview report

Interviewee identification: _____

Interviewer's name: _____

Interviewer's signature: _____

Date and time of interview: _____

Locality of interview: _____

Informed consent obtained: [X one] Yes No

Copy of consent provided: [X one] Yes No

Interview recorded: [X one] Yes No

Notes on interview

To be filled in immediately after the interview is completed but not in the presence of the interviewee:

Current residence of interviewee: _____

Marital status of interviewee: [X one]

- Married
 Widowed
 Divorced
 Separated
 Abandoned
 Live-in partner
 Single, relationship
 Single, not current relationship

Approximate age of interviewee: _____

Approximate length of interview: _____

Responsiveness of interviewee: _____

Generally the interviewee was: [X one per line]

1. Very relaxed Reasonably relaxed Tense
 2. Forthcoming/open Reasonably forthcoming Not forthcoming

Were all modules addressed? If not, why not? _____

Note any modules and/or questions where the interviewee seemed particularly uncomfortable or distressed:

Note any interruptions: _____

Note any difficulties with recording: _____

Note any striking points in the interview: _____

e.g. interesting phrase or idiom or understanding of issues

e.g. interesting/unexpected responses

Note any issues for follow-up: _____

e.g. request from interviewee for further information

e.g. something not clear that requires clarification

e.g. referral

Note any other comments you want to make: _____

Instructions to interviewer

This is not a questionnaire but a guide to assist you direct the interviewee's story towards the themes of the study.

Move backwards and forwards between modules according to the order suggested by the interviewee.

There are 11 modules, each covering a major theme or focus for the interview:

1. Background
 2. Current residence
 3. Current household structure
 4. Gender roles and responsibilities
 5. Property and land
 6. Land/house conflict
 7. Livelihoods and income
 8. Significance of ownership of land/house
 9. Health and HIV/AIDS
 - HIV+ status known (i.e. the interviewee knows her status is positive and is open about it)
 - HIV status unknown (i.e. the interviewee is not open about her status)
 10. Marriage and intimate partner relationships
 11. History of violence
 - Physical violence
 - Sexual violence.
- Keep the main themes and purpose of the interview in mind but give the interviewee scope to tell her story.
 - Encourage the interviewee to tell her story fully, with detail and comment, rather than just answer questions briefly. The lead-in questions for each module are suggested ways of introducing the topic; they are not required. Other ways that seem to you to work better are fine so long as they relate to the module and theme under discussion.
 - Prompt questions in the modules are also there as guides to topics to cover and ways of asking about them if they are not addressed; there may be other ways that work better for you to collect this information.
 - Keep note of the important points/information that we want to cover during the interview; a good way to do this is to tick them off as the relevant information is obtained in the course of the interview.
 - Keep note on the in-depth interview report and in the schedule as the interview unfolds about:
 - modules or issues that the interviewee refused or was reluctant to discuss;
 - modules or issues where the interviewee was particularly emotional • e.g. upset or lively or angry;
 - points you would like to go back to later in the interview;
 - any phrases or ways of understanding the issue that strike you as interesting and/or unusual; and
 - any follow-up that needs to take place after the interview.

Module 1: Background

I'd like to start by asking you to tell me about yourself and your background, for instance where you were born and grew up, what the place was like, where you went to school, and so on.

Module 2: Current residence

I am interested in knowing how you came to be living at [current place]. Could you tell me more about how you came to be living here and what you think of this place and why?

Module 3: Current household structure

Please tell me about your household and who is living with you at home – for instance are you living with your parents, are you married, do you have any children and are they living with you?

Module 4: Property and land

We are very interested to know more about the situation of women with regard to land and whether or not they have rights to own or use land/house and how secure these rights are. Could you describe to me the situation in your family, including who owns the land and what your rights are?

Module 5: Gender roles and responsibilities

I'd like to know more about the work you do, both in your house and outside, and your feelings about your life as a woman – for instance, how much power you feel you have and in what areas.

Module 6: Land/house conflict

We know that sometimes there are disagreements about land in families. We would be interested to know if there are ever disagreements over land/house in your household, what happens and what you think about them if they do occur? If you haven't had personal experience, do you know of other women who have?

Module 7: Livelihoods and income

We would like to know more about the ways in which you and your household make a living and how important your land/house is for that.

Module 8: Significance of ownership of land/house

As you know this research is about women's land rights. I am interested to know how important it is for women to have independent rights in or ownership of land and/or a house. Do you think it is important and why do you say that? Are you satisfied with the rights you have? Can owning land ever be a problem for women?

Module 9: Health and HIV/Aids*A) HIV+ status known:*

As you know, we also want to understand more about women's health and if women who have rights in land/house are in a better position to deal with ill health and especially HIV/Aids. Tell me about your situation – what are the health problems you face and what are the things that help you deal with them, and is land a benefit?

B) HIV status unknown:

As you know we also want to understand more about women's health and if women who have rights in land/house are in a better position to deal with ill health including HIV/Aids. Tell me about your situation – what are the health problems you face and what are the things that help you deal with them and is land a benefit?

Module 10: Marriage and intimate partner relationships

I'd like to ask you about your experience of marriage/relationship.

Module 11: History of violence*A. Physical and emotional violence:*

I understand that this is a painful subject, but would appreciate it if you would be willing to share your experience with violence from intimate partners and also other family members. If we are interrupted I will switch to a different set of questions. If you have not experienced this directly, could you tell me what you have observed in your community.

B. Sexual violence:

The most difficult form of violence to talk about is sexual violence. If you are willing, I would like to talk about this as well. We are interested to know if women who have stronger rights in land and property may be in a better position to deal with this. If you have not experienced this directly, could you tell me what you have observed in your community.

Module 1: Background

I'd like to start by asking you to tell me about yourself and your background, for instance where you were born and grew up, what the place was like, where you went to school, and so on.

The purpose of the opening module is to obtain background information on the interviewee's personal history, but also to establish rapport and build the interviewee's confidence in the process.

Important to explore:

- Approximate age
- Level of schooling
- Type of land tenure where spent childhood

Prompt questions include:

*Where were you born?
When were you born?
What sort of place was it?
Did your family have its own land there?
What level of schooling did you achieve?*

Module 2: Place where the interviewee is staying today

I am interested in knowing how you came to be living at [current place]. Could you tell me more about how you came to be living here and what you think of this place and why?

The purpose of this module is to obtain information on the interviewee's settlement history.

Information may emerge on tenure and livelihoods, as well as gender roles, status, and health.

You may want to move to that module – judge interviewee's readiness to discuss now or follow up later.

Prompt questions include:

*When did you move here?
Why did you move here?
Where were you living before you moved here?
Who moved here with you?
Were you pleased to move here?
Why/why not?*

As a general rule, do not probe on violence here – too early in the interview.

Important to explore:

- How long living at current place
 - Why moved there
 - Feelings about place and reasons for that
-

Module 3: Current household structure

Please tell me about your household and who is living with you at home – for instance are you living with your parents, are you married, do you have any children and are they living with you?

The purpose of this module is to obtain a picture of household demography and the interviewee's intimate partner status and marriage history, if relevant. Do not probe feelings and experiences around relationships in the early stage of the interview, unless this information is offered freely by the interviewee. Rather, come back to these issues later (Module 10). If information on intimate partner and/or family violence emerges, judge interviewee's readiness to talk about this at start or follow up later (Module 11).

Important to explore:

- Who is living in the house with her
- Marital status (married, divorced, widowed, abandoned, separated, single, boyfriend, live-in partner)
- Number and approx age of her children and where they are
- Other children in house, who they are, when they joined

Nice to explore:

- Type of marriage if married (civil, church, customary, mix)
- Polygynous marriage

Prompt questions include:

- Who lives with you now?*
- Are you caring for any other children [not biological] in your household?*
- Why did they join your household?*

Module 4: Property and land

We are very interested to know more about the situation of women with regard to land and whether or not they have rights to own or use land/house and how secure these rights are. Could you describe to me the situation in your family, including who owns the land and do you have any rights?

This module explores the property dispensation in the household, including land and housing. It is important to establish/clarify the tenure system in operation and whether the household has statutory, customary or informal rights to the land, and the interviewee's own standing with regard to the land and/or house. This discussion may lead to a discussion about land-related violence or conflict (Module 6).

Important to explore:

- Type of land tenure – both family and hers (title deed, state rental, private rental, customary, commercial farm, squatting, other)
- Changes to land tenure in recent years – what
- Whether any land sold/bought in recent years and why
- Her sense of security re the land/house where she is living
- Whether she can make decisions about land and/or house – what
- Whether she has land rights elsewhere (e.g. parents' land)

Nice to explore:

- Inheritance rights of children – girls and boys
-

Prompt questions include:

Who in your household is considered to be the owner of the house you live in?

What makes it his/hers/theirs?

Can you personally make any decisions about this land/house?

Have there been any changes around household land in recent years?

Module 5: Gender roles and responsibilities

I'd like to know more about the work you do, both in your house and outside, and your feelings about your life as a woman – for instance how much power you feel you have and in what areas.

This module explores what work the interviewee does (**unpaid & paid**) as well as her status and the level of power that she experiences within her household – her sense of empowerment.

Probe areas where she may exercise some authority, even if limited, for instance care of young children. Probe how her level of power/authority may have changed over time and why.

If this discussion raises issues to do with land-related violence/ conflict, follow on with Module 6.

If the discussion raises issues to do with sexual relationships, judge whether to cover Module 11.

Important to explore:

- Work she does (probe if she says 'nothing')
- Power to make decisions and in what areas
- Power of intimate partner and other family members
- Decisions about land/house
- Support networks

Nice to explore:

- Challenges
-

Prompt questions include:

What activities are you responsible for doing?

Who makes decisions?

Who does he/she consult?

If you disagree with the decision, what can you do?

Are there any areas where you make the decisions?

Can you make decisions about household land/house?

Have you experienced any changes in your responsibilities over time?

What are the major challenges facing your household?

What are the major challenges facing you?

If you have a problem, to whom do you turn for help?

Module 6: Land/house conflict

We know that sometimes there are disagreements about land in families. We would be interested to know if there are ever disagreements over land/house in your household and what you think about them if they do occur? If you haven't had personal experience, do you know of other women who have?

This module explores the nature and extent of conflict over land, including that involving the interviewee. Try to establish where the conflict fits on the spectrum from disagreement to serious dispute, with violence or threat of violence.

Important to explore:

- Existence, seriousness of conflict
- Who is involved
- Her perspectives on what is happening and her position
- How disputes get resolved – family/court/chief/street committee, etc.

Prompt questions include:

Have you ever been involved in any disputes about land/house? Could you describe what happened?

What are the disagreements about and how serious are they?

Who is there to help resolve the disagreements?

Module 7: Livelihoods and income

We would now like to know more about the ways in which you and your household make a living and how important your land/house is for that.

This module explores in broad outline the major sources of income and livelihood to the household and the significance of land/house within that. It also probes the contribution the interviewee makes to household livelihoods, including labour. Livelihoods include job, grant, remittances, agriculture, trade, rental of rooms, shebeens, spaza, transactional sex, gifts, loans, crime.

Important to explore:

- All the ways in which she and her household make a living
- The importance of land/house in her livelihood strategy

Prompt questions include:

What are your daily activities for income/providing food in your household?

What is your/household land/house used for?

How important is it for the wellbeing of you and your household?

**Module 8: Significance of ownership of land/
house**

As you know this research is about women's land rights. I am interested to know how important it is for women to have independent rights in/ownership of land and/or a house – do you think it is important and why do you say that? Are you satisfied with the rights you have? Can owning land ever be a problem for women?

This module explores the interviewee's experiences and perceptions around independent rights in or ownership of land or housing. These may not necessarily be positive.

If disputes are identified, refer back to Module 6.

Important to explore:

- The interviewee's understanding and experience re rights in land for herself – positive and negative

If interviewee has independent rights in land/house, prompt questions include:

*What does/did it mean to you?
What were your feelings when you first got rights/ownership?
Did your partner support you?
What were the reactions of your community/family?
Have you ever felt the land/house was a burden?*

If participant does not own land/house, prompt questions include:

*Would you like to own land/house?
Why?
Would you prefer this on your own or with your partner?*

Module 9: Health and HIV and AIDS

The module varies depending whether the HIV status of the interviewee is known to be positive, i.e. she is open about it (either in general or reveals it willingly during the interview), or her status is unknown. The latter includes situations where the interviewer thinks it likely that the interviewee is HIV+ but this information is not disclosed by the interviewee. If the interviewee reveals experience of violence, follow up with Module 11.

Remember the research interest is in exploring if property ownership might:

- reduce women's risk of vulnerability to HIV and AIDS by making them economically independent and personally empowered in relation to sexual partners
- reducing the negative impact of HIV and AIDS if the woman is HIV+, economically and socially.

Remember also the research interest in the relationship between HIV and violence:

- that a woman's status as HIV+ may lead to violence against her, and/or
- that a woman is in a situation of domestic violence may be more exposed to the risk of HIV infection.

A) HIV+ status known:

As you know, we are also interested in women's health and if women who have rights in land/house are in a better position to deal with ill health and especially HIV/Aids. Tell me about your situation – what are the problems you face and what are the things that help you deal with them and is land a benefit?

Important to explore:

- Economic impact and how interviewee is coping economically
- If land/house situation has changed as result of HIV status (e.g. sold/leased/pushed off/no longer able to work land)
- If status has led to violence and what form this took
- If status has led to stigma and what form this took
- History of status – when tested

Status known:

Prompt questions include:

Has your life changed b/c of H/A – e.g.

Cost of care, stigma, livelihoods, childcare?

What has the response of your partner/family/ community been to your status?

Does having land/house make a difference?



B) HIV status unknown:

As you know we are also interested in women's health and if women who have rights in land/house are in a better position to deal with ill health including HIV and Aids. Tell me about your situation – what are the health problems you face and what are the things that help you deal with them and is land a benefit?

Important to explore:

- Economic impact and how interviewee is coping economically
- If land/house situation has changed as result of health problems (e.g. sold/leased/pushed off/no longer able to work land)

Status unknown:Prompt questions include

What are your main health problems?

Does having land/house make a difference to your health situation?

Is HIV and AIDS a concern?

If not for you, do you know of other women for whom it is an issue?

Module 10: Marriage and intimate relationships

We are interested in the position of women in marriage or a relationship. What are your views about this?

This module explores attitudes towards and **experiences** within intimate partner relationships, including whether violence is present or threatened or not. It also explores the interviewee's ideas about women's roles and responsibilities in marriage/relationships.

Clarify as far as possible between different sorts of disputes, from an argument through to serious disagreement. If there is evidence of intimate partner violence follow on with Module 11.

Important to explore:

- How interviewee understands responsibilities of wife and husband, including regarding sex
- Experience of marriage and/or relationships
- Whether land/housing source of conflict in the marriage/relationship
- Whether land/house a source of power in marriage/relationship

Prompt questions include:

How would you describe your current marriage/relationship?

What do you enjoy most about it?

What do you enjoy least?

Are you better off in a relationship than if you were single?

What are the responsibilities of the ideal female partner/wife?

What are the responsibilities of the ideal male partner/husband?

Can a woman refuse sex?

Can a woman refuse unprotected sex?

Do you feel that your husband/partner respects you?

Do you and your husband ever disagree about things? What things?

Do you ever disagree about land?

Do you ever disagree about sex?

What happened?

Module 11: History of violence

This module explores the different types of violence: physical, emotional, sexual, and economic, including from intimate partner and other family members. The focus is not primarily on other sources of violence against women but if this comes up, do note it.

It also explores links between HIV and intimate partner violence, and links between property ownership and the interviewee's experience of intimate partner violence.

Remember that the interviewee should not feel pushed to answer things that she does not want to.

Remember to use the **dummy questionnaire** on media exposure if the interview is interrupted.

Remember to use the referral sheet.

A. Physical and emotional violence:

I understand that this is a painful subject, but would appreciate it if you would be willing to share your experience with violence from intimate partners and also other family members. If we are interrupted I will switch to a different set of questions. If you have not experienced this directly, could you tell me what you have observed in your community.

B. Sexual violence:

The most difficult form of violence to talk about is sexual violence. If you are willing, I would like to talk about this as well. We are interested to know if women who have stronger rights in land and property may be in a better position to deal with this. If you have not experienced this directly, could you tell me what you have observed in your community.

Important to explore in both:

- Nature and frequency of violence
- What provokes violence?
- Sources of support or help

Physical violence:Prompt questions include:

*Has your partner ever hurt you emotionally or psychologically?
Has your partner ever insulted you or made you feel bad about yourself?
Humiliated you in front of other people?
Threatened to leave you?
Thrown you out of the house?
Taken or kept money from you?
Denied you access to necessities?
Threatened to hurt you or someone you care about?
Threatened to damage your house or property?*

*If yes: what did you do?
Have you ever experienced any of the above from another family member?*

Prompt questions include:

*Do you feel you can refuse sex?
If yes, probe why*

*Can you insist on protected sex?
If no:
What are the reasons?
What do you do to avoid violent incidents with your partner?
Is there anybody who has helped you deal with the situation?
Police? Social Workers? Church?
Family? Traditional leader/chieft?
Local councilor?*

Have you ever thought of leaving husband/partner/household?

*If yes:
Where would you think of going?
What would you do there?
Does having/not having land/housing make any difference to your decision?*

Concluding the interview:*Finish One – If participant has disclosed problems/violence*

I would like to thank you for helping us. I appreciate the time that you have taken I realise that these questions may have been difficult for you to answer, but it is only by hearing from women themselves that we can really understand about their health and experiences of violence.

From what you have told me, I can tell you have had some very difficult times in your life. No one has the right to treat someone else in that way. However, from what you have told me I can see that you are strong, and have survived some difficult circumstances.

Here is a list of organisations that provide support, legal advice and counseling services to women in (study location). Please do contact them if you would like to talk over your situation with anyone. Their services are free, and they will keep anything that you say private. You can go whenever you feel ready to, either soon or later on.

(Add referrals for VCT and other HIV/AIDS services.)

Is there anything further you would like to ask of me before I leave?

THANK YOU VERY MUCH.

Finish Two – If participant has not disclosed problems/violence

I would like to thank you for helping us. I appreciate the time that you have taken I realise that these questions may have been difficult for you to answer, but it is only by hearing from women themselves that we can really understand about their health and experiences in life.

In case you ever hear of another woman who needs help, here is a list of organisations that provide support, legal advice and counseling services to women in (study location). Please do contact them if you or anyone you know needs help. Their services are free and they will keep anything that anyone says to them private.

Is there anything further you would like to ask of me before I leave?

THANK YOU VERY MUCH.

[Dummy questionnaire for use if interview interrupted]*Media Exposure*

- 1) Do you listen to the radio? Yes No DK
- 2) How many hours a day would you say you listen to the radio, less than an hour, one to four hours, more than four hours?
- Less than one hour One to four hours More than four hours DK
- 3) Which radio station do you listen to most often?
- _____ DK
- 4) What time of day do you listen to the radio?
- Morning (before noon) Afternoon (after noon to 6 p.m.)
 Evening (after 6 p.m.) DK
- 5) What kinds of radio programmes do you like to listen to?
- Music News Talk shows
 Dramas DK
- 6) Do you watch TV? Yes No DK
- 7) How many hours a day would you say you watch TV, less than an hour, one to four hours or more than four hours?
- Less than one hour One to four hours More than four hours DK
- 8) Which TV stations do you watch most often?
- _____ DK
- 9) What time of day do you watch TV?
- Morning (before noon) Afternoon (after noon to 6 p.m.)
 Evening (after 6 p.m.) DK
- 10) What kinds of programmes do you enjoy watching?
- Sports News Educational
 Movies Talk shows Comedies
 DK

Appendix 4. Focus group discussion vignettes

Vignette 1: Mr and Mrs Luthuli live in Blaauwbosch. They have a house and a garden. Their son, Bheki, has decided to leave Durban and move back home. He wants to build a house on some of the land they presently use for gardening.

- Should they allow him to build a house?
- Whose decision should it be?
- If Bheki does build a house there, who will the whole property go to when Mr and Mrs Luthuli pass away?

Vignette 2: Bheki does eventually build a house next to his parents' house. A year or so later, Mr Luthuli passes away. Mr Luthuli was the main breadwinner. Mrs Luthuli is 42 years old.

- Does the land now belong to Mrs Luthuli?
- Is there anything she can/should do to make sure she is secure in her home?
- Is there anything she can/should do to make sure she has control over the land?

Vignette 3: Some community members believe that Mr Luthuli died of AIDS, but nobody really knows. Mrs Luthuli appears to be in good health.

- How do these rumours affect Mrs Luthuli, if at all?
- Do they have any influence on Mrs Luthuli's ability to maintain control over her home and the land?

Vignette 4: A while after Mr Luthuli has passed away, Mrs Luthuli and Bheki are arguing. Bheki and his girlfriend are going to have a baby. He wants to bring his partner and baby to live with him. Mrs Luthuli is worried.

- Why might Mrs Luthuli be worried? Does she have anything to fear? From her son? From her son's girlfriend?
- What if it were the case that Bheki is not Mrs Luthuli's son, but rather Mr Luthuli's son by a different wife?
- What about the son's girlfriend? Will she be at ease at her new residence? Would it be better for her if she and Bheki got married? Will she always have a place to stay on the land?

Vignette 5: Bheki's girlfriend, whose name is Joyce, moves in with Bheki into the small house he built. A few months later, she gives birth to a baby. A while later, Mrs Luthuli's 22-year-old daughter, Thembi, comes back home. She wants to move in with her mother, and bring her young child with her. In time, she would like to build her own house next to her mother's and brother's.

- Will Mrs Luthuli's relationship to her son's girlfriend change after Joyce's baby is born? Does it make any difference whether the baby is a boy or girl?
- Should Mrs Luthuli welcome her daughter back into her home?
- What about her daughter's request to have her own house?

Vignette 6: Two years later, a local widower, Mr Gumbi, wants to become Mrs Luthuli's boyfriend. He has a small business and is doing very well. He is friendly and open, so they begin to see each other. He eventually asks her to come and live with him at his home.

- Should Mrs Luthuli accept his request?
- If she does, what does that mean for her own house and land?

Vignette 7: Mrs Luthuli moves in with Mr Gumbi. Initially the relationship works well and eases Mrs Luthuli's economic problems, as she is unemployed and neither her son nor her daughter had contributed much to the household income. Gradually, however, Mrs Luthuli and Mr Gumbi start fighting and the relationship starts to deteriorate. It turns out that Mr Gumbi has a violent temper, and sometimes shouts at Mrs Luthuli, breaks things, and makes threats towards her. Mrs Luthuli feels less and less comfortable in his company.

- What should Mrs Luthuli do?
- Should she move back to her own home?
- Would this not have happened if she had never left her own home?

Vignette 8: Upon returning home, Mrs Luthuli discovers that her daughter, Thembi, is ill. Mrs Luthuli suspects that Thembi has AIDS, and encourages Thembi to get tested. Thembi does, and is eventually put on anti-retrovirals. At the same time, Thembi is informed by an official that she is finally to receive an RDP (government-built) house in Madadeni.

- Should Thembi move to her RDP house?
- Why or why not?

REFERENCES

Section 1

- Agarwal B (2002) Are We Not Peasants Too? Land Rights and Women's Claims in India. *Seeds* 21.
- Aliber M & Walker C (2006) The Impact of HIV/AIDS on Land Rights: Perspectives from Kenya. *World Development*, 34(4): 704–727.
- Bhatla N, Chakraborty S & Duvvury N (2006) *Property Ownership and Inheritance Rights of Women as Social Protection from Domestic Violence: Cross-site Analysis*. Washington DC: International Center for Research on Women.
- Beegle K & Özler B (2006) Young Women, Rich(er) Men, and the Spread of HIV. Forthcoming. Cited with permission of the authors.
- Beegle K, Frankenberg E & Thomas D (2001) Bargaining Power within Couples and Use of Prenatal and Delivery Care in Indonesia. *Studies in Family Planning*, 32(2): 130–46.
- Chapoto A, Jayne TS & Mason N (2006) Security of Widows' Access to Land in the Era of HIV/AIDS: Panel Survey of Evidence from Zambia. *Food Security Research Project Working Paper No. 19*. Lusaka, Zambia: Food Security Research Project.
- Chauveaux JP (2006) How does an institution evolve? Land, politics, and intergenerational relations and the institution of the *tutorat* among autochthons and immigrants. In R Kuba & C Lentz (eds) *Land Rights and the Politics of Belonging in West Africa*. Leiden: Brill.
- Claassens A (2005) Communal Land Rights Act and Women: Does the Act remedy or entrench discrimination and the distortion of the customary? *Land reform and agrarian change in southern Africa: An occasional paper series*. Paper 23. Cape Town: PLAAS and LRC.
- Cotula L (ed) (2007) *Changes in Customary Land Tenure Systems in Africa*. London: DFID/IIED/FAO.
- Cousins B & Claassens A (2005) Land Tenure Reform in South Africa: A focus on Moravian Church land in the Western Cape. In S Evers, M Spierenburg & H Wels, *Competing jurisdictions: settling land claims in Africa*. Afrika-Studiecentrum Series, Vol. 6. Leiden: Brill.
- Cousins B & Claassens A (2006) More than simply 'socially embedded': Recognising the distinctiveness of African land rights. Keynote address at the international symposium on 'At the Frontier of Land Issues: Social embeddedness of rights and public policy', Montpellier, May 17–19.
- Drimie S (2002) *The Impact of HIV/AIDS on Land: Case studies from Kenya, Lesotho and South Africa*. A Synthesis Report prepared for the Southern African Regional Office of the Food and Agricultural Organization of the United Nations (FAO) August 2002.
- Dunkle K, Jewkes R, Brown H, Gray G, McIntyre J & Harlow S (2004) Gender-based violence, relationship power, and risk of HIV infection in women attending antenatal clinics in South Africa. *The Lancet*, 363: 1415–1421.

- Eilor EA and Mugisha M (2002) *Report of the study on HIV/AIDS and Women's Land Rights in Uganda: A case study of selected individuals in Rukungiri and Kampala Districts*. Kampala, Uganda: Eastern African Sub-Regional Support Initiative for the Advancement of Women (EASSI).
- FAO (Food and Agricultural Organization of the United Nations) (1996) *FAO Focus: Women and Food Security: Women Hold the Key to FOOD Security*. Available at www.fao.org/FOCUS/E/Women/WoHm-e.htm
- Finch J (1987) The Vignette Technique in Survey Research. *Sociology* 21: 105–114.
- Hallman K (2004) *Socioeconomic Disadvantage and Unsafe Sexual Behaviours Among Young Women and Men in South Africa*. New York: The Population Council Inc.
- Izumi K (2007) Gender-based Violence and Property Grabbing in Africa: A denial of women's liberty and security. *Gender & Development*, 15(1): 11–23.
- Jewkes R, Dunkle K, Nduna M, Levin J, Jama N, Khuzwayo N, Koss M, Puren A & Duvvury N (2006) Factors associated with HIV sero-status in young rural South African women: Connections between intimate partner violence and HIV. *International Journal of Epidemiology*, 35(6): 1461–1468.
- Katz E & Chamorro J (2003) Gender, Land Rights, and the Household Economy in Rural Nicaragua and Honduras. Paper presented at the annual conference of the Latin American and Caribbean Economics Association, Puebla, Mexico, October.
- Lastarria-Cornhiel S (1997) Impact of privatization on gender and property rights in Africa. *World Development*, 35(8): 1317–1341.
- Maman S, Mbwambo JK, Hogan NM, Kilonzo GP, Campbell JC, Weiss E & Sweat MD (2002) HIV-positive women report more lifetime partner violence: Findings from a voluntary counseling and testing clinic in Dar es Salaam, Tanzania. *American Journal of Public Health*, 92(8): 1331–1337.
- Manji AS (2006) *The Politics of Land Reform in Africa: From communal tenure to free markets*. London: Zed.
- Mendenhall E, Muzizi L, Stephenson R, Chomba E, Ahmed Y, Haworth A & Allen S (2007) Property grabbing and will writing in Lusaka, Zambia: An examination of wills of HIV-infected cohabiting couples. *AIDS Care*, 19(3): 369–374.
- Panda P & Agarwal B (2005) Marital Violence, Human Development and Women's Property Status in India. *World Development*, 33(5): 823–850.
- Peters PE (2004) Inequality and Social Conflict Over Land in Africa. *Journal of Agrarian Change*, 4(3): 269–314.
- Pulerwitz, Gortmaker, & DeJong (2000) Measuring sexual relationship power in HIV/STD research. *Sex Roles*, 42(7/8): 637–660.

- Quisumbing AR & Maluccio J (2003) Resources at Marriage and Intra-household Allocation: Evidence from Bangladesh, Ethiopia, Indonesia, and South Africa. *Oxford Bulletin of Economics and Statistics*, 65: 283–327.
- Rao Gupta G (2007) *Women and AIDS: Where to From Here?* Washington DC: International Center for Research on Women (ICRW).
- Strickland R (2004) *To Have and To Hold: Women's Property Rights in the Context of HIV/AIDS in sub-Saharan Africa*. International Center for Research on Women Working Paper, June. Washington D.C: International Center for Research on Women (ICRW).
- Toulmin C & Quan J (eds) (2000) *Evolving land rights, policy and tenure in Africa*. London: DfID/IIED/NRI.
- UNAIDS 2006 AIDS Epidemic Update. Accessed at <http://www.unaids.org/en/KnowledgeCentre/HIVData/EpiUpdate/EpiUpdArchive/2006/Default.asp>
- Villarreal M (2006) Changing customary land rights and gender relations in the context of HIV/AIDS in Africa. Colloque international 'Les frontières de la question foncière – At the frontier of land issues', Montpellier, 2006.
- Walker C (2002) *Land Reform in Southern and Eastern Africa: Key Issues for Strengthening Women's Access to and Rights in Land*. Report on a study commissioned by the FAO. Harare, Zimbabwe: FAO Sub-regional office for Southern and Eastern Africa.
- Walker C (2002) *Agrarian Change, Gender and Land Reform: A South African Case Study*. Programme Papers on Social Policy and Development Paper 10. Switzerland: UNRISD.
- Walker C (2003) Piety in the Sky? Gender Policy and Land Reform in South Africa. *Journal of Agrarian Change*, 3(1 & 2): 113.
- Weiser S, Leiter K, Heisler M, Butler L, Percy F, Hlanze Z, Tlou S, Phaladze N, DeMonner S, Iacopino V & Bangsberg D (2006) Food Insufficiency is Associated with High Risk Sexual Behavior among Women in Southern Africa. Paper presented at the XVI International AIDS Conference, Toronto, Canada. University of California.
- Whitehead A & Tsikata D (2003) Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary. *Journal of Agrarian Change*, 3(1 & 2): 67–112.
- WHO (2005) *WHO Multi-country Study on Women's Health and Domestic Violence against Women: Summary Report of Initial Results on Prevalence, Health Outcomes and Women's Responses*. Geneva: WHO.
- Yngstrom I (2002) Women, wives and land rights in Africa: Situating gender beyond the household in the debate over land policy and changing tenure systems. *Oxford Development Studies*, 30(1): 21–40.

Section 2

- Aliber M, Roefs M & Reitzes M (2006) Assessing the Alignment of South Africa's Land Reform Policy to People's Aspirations and Expectations: A Policy-Oriented Report Based on a Survey in Three Provinces. Report for the multi-country OECD study on Measuring Human Rights, Democracy and Governance.
- Amajuba District Municipality (2007) *The 2007/8 Integrated Development Plan for the Amajuba district municipality*. Newcastle: Amajuba District Municipality.
- Bachman M, Nkosi B & Parikh A (2006) The impact of parental death on household characteristics and child wellbeing: Baseline and preliminary Round 2 findings from the Amajuba Child Health and Wellbeing Research Project (ACHWRP). Paper presented at UNAIDS/HEARD Symposium, 16 October 2006, Durban.
- Casale D & Posel D (2001) Why are more women looking for work? A study of female labour supply in South Africa, 1995–999. Paper presented at the DPRU/FES conference, Johannesburg.
- CSS (Central Statistical Service) (1970) Population Census, 1970. Report No. 02-80-02. Pretoria: Central Statistical Service.
- Cousins B (2007) More than Socially Embedded: The Distinctive Character of 'Communal Tenure' Regimes in South Africa and its Implications for Land Policy. *Journal of Agrarian Change*, 7(3): 28–315.
- Cousins B & Claassens A (2006) More than simply 'socially embedded': Recognising the distinctiveness of African land rights. Keynote address at the international symposium on 'At the Frontier of Land Issues: Social embeddedness of rights and public policy', Montpellier, May 17–19.
- DLA (Department of Land Affairs) (2006) Unpublished data on reform projects.
- Department of Statistics (1969) *Census of Agriculture*. Republic of South Africa.
- Goldblatt B (2005) Gender and Social Assistance in the First Decade of Democracy: A Case Study of South Africa's Child Support Grant. *Politikon*, 32(2): 239–258.
- Hall R (2004) Land and agrarian reform in South Africa: A status report 2004. Research Report No. 20. Belville, South Africa: Programme for Land and Agrarian Studies, University of the Western Cape.
- Hart G (2002) *Disabling Globalization: Places of Power in Past-apartheid South Africa*. Pietermaritzburg: University of Natal Press.
- Hoogeveen J & Özler B (2006) Poverty and Inequality in Post-apartheid South Africa: 1995–2000. In H Bhorat & R Kanbur (eds) *Poverty and Policy in Post-apartheid South Africa*. Cape Town: HSRC Press.
- Hunter M (2007) The changing political economy of sex in South Africa: The significance of unemployment and inequalities to the scale of the AIDS pandemic. *Social Science & Medicine*, 64: 689–700.

- Jewkes R, Dunkle K, Nduna M, Levin J, Jama N, Khuzwayo N, Koss M, Puren A & Duvvury N (2006) Factors associated with HIV sero-status in young rural South African women: Connections between intimate partner violence and HIV. *International Journal of Epidemiology*, 35(6): 1461–1468.
- Kandiyoti D (2003) The Cry for Land: Agrarian Reform, Gender and Land Rights in Uzbekistan. *Journal of Agrarian Change*, 3(2&3): 225–256.
- Leibbrandt M, Poswell L, Naidoo P & Welsh M (2006) Measuring Recent Changes in South African Inequality and Poverty Using 1996 and 2001 Census Data. In H Bhorat and R Kanbur (eds) *Poverty and Policy in Post-apartheid South Africa*. Cape Town: HSRC Press.
- Mare G (1980) *African Population Relocation in South Africa*. Johannesburg: South African Institute of Race Relations.
- Mbilinyi M (1997) Women Workers and Self-Employed in the Rural Sector. Paper prepared for ILO Workshop on Women's Employment Promotion in the Context of Structural Adjustment Programme in Tanzania, Dar-es-Salaam, July 1997.
- McIntosh, Xaba and Associates (2005) Role of Women: Urban-Rural Linkages and Household Livelihoods. Final Report. Study commissioned by the Provincial Planning and Development Commission, KwaZulu-Natal.
- Ministry of Agriculture and Land Affairs (2001) Land Redistribution for Agricultural Development: A Sub-Programme of the Land Redistribution Programme, Final Document (Version 3).
- Natrass N (2004) *The Moral Economy of AIDS in South Africa*. Cambridge: Cambridge University Press.
- Ntsebeza L & Hall R (2006) *The land Question in South Africa: The Challenges of Transformation and Redistribution*. Cape Town: HSRC Press.
- Robins S (2006) From 'Rights' to 'Ritual': AIDS activism in South Africa. *American Anthropologist*, 108(2): 312–323.
- Shisana O & Simbayi L (2002) *Nelson Mandela HSRC Study of HIV/AIDS: Executive Summary*. HSRC Press: Cape Town.
- Social Surveys Africa. (2006) National Study of Prevalence of Violence against Women and Women's Vulnerability. Unpublished draft report.
- Statistics South Africa (1996) *1996 Census*. Pretoria: Statistics South Africa.
- Statistics South Africa (1998) *Census of Agriculture, 1993. Provincial statistics: KwaZulu-Natal*. Report No. 11-02-06. Pretoria: Statistics South Africa.
- Statistics South Africa (2001) *2001 Census*. Pretoria: Statistics South Africa.
- Statistics South Africa (2004a) *Provincial Profile 2004, KwaZulu-Natal*. Report No. 00-91-05. Pretoria: Statistics South Africa.

- Statistics South Africa (2004b) *Census 2001: Primary tables KwaZulu-Natal, 1996 and 2001 compared*. Report No: 03-02-08. Pretoria: Statistics South Africa.
- Statistics South Africa (2005) *General Household Survey 2004*. Data set. Pretoria: Statistics South Africa.
- Statistics South Africa (2006a) *Mid-year population estimates, South Africa 2006*. Statistical release P0302. Pretoria: Statistics South Africa.
- Statistics South Africa (2006b) *Migration and urbanization in South Africa*. Report No. 03-04-02. Pretoria: Statistics South Africa.
- Statistics South Africa (2006c) *Labour Force Survey*. Statistical release P0210. Pretoria: Statistics South Africa.
- Statistics South Africa (2006d) *General Household Survey 2005*. Data set. Pretoria: Statistics South Africa.
- Statistics South Africa (2006e) *Census of Agriculture Provincial Statistics 20: KwaZulu-Natal: Financial and Production Statistics*. Report No. 11-02-06 (2002). Pretoria: Statistics South Africa.
- Statistics South Africa (2007) Statsonline. Latest key indicators. Accessed at <http://www.statssa.gov.za/keyindicators/keyindicators.asp>. Accessed 9 June 2007.
- SPP (Surplus People Project) (1983) *Forced Removals in South Africa. The SPP Reports, Natal*, Vol. 4. Cape Town: Surplus People Project.
- Thom A (2007) Survey shows decline in HIV among pregnant women. Southern African Regional Poverty Network (SARPN) newsflash, 8 June 2007. Health-E News, 8 June.
- Todes A (1997) *Restructuring, Migration and Regional Policy in South Africa: The case of Newcastle*. Unpublished PhD thesis, University of Natal, Durban.
- UNAIDS (2006) *2006 Report on the global AIDS epidemic: A UNAIDS 10th anniversary special edition*. Geneva: UNAIDS.
- Urban Econ (n.d. [2006]) Amajuba Baseline Data Study. Report based on a survey commissioned by the Amajuba district Council.
- Vetten L (2007) Violence against women in South Africa. In S Buhlungu, J Daniel, R Southall & J Lutchman (eds) *State of the Nation: South Africa 2007*. Cape Town: HSRC Press.
- Walker C (2003) Piety in the Sky? Gender policy and land reform in South Africa. *Journal of Agrarian Change*, 3(1 & 2): 113-148.
- Walker C (2005) The limits to land reform: Rethinking 'the land question'. *Journal of Southern African Studies*, 31(4).

Wittenberg M & Collinson M (2005) *Restructuring of households in rural South Africa: Reflections on average household size in the Agincourt subdistrict 1992–2003*. School of Economics, University of Cape Town and Agincourt Health and Population Unit of University of the Witwatersrand.

Young L & Ansell N (2003) Fluid households, complex families: The impacts of children's migration as a response to HIV/AIDS in southern Africa. *The Professional Geographer* 55(4): 464–476.

Section 3

AfD (Associates for Development) & IDLO (International Law Development Organization) (2003) *Assessing the Capacity of Civil Society Organisations on Land, HIV/AIDS and Gender*. Capacity Audit Report for the World Bank. Internal Report for circulation.

Koenig MA, Lutalo T, Zhao F, Nalugoda F, Wabwire-Mangen F, Kiwanuka N, Wagman J, Serwadda D, Wawer M & Gray R (2007) Domestic Violence in Rural Uganda: Evidence from a community-based study. *Bulletin of the World Health Organization* 81(1). Accessed at <http://www.who.int/bulletin/Koenig0103.pdf>

Ntozi JPM (1997) *Widowhood, Remarriage and Migration during the HIV/AIDS Epidemic in Uganda*. Makerere, Uganda: Department of Population Studies, Makerere University.

Kaye DK, Mirembe F, Ekstrom AM, Kyomuhendo GB & Johansson A (2005) Implications of bride price on domestic violence and reproductive health in Wakiso District, Uganda. *African Health Science* 5(4): 300–3.

Karanja LW (2003) Domestic Violence and HIV Infection in Uganda. *Human Rights Dialogue* 2003 Fall (10):10,11.

MoFPED (Ministry of Finance Planning and Economic Development) (2001) *Poverty Status Report*. Kampala: Government of Uganda.

MoFPED (Ministry of Finance, Planning and Economic Development) (2002) *National Poverty Assessment Process*. Kampala: Government of Uganda.

MoFPED (Ministry of Finance Planning and Economic Development) (2004) *Poverty Eradication Action Plan (PEAP) 2004/08*. Kampala: Government of Uganda.

MoH (Ministry of Health) & ORC Macro (2006) *Uganda HIV/AIDS National Sero-behavioural Survey 2004–2005*. Calverton, Maryland, USA: Ministry of Health and ORC Macro.

MoH (Ministry of Health) (2003) *STD/HIV/AIDS Surveillance Report*. Kampala: STD/AIDS Control Program.

MoLGSD (Ministry of Labour, Gender and Social Development) (2006) *Assessing the need for Social Protection Policy*. Unpublished Report, Government of Uganda.

MoWLE (Ministry of Water, Lands and Environment) (2004) *National Gender Baseline Survey for the Land Sector Strategic Plan, 2004*. Kampala: Government of Uganda.

- MoWLE (Ministry of Water, Lands and Environment) (2005) Study on Landlessness and IDP. Unpublished consultancy report as input into the National Land Policy.
- Namubiru L (2007) Article in *New Vision*. [details to follow]
- Okwi PO, Linderhof V, Hoogeveen JG, Emwanu T & Begumana J (2006) Welfare and Environment in Rural Uganda. PREM Working Paper 06-03. Amsterdam: Vrije Universiteit.
- Statistics South Africa (2004) *Provincial Profile 2004, KwaZulu-Natal*. Report No. 00-91-05. Pretoria: Statistics South Africa.
- Uganda Aids Commission (2004) Project Document submitted to the World Bank.
- UBoS (Uganda Bureau of Statistics) (2002) *Uganda Population and Housing Census Report*. Kampala: UBoS.
- UBoS (Uganda Bureau of Statistics) (2004) *National Survey Household Report*. Kampala: UBoS.
- UNFPA (United Nations Population Fund) (2007) *World Population Report*. New York: UN. *Weekly Observer*, 31 May–6 June 2007, Editorial, p. 4.
- World Health Organization Bulletin 22 January, 2003 edition, Johns Hopkins Bloomberg School of Public Health.

Section 4

For Table 16.1 on page 136

- 1 <http://www.prb.org/Countries/SouthAfrica.aspx>
- 2 <http://www.prb.org/Countries/Uganda.aspx>
- 3 cf. Section 3
- 4 <http://www.measuredhs.com/pubs/pdf/FR131/02Chapter02.pdf>
- 5 <http://www.measuredhs.com/pubs/pdf/FR194/FR194.pdf>
- 6 http://data.unaids.org/pub/GlobalReport/2006/2006_GR_ANN2_en.pdf
- 7 cf. Section 2
- 8 http://data.unaids.org/pub/GlobalReport/2006/2006_GR_ANN2_en.pdf
- 9 cf. Section 3
- 10 cf. Section 3. The prevalence rate for physical violence is 14%
- 11 cf. Uganda Demographic and Health Survey, 2006
- 12 cf. Uganda Demographic and Health Survey, 2006; Data for Eastern Region
- 13 <http://www.measuredhs.com/pubs/pdf/FR131/02Chapter02.pdf>
- 14 cf. Section 2
- 15 <http://www.measuredhs.com/pubs/pdf/FR131/02Chapter02.pdf>
- 16 cf. Section 3
- 17 <http://www.measuredhs.com/pubs/pdf/FR131/02Chapter02.pdf>
- 18 cf. Section 2
- 19 <http://www.measuredhs.com/pubs/pdf/FR131/02Chapter02.pdf>
- 20 <http://www.prb.org/DataFind/prjprbdata/wcprbdata7.asp?DW=DRandSL=andSA=1>

- 21 <http://devdata.worldbank.org/external/CPProfile.asp?PTYPE=CPandCCODE=UGA>
- 22 <http://www.prb.org/Countries/SouthAfrica.aspx>
- 23 <http://www.kznhealth.gov.za/census/density.pdf>
- 24 <http://www.measuredhs.com/pubs/pdf/FR194/FR194.pdf>
- 25 cf. Section 3 (Data from Uganda Census, 2002)
- 26 PRB 2007 World Population Data Sheet
- 27 cf. Section 2
- 28 Uganda Census, 2002
- 29 cf. Section 3