

WOMEN'S PROPERTY RIGHTS, HIV AND AIDS, AND VIOLENCE IN

South Africa and Uganda

PRELIMINARY FINDINGS

How can property ownership, access to property and tenure security protect women who are confronting HIV and/or violence? The International Center for Research on Women (ICRW) and its partners—the Associates for Development in Uganda and the Human Sciences Research Council in South Africa—recently explored this question by examining the links between women's secure property rights, their vulnerabilities to HIV and AIDS, and their experience of gender-based violence.

Preliminary findings suggest that secure property rights have the potential to help mitigate the consequences of HIV and AIDS. However, the ability of secure rights to reduce the risk of HIV infection or the experience of gender-based violence is not so clear. Regardless, the research found that women's social context is key to determining the degree to which property rights benefit women, and suggests that their immediate social contexts—personal relationships—influence whether women actually realize their rights.

MITIGATION TIED TO PROPERTY'S USE

The ability of women's property ownership to mitigate the effects of AIDS and gender-based violence appears to be tied to how women use property socially and economically. The research found evidence across both sites that secure property rights and property ownership can help women mitigate harmful effects. The degree of this benefit, however, varied depending

on the social contexts (agrarian versus peri-urban), which defined how women use and value property.

For example, the research suggests that property's mitigation benefits were strongest for women in Uganda, where land and property are used both for housing and generating income. Women with property had a greater degree of economic independence because they used their property (land, livestock, etc.) for various agricultural activities, and could further supplement their incomes with a range of informal work, such as petty trading, sale of old clothes, sale of livestock-related products, and brewing and selling millet liquor (malwa). Moreover, the land itself could generate income via land rentals, and women could use labor-sharing arrangements to bridge labor shortages.

In South Africa, however, women used property primarily as their residential housing. Women in this peri-urban environment generated income almost entirely through the informal service market (i.e., washing clothes for people, selling health and beauty products or homemade knitting), which is linked less directly to land and housing property.

WOMEN'S EMPOWERMENT AND PERSONAL RELATIONSHIPS

Though preliminary, the research also suggests that the quality of women's personal relationships—with their intimate partners and larger extended family, both marital and natal—is a driving factor of whether women realize their property rights.



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Even if women own property and have title in hand, the research found that women were not likely to exercise their rights and leave a risky situation if they feared repercussions from their intimate partner and/or if they had no support from their extended family.

In contrast, some women who lacked a formal legal right to property had their rights protected because they were in strong relationships. In other words, their intimate partners and/or extended families preserved and protected their rights, formal or informal.

This finding is important because legal property rights and marriage institutions varied greatly across the two countries, and women accessed their property rights through a variety of social mechanisms. In South Africa, for example, women were more likely to secure independent property rights across a spectrum of formal, semi-formal and traditional tenure systems. In Uganda, marriage (legal or socially sanctioned) was the most important mechanism for women to access land.

PREVENTION TIED TO SOCIAL CONTEXT

The question of whether women with more secure property rights are better able to protect themselves against HIV in terms of negotiating condom use, refusing unwanted sex or leaving risky relationships is not clear. The assumption has been that women's greater economic power through property may help prevent HIV infection. This research suggests that women's social context in fact may be more important to negotiating such circumstances.

A woman's relationship status, for example, may affect her ability to negotiate condom use. In both study sites, the majority of married women or women in long-term committed relationships reported not being

able to require condom use. They said that requesting condom use with their partners raised questions and implications about trust, fidelity and childbearing. The study participants felt that unmarried or single women may not face these problems because different social norms govern these relationships.

Women's natal family support also appears to be crucial to whether they can leave violent or risky relationships. Some HIV-positive women in South Africa were able to leave risky domestic situations because they had access to alternative housing: for example, they could move in with a relative. The women who did not have this social support most often had to stay in high-risk situations, such as living in a violent home or living with an HIV-positive partner who refused to use condoms.

The research also examined the relationship between women's property ownership, poverty and risky sexual behavior (i.e., transactional sex), and found no clear link. In fact in both South Africa and Uganda, women reported few instances of transactional sex—much less than has been suggested in the literature.

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