

# The Links between Women's Property and Inheritance Rights and HIV in Rural Tanzania



## Background

A better understanding of women's property and inheritance rights (WPIR) is critical for programs seeking to decrease HIV prevalence and hardships endured by women living with HIV in Tanzania. The International Center for Research on Women (ICRW) (2004) claims that when women are barred from owning property, they are unable to secure resources that would allow them to improve their chances of preventing HIV infection.

HIV infection rates in sub-Saharan Africa remain high, despite ongoing prevention efforts (Oluga, et al., 2010). There are even concerns of human rights violations, where cultural practices such as widow inheritance and sexual cleansing have increased the risk of HIV transmission for widowed women (Agot, et al., 2010). Widow inheritance is a custom in which a relative of a deceased husband, typically the late husband's brother, inherits the widow as his wife. In sexual cleansing or purification, one of the late husband's relatives forces the widow to have unprotected sex.

Tanzania today faces a generalized epidemic, with one of the highest HIV prevalence rates in the world and a rising rate of HIV infection.

Women are disproportionately affected. HIV prevalence is nearly double among women (6.2 percent) compared to men (3.8 percent), and urban areas have the highest overall rates. Though cultural practices, such as widow inheritance, have contributed to the spread of the epidemic in Tanzania, laws that do not sufficiently recognize women's rights to own and inherit property also contribute. Policy proposals that have sought to improve legal protections for women have not been adopted or have not been implemented effectively (McCloskey, Williams, & Larsen, 2005). Because the legal system has been unable to override customary practices, widows have continued to experience dispossession, even in cases where their husbands had left a will bequeathing them property (Tanzania Participatory Poverty Assessment, 2003).



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## Research Approach

The study sought to establish causal relationships between WPIR and HIV in smallholder farming communities around Lake Victoria, Tanzania. The study focused on determining whether violation of WPIR contributes to HIV transmission; determining whether a correlation exists between WPIR and HIV transmission; and exploring changes in assets for widows living with HIV or AIDS to discover evidence related to property disinheritances.

The study also examined structural challenges associated with integrating multiple gender strategies to promote property and inheritance rights among women living with HIV or AIDS.

Fifty-two widows from two community-based organizations volunteered to participate in the study. Thirty-six HIV-positive widows met the inclusion criteria and completed questionnaires. Four focus group discussions were conducted in the study districts with 32 people: 16 widows and 16 inheritors.

## Study Findings

We constructed a two-stage conceptual framework for concurrent analysis of HIV progression and its influence on the lives of women in their marital families. One participant in Ilemela District commented that the “majority of individuals are not aware of their HIV status due to lack of testing behaviour, hence increased risk for transmission of HIV to their partners.”

The conceptual framework illustrates the path ahead for an HIV-positive woman from the time she acquires HIV to the time she loses her male partner to the vulnerability she then experiences when her property and inheritance rights are threatened.

The study found a correlation between violation of WPIR and seropositive HIV status among participants.

Most widows (82 percent) who participated in the study were not aware of the HIV status of the ritual cleanser or inheritor and did not use a condom during sex. When the inheritor’s HIV status was known, condom use was more likely (57 percent).

A significant number of women living with HIV or AIDS engaged in transactional sexual relationships to receive money, goods, or favors and did not use a condom.

The reasons given for widow inheritance were for childbearing (47 percent), sexual companionship (36 percent), and ritual sexual cleansing purposes (14 percent). When disaggregated by age, the data showed that women subjected to widow inheritance whose ages ranged from 18–35 were sought mainly for childbearing, whereas most women above 35 years of age were sought for sexual companionship.

Location, education level, religion, and occupation had no relation to the three main causes of inheritance. However the relationship between a widow’s average monthly income and inheritance was statistically significant.

## Conclusion

The study revealed a deep and complex set of social and economic challenges hindering the use of innovative strategies to mitigate the vulnerability of widows.

This study indicates that violations of WPIR are significantly associated with HIV transmission among women. These violations typically involve disinheritance of land and houses. This association between WPIR and HIV transmission suggests that simple economic programs will not be sufficient. Instead, it will be necessary to address

socially reinforced gender power dynamics and violence—both risk factors for HIV. Successful interventions will seek to transform ideas and gender-based stereotypes that privilege men and give them control over women. Once mainstreamed into programs that address gender-based violence and other HIV risk behaviors, these interventions will be more effective than programs that address individual risk behaviors. Only interventions that have the potential to reduce asset expropriation among women living with HIV or AIDS and build their social and economic capital can address sex-based disparities in HIV transmission rates.

## Recommendations

A partnership between nonstate actors and government structures, in collaboration with development partners, is recommended to address the needs of women living with HIV or AIDS:

- Nonstate actors, particularly organizations pursuing AIDS-focused interventions, should consider expanding beyond biomedical and economic support to include psychological and social arenas while systematically addressing the legal needs of widows.
- Local governments should not confine their efforts to the conventional areas of treatment, nutrition, and income-generation and should instead pursue long-term social and legal support to ensure protection of asset bases for women living with HIV or AIDS.
- Institutional collaborations for local responses to HIV and AIDS should consider investing in context-specific longitudinal studies to track the rights and entitlements of women living with the virus in order to generate strong evidence to inform policy implementation and monitoring.
- Social protections, such as cash transfer, should explicitly aid widows whose asset bases were eroded through property expropriation based on customary social systems.
- Women living with HIV should have a platform to voice responses to laws and policies that affect their well-being and their right to own and inherit property.
- Local policymakers, lawmakers, and community activists should educate communities on the harms of outdated customs and denounce widow inheritance and ritual cleansing.

## References

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