

Widowhood and Vulnerability to HIV and AIDS Related Shocks: Exploring Resilience Avenues

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This brief summarises the findings of a study conducted in Makete district, Iringa region, Tanzania in 2008 that explored the contexts and factors under which violation of the inheritance and property rights of widows and orphans occurs, and resilience avenues for safeguarding these rights. The research found that property grabbing by women's in-laws following the death of the husband and cultural norms which allow for the inheritance of the wife remain stark realities for a significant number of Tanzanian women. The study concludes that a system of protective, promotive and transformative social protection mechanisms need to be put in place to better protect the rights and well-being of widows and their children.

Background and rationale of the study

The incidence and prevalence of HIV and AIDS will not be significantly reduced unless the gender dimensions in the risk of transmission are fully recognised and comprehensively addressed, including the prevailing social norms associated with widowhood in Tanzania. HIV is predominantly transmitted by heterosexual activity, and women, on average, are infected at a significantly younger age than men. The Tanzania HIV/AIDS and Malaria Indicator Survey 2007/8 reported HIV prevalence of 7% among women aged 15-49 years compared with 5% among men. Iringa region, the location of this study, recorded the highest HIV prevalence rate (14.7%) nationwide. Indeed, the dangers faced by women from the HIV and AIDS pandemic have been described as "triple jeopardy", that is, the disease potentially threatens women as individuals, as mothers and as carers (Baylies, 2004).

Despite this burden, women who lose their husbands as a result of AIDS may also be stripped of their inheritance and property rights due to stigma associated with the disease and the customary rights prevalent in different societies (Muchunguzi, 2002). Furthermore, becoming a widow may entail being:

- Inherited by one of the husband's relatives, typically a brother (known as the levirate system);
- Forced to have sex with one of the husband's relatives in order to be cleansed;
- Blamed for the husband's death;
- Accused of witchcraft; and/or
- Disliked by the family or community as a result of the stigma attached to AIDS.

With limited livelihood options, widows can be forced to engage in income-generating activities that are considered immoral by society, such as commercial sex work which place women and others at risk of HIV transmission.

Against this background, the study explored the circumstances under which violation or protection of inheritance and property rights of widows occur, and proposes policy recommendations aimed at securing these rights among this vulnerable group. Protecting vulnerable individuals and groups in society is both a moral imperative as well as an important component in poverty reduction as underscored in the National Strategy for Growth and Reduction of Poverty 2005-2010 (NGRSP or MKUKUTA to use its common Swahili acronym). MKUKUTA emphasises the importance of providing adequate social protection and safeguarding the rights of vulnerable and needy groups in the fight against poverty (United Republic of Tanzania, 2005).

Methodology

The study used both quantitative and qualitative tools to enable triangulation of data sources. A total of 278 households in eight villages across four wards of Makete district were purposively sampled and, using a structured questionnaire, data were collected from 236 widows in these households. These quantitative data were supplemented with information collected through focus group discussions (FGDs) with widows and orphans, widows' individual life histories and key informant interviews with local service providers involved in HIV and AIDS interventions or legal aid. A total of eight focus group discussions (FGDs) were held with widows and 30 life histories were collected. Each FGD had a total of 8-12 members. In addition, a total of six FGDs were held with orphans in six schools in the sampled villages. These discussions were conducted to collect information on the support

available for orphans. Information obtained from both widows and orphans on support mechanisms were corroborated by data collected from interviews with nine service providers.

Based on the quantitative data, an empirical analysis was performed to determine the factors under which widows were able to inherit property after the death of their husband. Using the resilience framework, the analysis examined the assets, capabilities, and activities as well as transforming structures and processes that lead to positive outcomes.

Findings

The study findings show that property grabbing after the death of the husband is a reality. Approximately, 17% of the widows interviewed were not allowed to inherit their husband's property through the actions of in-laws and other relatives. The main factors behind the property grabbing were the economic value of the property and cultural norms which allowed for the inheritance of the wife. The propensity of the in-laws to grab land and other productive assets, such as livestock, was found to be high. The refusal of widows to accept the levirate system was another major factor for property grabbing and the abandonment of widows and their children. The study argues that, although levirate system was instituted as a form of social security in traditional African societies to secure the livelihood of the widow and orphans, this system is increasingly challenged in the HIV and AIDS era. The women's testimony clearly revealed that the inheritance of widows may increase the risk of transmitting HIV to the inheritor and to co-wives on one hand, but also of infecting widows who did not have the virus.

With respect to the demographic characteristics of study participants, the empirical analysis found that the educational levels of both the widow and deceased husband and joint decision making at the household level were positively associated with

a higher probability of property inheritance by widows. The study also found the level of legal literacy among widows to be low. This reflects on one hand the women's low education levels but on the other hand the unavailability of legal structures and institutions to build the women's capacity and defend their rights. To date, legal rights have mainly been advocated by governmental machinery as non-state actors have not extended legal aid services into the rural areas.

Policy implications and recommendations

In this study, resilience avenues are defined as sustainable measures for improving the welfare of widows and their children. Resilience building is a social protection issue and it involves strengthening individual and community awareness and knowledge, and increasing the capacity of institutions, authorities and networks that work with vulnerable populations. Operationalisation of the National Social Protection Framework is an important channel through which vulnerable groups, in this case widows, can participate in and benefit from Tanzania's poverty reduction efforts under MKUKUTA.

Based on the study evidence, the following resilience avenues were identified as entry points in safeguarding the property rights of the widows and their orphans:

- Expansion and strengthening of promotive social protection measures for widows, such as building their productive skills and capacity to manage and improve livelihoods. In the absence of promotive measures to alleviate poverty, women are frequently forced to resort to destructive coping strategies such as commercial sex work which puts them at further risk of contracting HIV.
- Strengthening the capacity of the judicial system so that it can expand activities to rural

and marginalised areas of the country, and is able to respond to cases of violation of property rights within a reasonable time. This must go hand-in-hand with the transformation of the legal system. Laws and regulations need to be enacted and enforced that reflect the contemporary context of orphanhood and widowhood. At the same time, protective interventions are required to encourage abandonment of outdated cultural norms and adoption of positive values.

- Linking government legal offices with NGOs such as Women's Legal Aid Centre (WLAC) in order to tap synergies and fill gaps in service delivery, particularly in rural areas.
- Capacity building and sensitisation on the processes involved in writing a will and the importance of writing a will.
- Creating awareness on human rights, including the rights of widows to inherit her deceased husband's property and to refuse the traditional levirate system, and the right of HIV-positive widows to access ARVs.
- Education of women on how they can secure their rights over land based on the relevant land laws. This training would need to include how to obtain land title deeds.
- Establishing village advocacy committees on the property rights of women and children. The already established Village HIV and AIDS committees could be given such a mandate.
- Capturing of demographic data on the number of widows and also those who have been made vulnerable by an AIDS-related death. This is critically important to enable effective targeting of social protection interventions.
- Collection of epidemiological data on widows. This is a prerequisite for widows to be able to access ARV.

Suggestions for further research

- Customary land tenure is complex in many societies because properties are often considered to be collectively owned by an entire clan. Research is therefore needed to examine the gender dimensions of ownership and use of land through the customary rights lens and the interplay between the ownership and use of land and trade-offs therein.
- There is also a need to conduct a fully-fledged study on the vulnerability of orphans and resilience avenues. This study has to be properly designed based on the REPOA protocol on researching children.
- The legitimacy of the levirate system needs to be judged by empirical findings, that is, to what extent (in the contemporary state) the levirate system serves the intended purpose as a social security system.

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