

Women Property & Inheritance Rights in the Context of HIV (WPIR-HIV)



**Holistic Empowerment Activism and Legal
Support Project (HEAL)**





United Nations Entity for Gender Equality
and the Empowerment of Women



“ *Women have Value, they have Rights!! Reduce HIV related suffering of Women* ”

“ *Reduce their vulnerability to HIV/AIDS Protect Women & Girls Property Rights* ”

Dorah Kiconco Musinguzi, is the Executive Director Uganda Networks on law Ethics and HIV/AIDS (UGANET). She talks about Women, Property and Inheritance Rights in the Context of HIV/AIDS and specifically about the work done under the Holistic Empowerment and Activism and Legal Support (HEAL) project implemented by UGANET.



Dorah Kiconco Musinguzi, Executive Director UGANET

How did UGANET come to be involved in a project on women and property inheritance rights?

UGANET responded to a call by UNWOMEN, the United Nations agency working on gender equality. This particular project was meant to address the intersections of vulnerability due to HIV&AIDS, and in particular deprivation of women's inheritance and property rights in the context of HIV&AIDS, given the fact that women

bear the brunt of the epidemic. As we stand today, the statistics of Ugandan women who are HIV positive is at 8.3 percent, compared to 6.0 percent for men, just to show that women are more prone to the HIV epidemic.

Why is property ownership and inheritance by women, an important aspect in the fight against HIV&AIDS?

In the cultural context, women are seen as lesser beings, as chattel or as property. In which case they ask, how can property own property? Many women are deprived of the right to use land as well as the right to inherit land. When they are widowed due to HIV&AIDS, they are usually deeply stigmatized, shunned, chased away from families, they end up going away with nothing. With no means of livelihood, they are not able to take care of themselves and their children.

What has the Holistic Empowerment, Activism and Legal Support project been able to achieve in as far as property inheritance by women in the context of HIV&AIDS is concerned?

Dealing with gender inequality, you are talking of cultural norms, societal norms that are deeply rooted in communities. They are beliefs, behaviors and practices that people have known and practiced for a very long time. Therefore the one-year period in which the project was implemented could not have addressed all these, to an extent that we are celebrating a change of attitude. But what we have done is start the debate. We have started the debate with cultural leaders who are the

custodians of culture. They are the ones who sit at the table to discuss justice for the women, where decisions are made for women to pack their bags and leave homes, when husbands have died.

What strategies did you use, to open the discussion about such a sensitive topic, which pertains people's live hood and could shake up the social-cultural power structure?

The debate started with cultural leaders in Lira and Masindi districts. It was taken to the streets and to communities. We had community outreaches; we had debates and showcased drama. Men and boys, girls and women participated in these debates. The issue of women owning property or girls being recognized in wills is a culturally sensitive issue. We had to find a strategic way of communicating with the community because we wanted to start the debate on a hard subject, but in a way that the community would love to participate in. And drama attracts multitudes because it uses satire and humor to send out the message. Community members themselves participated in the drama, which attracted many people. In addition audiences could relate to the issues presented in the drama, because they go through such things everyday, for instance widow inheritance, questions on if a girl can be an heir. It is also important to note that the drama was in local languages.

Are the cultural leaders listening and are they ready to change their long-held beliefs?

We conducted dialogues with community leaders that are involved everyday in dispensation of cases about women and property rights and inheritance. So by engaging them in dialogues on where the challenges are, on the impact of societal norms, we believe that we contributed to a process, which if continued overtime, can create an impact in change of negative cultural norms, practices, and beliefs.

What have you been able to achieve at the community level?

At the community level we did outreaches to the community targeting everyone, boys and girls, women and men focusing on perceptions of property inheritance rights for women and girls. Our role now is to see how to continue the discussion. How to monitor and see that the attitudes are changing, beliefs are changing and practices are changing.

What about the women themselves, how have you improved their knowledge and skills on property inheritance rights?

We had four workshops where women and girls were mobilized to know about their rights, for instance what to do incase ones rights are violated. How do you give advice to a fellow woman? We hope that through the training, women know their rights, increase demand and can share with fellow women. Our target was to reach women leaders who are in contact with other women, so that through a multiplier effect we help more than the groups of 30 or 40 that were trained, over a period of time.

And we hope that with the community watchdogs, who are women leaders that have participated in the project, working with UGANET, we can continue to have this debate for the next few years. We can track and monitor if there is any behavioral change that has happened in a few years to come.

UGANET's HEAL Project Advocates for Women and Girls' Right to Property

In most communities in Uganda, women and girls do not traditionally have a right to family property and land. In areas like Northern Uganda, the destabilization caused by the conflict and later the process of resettlement, complicated issues such as ownership of property and land. It is against this background that UGANET chose Lira district in Lango sub-region as one of the project areas for the Holistic Empowerment, Activism and Legal Support (HEAL) Women Project.

In Masindi district, the other project area, Solomon Mugisa, the District Community Liaison Officer, says that land cases constitute a big part of disputes reported to the police each year.

The project, funded by UN WOMEN, aimed at facilitating change among resettling communities through mobilization and advocacy for women, as well as legal support to empower the vulnerable. Land ownership by women is a crucial element in the reduction of feminized poverty.

According to UN WOMEN, even in countries where women do most of the domestic work and comprise up to 75 percent of small holder farmers, many do not own property or land. Yet, land and property ownership empowers women and secures livelihoods. Denial of the rights of women and girls to property ownership is a recipe for other vulnerabilities such as domestic violence and HIV/AIDS.

The project opened in March 2011 and in July, a baseline survey was carried out in Amach sub-county in Lira to find

out people's perception on property rights for women and girls living with HIV/AIDS. About 70 percent of the respondents appreciated the fact that women and girls have inheritance and property rights.

According to Betty Lee, the Legal/Program Officer in Lira, 10 paralegals were trained in the district, to provide a linkage between the community and UGANET. The paralegals document land disputes affecting women and girls, and pass on this information to the legal officer. They also participate in sensitizing local leaders and their communities on property rights for women and girls, especially in the context of HIV/AIDS.

To ensure ownership of the project by the communities, 50 people, including local leadership and clan leaders, were trained as duty bearers, to champion the campaign against the abuse of property ownership for women. Overall 286, women and girls were trained in Lira and Masindi to know their property inheritance rights and how to defend them if violation takes place.

Lee emphasizes the importance of this community involvement. "Usually, these cases of land disputes are first reported to the clan leaders and elders. So it is important that they get sensitized, to be able to protect the rights of women and girls, and especially the ones living with HIV/AIDS, because they are very vulnerable," she says.

UGANET's work in the two districts did not only help the communities, but it also re-enforced the work of local governments in the area. In Masindi for instance, in the case



Cultural leader listens during a debate

of Teopista Nakafeero, an 18-year-old orphan girl who had been fighting for her property rights for 8-years, UGANET provided legal aid, but also provided technical advice to the local government in the process of resolving the case. Jack Byaruhanga, the Deputy Chief Administrative Officer recognizes this effort.

“When we were drafting the resolution in Nakafeero’s case, we thought that we could just write it from the office, but UGANET advised us to go to the field and map the land, plant boundary markers, and also document the meeting we had with the rivaling parties, to use that as evidence that

a resolution had been reached.”

He adds; “The district doesn’t have a lawyer. In the area where UGANET is working, there are many cases, especially those related to HIV. And many of the people in the communities may not have money or even information about where to seek representation. So UGANET fills that gap.”

UGANET continues to sensitize communities and also provide legal support to vulnerable women to secure their property rights, health and livelihoods.

Mary Odongo Prides Herself in Her Inheritance

Mary Odongo opens up land for the new season's planting, using an ox-plough. With the plough, she can till a bigger plot to plant groundnuts, as opposed to the hand hoe commonly used by peasant farmers across the country. Her son, assists in hitching the plough in place, and directing the oxen around the garden. For the family, this plot of land is the sole source of income. It is their inheritance. Odongo's source of food and income is secure, and her son's family will have a place to live.

But the peace of mind with which the family lives now, hasn't been around long. Just a few months ago, the neighbors started encroaching on the land left to the 49-year-old to raise her children. Since Odongo, a resident of Alwol Parish, Amach Sub-County and mother of three, lost her husband, some neighbors had started viewing her as a helpless widow who did not know her rights, they thus began to encroach on her land.

That is because her husband never left a will, which would have been her defense.

It took the intervention of the UGANET paralegal, working in Amach sub-county Denis Ojok, for the rising land dispute to be resolved, together with the clan and local leaders.

But for Odongo, coming in contact with UGANET went beyond securing her land. She also benefited from the

organization's training program, where she was among the 286 women and girls from Lira, who learnt about among other things will writing.

"The most important thing I got from the training was how to make a will. And the advantage is that when one makes a will, the property is shared according to the wishes of the person and the people who inherit have no reason to go to court, to spend so much money and time, in a bid secure the property," she says.

According to Ojok, there is a growing number of community members aware of women's property rights who are willing to advocate and educate other people.

"First of all UGANET sensitized me as a paralegal, I have been mobilizing and sensitizing other people. UGANET also sensitized the chairperson of the sub-county, and whenever there is function in the community and he is given an opportunity to speak, he talks about the property rights of women and girls. He says that they should not be disturbed."

Most of all, Odongo feels that her son's future will be secure. She says; "I am going to write a will. Because if I don't, there is a possibility of land wrangles between my son and the people in the neighborhood. And I don't want that to happen."

Though cases of land disputes are common in the area. Most people don't have information on how to go about



legal procedures, while others may not afford to seek representation. In turn, elders and clan leaders become a point of call. Francis Otim is the clan leader in Odongo's village. His duties include bringing the clan members together in case of such matters, to ensure that they are amicably resolved.

Otim explains; "There are many land disputes in the area, especially since the resettlement started after the war. Even among clan members sometimes disputes arise. What we do is to invite all the parties, visit the land to ascertain the

demarcations, and settle the matter."

Betty Lee, the UGANET Legal Officer for Lira District notes the importance of the training and sensitization program, which not only enlightened ordinary community members but also the Local Council leadership.

"The people we trained keep coming back to us to tell us how informative the training was to them. We first trained the women on their own, and then the leaders too. Then we had a bridging forum, and leaders and elders were present to respond to the issues raised by the women," she says.

I will get a Lawyer to defend my land



Sarah Oyet weeds her Potato Garden

// You can have your money, I want that land back." That is what Sarah Oyet was told by her father-in-law in 2008, just before a new season, as she was preparing the land for planting.

Oyet had cultivated that piece of land for 19 years. But now as a widow, the people she had trusted and lived amongst for years had turned against her; ready to pounce and grab the property her husband had left behind.

They tried to coerce her to accept Uganda Shillings 10,000, the equivalent of 4 US Dollars for a two-acre piece of land, which her husband had bought from his uncle in 1987, under the customary land system.

1987, is also the year when Uganda knocked two zeros off the Uganda Shilling currency overnight, in an effort to control inflation. The 10,000 Uganda shillings (4USD) Oyet paid at the time could have as well been, 1,000,000 Uganda Shillings, (400USD) the day before. But no body would hear of it, so the land wrangle raged on.

Oyet had lived with her husband in Obutoadi Parish, Amach sub-county in Lira district, until he died in 1993, leaving her the land he had inherited from his own father, and the additional piece that he saved money to buy from his uncle.

Since his nephew was gone, the uncle changed his mind.

As she cautiously, balances on the moulds of soil, she turns the potato veins to uproot the weeds, digs the wet soil with her bare hands to show us potato tubers that are already forming.

"The soils are rich here," she says. "These will be ready for harvest in a month." But this is the first crop she has planted since she repossessed the land that she was barred from for four years.

"I told him that we could not accept the same amount of money we paid him because it had lost value." Oyet narrated, after she had just returned from weeding on her potato garden.

While the father-in-law and his sons carried on cultivating the land for years, Oyet had held on tight to the hand written sale agreement, in the hope that one day she would get restitution.

Her luck changed when she was selected from her village to attend training on land and property inheritance rights by UGANET in 2011. She approached the legal officer after the training for advice.

Since the land was customarily owned, the legal officer advised her to first return to her village and call for a clan meeting and to involve the Local Council members.

"During the training we got knowledge that a woman who is widowed has the right to inherit property which belonged to her husband. Besides that, they said that UGANET has a free lawyer who can help, in case one is being cheated."

With the confidence that the land sale agreement she had kept as evidence was safe, and the assurance that she could get legal support, she returned to her village to confront her in-laws.

"So during the meeting I told my father-in-law that, you signed during the sale of the land, if you insist I will go and get a lawyer." She narrated with confidence.

Fortunately, one of the brothers-in-law George Okello had attended the same training. So when she needed to call the clan meeting, not only did he give her his backing, but he also helped her further explain her case to the other clan members, who until then had been adamant.



He attributes his new understanding of women's property inheritance rights to the training that UGANET conducted. His new found knowledge is now being passed on to other members of the community, as he helps set the record straight and by standing up for the vulnerable.

"When the clan leaders came and talked to the children, they listened. The land wrangle started in 2008, but it was resolved in 2011, after we got training on women and their inheritance rights," he told us.

Sarah Oyet's brave stance in hardship and her ability to

exhibit knowledge and confidence to defend her rights, has earned her respect from her community. She is a leader in a village savings and loan association where she is the treasurer, a position one can hold only if he/she is a trusted member of the community.

Every week, the group meets to deposit their weekly savings in a village piggy bank. Individuals can borrow from the group savings when they have an urgent financial need. Most of them are women and they all live off the land. This is the land they will all need to strongly protect if the community is to thrive.

8-year Struggle for Justice Yields Fruit for Nakafeero



Teopista Nakafeero on her land

At less than ten years old, Teopista Nakafeero lost her father and close friend. He died under mysterious circumstances, and though she was still young, she heard then that the young man her father had tried to support and raise as a son had something to do with it.

The young man had been rivaling with Nakafeero's father over land. And when the latter passed away, he turned his wrath on the young girl.

"My father left a will, dividing the land into two. He gave each of us land and a house, but he had also given me goats. But my brother sold them off, and that was the start of my disputes with him. If I planted food, he would come and slash it. Once even he cut me with a panga (machete) on the forehead. He even chased my mother out of our home," details Nakafeero, now an 19-year-old young woman.

Between 2000 and 2007 when she was finally taken on by a guardian, Nakafeero fought this battle with her brother, who held the belief that as a girl, Nakafeero did not have a right to inherit any of their late father's property.

Her brother was reported to the police and

even jailed for two years, but he came out of prison to continue tormenting her.

Mathias Sempima, her guardian, was her only support system, and together, they traversed Masindi district, seeking justice for her inheritance.

"We started with the local leaders here in Kanyonga village; we went all the way to the District Chairman and the DRC. When her brother threatened to kill her, I advised her to go to the DISO, who advised her to try the Chief Administrative Officer. We've been to all those offices many times," he says.

It was until the district officials introduced Nakafeero to UGANET that her case made some headway. Her face lights up with relief as she describes the short process through which the case was finally brought to a close thus;

"Since 2000, I have been to all imaginable authorities in the district seeking for intervention. I didn't know about UGANET. Recently when I went to the RDC, he organized a meeting, and invited UGANET. The legal officer advised the meeting that they should visit the land and demarcate it."

The UGANET legal officer did not only provide representation for Nakafeero, but also technical support to the district officials in the process of drawing agreements and documentation to cement Nakafeero's authority over the land.

For Nakafeero, this represented the end of a long-running struggle for her rights to property, but also a more secure future. At home, she goes about her domestic work with vibrancy, assured that her future is certain, and she can continue with her education with her mind in one place.

Her guardian comments; "I will still continue to advise Nakafeero not to sell the land anyhow, because that is her inheritance. I will follow up what the law says and ensure that all the documents are handed to her, to ensure that she safeguards them."





Teopista Nakafeero her guardian and UGANET Lawyer, inset new land markings



UGANET staff





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