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## What community-level strategies are needed to secure women's property rights in Western Kenya? Laying the groundwork for a future structural HIV prevention intervention

Shari L. Dworkin<sup>a,\*</sup>, Tiffany Lu<sup>b</sup>, Shelly Grabe<sup>c</sup>, Zachary Kwena<sup>d</sup>, Esther Mwaura-Muiru<sup>e</sup>, and Elizabeth Bukusi<sup>d</sup>

<sup>a</sup>Department of Social and Behavioral Sciences, University of California, San Francisco, CA, USA

<sup>b</sup>Department of Medicine Residency Training Program, Massachusetts General Hospital, Boston, MA, USA

<sup>c</sup>Department of Psychology, University of California at Santa Cruz, Santa Cruz, CA, USA

<sup>d</sup>Centre for Microbiology Research, Kenya Medical Research Institute, Nairobi, Kenya

<sup>e</sup>GROOTS Kenya, Nairobi, Kenya

### Abstract

Despite the recognized need for structural-level HIV prevention interventions that focus on economic empowerment to reduce women's HIV risks, few science-based programs have focused on securing women's land ownership as a primary or secondary HIV risk reduction strategy. The current study focused on a community-led land and property rights model that was implemented in two rural areas of western Kenya where HIV prevalence was high (24–30%) and property rights violations were common. The program was designed to reduce women's HIV risk at the community level by protecting and enhancing women's access to and ownership of land. Through in-depth interviews with 50 program leaders and implementers of this program we sought to identify the strategies that were used to prevent, mediate, and resolve property rights violations. Results included four strategies: (1) rights-based education of both women and men individually and at the community level, (2) funeral committees that intervene to prevent property grabbing and disinheritance, (3) paralegal training of traditional leaders and community members and local adjudication of cases of property rights violations, and (4) referring property rights violations to the formal justice system when these are not resolved at the community level. Study participants underscored that local mediation of cases resulted in a higher success rate than women experienced in the formal court system, underscoring the importance of community-level solutions to property rights violations. The current study assists researchers in understanding the steps needed to prevent and resolve women's property rights violations so as to bolster the literature on potential structural HIV prevention interventions. Future research should rigorously test property rights programs as a structural HIV prevention intervention.

## Keywords

structural interventions; HIV prevention; gender relations; property and inheritance rights

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## Introduction

Research has shown that property ownership may serve to empower women and reduce their vulnerability to HIV/AIDS. For example, property ownership provides women with a site of economic activity, offers greater bargaining power at the household, individual, and community level, expands women's social status in communities, and increases their individual agency (Dworkin, Sutherland, Gambou, Moalla, & Kapoor, 2009; Grabe, 2010, 2012; International Center for Research on Women [ICRW], 2004). Ownership and control over land and assets have also been shown to reduce the risk of domestic violence, a key risk factor for HIV infection (ICRW, 2007a; Panda & Agarwal, 2005). These empowering aspects of property can be particularly critical for primary and secondary prevention of HIV because research shows that HIV-affected households experience greater land disputes and threats to land tenure than HIV-negative households (Aliber & Walker, 2006).

While the African Charter of Human and People's Rights and several UN instruments guarantee women's equal right to inherit and own property on an equal basis with men, this right is often violated (Doss, 2008; Izumi, 2007; Walsh, 2005). Researchers in Eastern Africa and elsewhere have underscored how, upon the death of a husband, women experience property grabbing, asset stripping, and disinheritance, all of which exacerbate women's economic insecurity and increase women's HIV/AIDS and violence risks (Dworkin et al., 2013; ICRW, 2007a, 2007b; Lu et al., 2013). Additionally, research has shown that rural women in poverty face tremendous barriers fighting property rights violations in the formal legal system because the courts are frequently cost burdensome for the poor, very time consuming, bureaucratically difficult to negotiate, and rarely decide cases in women's favor (Henrysson & Joireman, 2009; Lu et al., 2013). Thus, it is critical to examine community-level solutions to preventing and resolving women's property rights violations.

The current work focuses on a community-led land and property rights program in two rural areas in Kenya – Kakamega County in Western Province, and Kendu Bay in Nyanza Province. These two areas represent some of the worst HIV-affected regions in Kenya with seroprevalence rates of 24% and 30%, respectively; significantly higher than the national average of 7.4% (Kenya Ministry of Health, 2008; National Coordinating Agency for Population and Development [NCAPD], 2005a, 2005b). The heightened HIV burden in these regions is coupled with widespread exclusion of women from land and property ownership. This paper focuses on the context-specific community-level strategies that were implemented to reduce HIV risk by preventing and resolving property rights violations. We describe the interview data collected from 50 program leaders, implementers, and community mediators who were involved in the GROOTS-Kenya “Community Land and Property Watch Dog Model.”

## Methods

GROOTS-Kenya is a network of community-based organization (CBO) founded in 1995 after the 4th UN Conference on Women in Beijing that formed to empower grassroots women to shape community development and governance. In 2005, GROOTS-Kenya developed its flagship program, known as the “Community Land and Property Watch Dog Model,” in response to growing concerns that women were being disinherited, exacerbating the spread of HIV (Dworkin et al., 2013; Lu et al., 2013). The model is operationalized as Watch Dog Groups (WDGs) on the local level and is comprised of volunteer women and men, including community health workers, traditional leaders, trained paralegals, and government stakeholders. WDGs have been implemented in more than 30 locations in central and western Kenya, and have managed more than 200 cases of women’s property rights violations (GROOTS, 2008).

## Participants

The current research is an academic/CBO collaboration between the University of California at San Francisco (UCSF), the Kenyan Medical Research Institute (KEMRI), and GROOTS-Kenya. The sample size of 50 represents recruitment of all of the leaders ( $N = 20$ ) involved in the development and implementation of this program and 30 women and men who mediated property rights disputes (randomly selected from an inclusive list). Inclusion criteria included: being involved in the development of the program or involved in mediating property rights violations within this program. Men and women were included in the sample.

## Procedure

In-depth interviews were conducted in English, Kiswahili, Dholuo, or Luhya by Kenyan research assistants who were hired from the local communities but were external to GROOTS-Kenya. Interviews were audio-recorded after written informed consent was obtained. Interview domains focused on the strategies used to secure women’s land ownership and to prevent property rights violations and lasted between 1.5 and 2.5 hours. Interviewees received reimbursement for transportation, consistent with ethical research guidelines in Kenya. Ethical approval for this study was obtained from ethical review boards at UCSF and KEMRI. Data collection took place between January and May 2011.

## Data analysis

During the coding process, four main themes emerged from the interviews as key strategies used to secure women’s land ownership, including: (1) educating women and men about women’s land rights and how to prevent property rights violations; (2) forming a funeral committee to intervene on land grabbing and disinheritance; (3) paralegal training and local mediation of property rights disputes; (4) referring unresolved cases to the formal justice system.

## Results

### Individual and community level rights-based education

Participants in our sample stated that many community members did not have adequate knowledge about land rights. Thus, a major aim of the Watch Dog model was to educate community members about women's land rights. A critical strategy was to highlight the specific documents that were needed in order to claim women's right to land. The following documents were said to be critical for securing land ownership: children's birth certificates (to identify that the children who remain are the husband's children), a national identity card, a title deed, a husband's death certificate, or a written will. Interviewees stated that these documents produced evidence in community-level mediation or in the formal court system that the woman was legally the next of kin to inherit property. Interviewees also underscored the importance of education not only at the individual level, but at the community level. This took place formally in bimonthly local barazas (community meetings) which were intended to educate the community on issues related to women's right to land, how to prevent land loss, and what to do if a property rights violation occurred.

### Formation of a funeral committee to prevent property grabbing and disinheritance

Funeral committees were formed by the WDG to prevent property grabbing and disinheritance. Funeral committees ensured that women received the husband's burial permit and death certificate. Both of these documents served as evidence in the informal (e.g., locally mediated) or formal justice system (e.g., the courts) that women were the rightful owners of land when their husbands passed away. Funeral committees were also needed because many participants reported that the in-laws often stole the above documents which helped them to facilitate property grabbing and disinheritance. Our interviewees explained that women were taught to "grieve carefully" following the death of their husbands – to cry "with one eye" open so as to not fall victim to property rights violations during the funeral.

### Provide paralegal training and mediate property rights violations at the local level

Watch Dog members were trained in paralegalism, as were traditional leaders, and both mediated land disputes together directly with the in-laws and family members who were involved in property rights cases. Local mediation is critical because research has shown that women's access to and ownership of land is largely influenced by kin and family relationships (Yngstrom, 2002) and on the ground stakeholders (village elders, chiefs) who often determine the final outcomes of property rights disputes (Dworkin et al., 2009, 2013; Federation of Women Lawyers [FIDA], 2009; ICRW, 2007a). Our participants reported that because traditional leaders were trained as paralegals and were a part of the WDG that mediated cases, decisions produced in women's favor were often accepted and adhered to by family members.

### Refer unresolved cases to the formal legal system

Many interviewees reported that approximately 50% of cases were successfully resolved at the community level with women returning to their homes and experiencing more secure land ownership. Of the remaining cases, where the parties involved in mediation could not

come to an agreement, women were referred to the court system. Cases referred to court were reported by our interviewees to have far fewer successful outcomes, which is consistent with the studies we discussed in the literature review.

## Discussion

In order to lay the groundwork for a future intervention that tests land and property rights as an HIV risk reduction mechanism, we sought to understand the strategies used to prevent and resolve property rights violations. Through in-depth interviews with leaders and mediators from a community-led property rights program, we uncovered four main strategies used to prevent and secure women's land ownership. These included: rights-based education, intervening on funerals to prevent disinheritance, adjudicating property rights violations at the local level and referring unresolved cases to the formal justice system.

Our study has several limitations. Respondents in our sample were internal to the program of interest, and therefore, response bias is likely. Our results are not generalizable to all regions in Kenya with different levels of HIV prevalence or different levels of property rights violations. Future studies should rely on rigorous quantitative measures to assess the success of property rights models in preventing HIV and securing women's ownership of land.

Our preliminary findings underscore some of the steps that are involved in developing and/or replicating a women's land rights program in settings where HIV prevalence is high and property rights violations are common. Our collaboration is among the first of its kind to lay the groundwork for a future test of whether property rights programming in fact reduces women's violence and HIV/AIDS risks, and if so, through what mechanisms (economic, psychosocial, household-level empowerment, or community-level norms). It is clear that multi-sectoral interventions are urgently needed across the health, legal, land, and agricultural sectors given the complexity of structural drivers of HIV/AIDS in this setting (Auerbach, Parkhurst, & Cáceres, 2011). Future researchers should capitalize on the knowledge produced in community-level property rights programs to design and test targeted HIV/AIDS prevention interventions.

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