

INTERNATIONAL JUSTICE MISSION

Property Grabbing from Ugandan Widows and the Justice System

A mixed-methods assessment in
Mukono County, Uganda



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**Property Grabbing from Ugandan Widows and
the Justice System Response**

STUDY HIGHLIGHTS

Property grabbing is a common—even expected—experience for vulnerable widows in Mukono County, Uganda.

Nearly a third of widows experienced property grabbing.

Property grabbing is a violent crime.

When they narrated their personal experiences, widows commonly described perpetrators threatening and physically assaulting them. 18.3% of victims of property grabbing reported attempts were made on their lives, and 31.6% had threats made against their children by perpetrators. In the study's review of police case files, more than half of property grabbing cases included physical violence.

There was virtually no criminal justice response to this pervasive crime, leaving widows effectively defenseless.

Of all property grabbing cases opened between 2005-2009 and closed as of the time of the review (Sep-Nov 2012) that could be identified, located and had sufficient data to review, not one perpetrator was convicted of a property grabbing crime.

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Key Terms

Administrator General (AG): The Administrator General's Office, run by a politically- appointed Administrator General, is an agency of the Ministry of Justice and Constitutional Affairs established to administrate estates for which no proper administrator can be identified.

Estate administration: Lawfully dividing and distributing the property/estate of the deceased

Homestead: The matrimonial home and surrounding gardens

Husband: In this study, the term “husband” refers to the male partner of widows in legally recognized marriages as well as the male partner in cohabiting relationships that were not officially recognized, but in which partners are nonetheless socially and culturally viewed as husband and wife.

Kibanja: In the mailo land tenure system adopted in central Uganda, the government officially recognizes two major types of land ownership: titled ownership and kibanja ownership. Under this system, a titled land owner may own a large piece of land, while any number of kibanja holders may own occupancy rights to certain portions of that piece of land. While both titled land owners and kibanja owners “own” the land, they are often referred to respectively as “landlords” and “tenants.”

Local Council (LC) Leader: An elected official at the village (“LC1”), parish (“LC2”), sub-county (“LC3”), and district (“LC5”) level. LC1 and LC2 Leaders are influential in their communities, serving as the first point of contact when someone must interact with the justice system, a mediator when a conflict arises in the community and a witness to any real estate transfer within their jurisdiction.

Property grabbing: A layman's phrase used to describe the unlawful and coercive eviction of lawful landowners through the use of physical force, forgery, fraud, threats, intimidation, property destruction and/or collective pressures.

Public Justice System: The legitimate government-instituted and controlled use of force and authority to promote public safety, protect citizens from the use of force not authorized by law and to provide equal access to rights and due process. The public justice system is comprised of law enforcement, prosecutorial, judicial and administrative bodies, local governments, and social service systems.

Executive Summary

Background and Introduction

For a woman or family living in poverty, a house and a small patch of land provide a crucial source of shelter, food and income. But for many, this foundation is not secure. “Property grabbing” is the common phrase used to describe the set of crimes through which vulnerable people are driven from or otherwise lose access to their rightful property through physical force, forgery, fraud, threats, intimidation, property destruction and/or collective pressures.

In Uganda, widows and orphans are among the most vulnerable to property grabbing. Following the death of a male head of household, it is common for relatives, community members, authority figures and other opportunists to plunder the property (including the home and its surrounding gardens) that belonged to the deceased or to the couple jointly.

Land security is essential to livelihood security for most Ugandans, over 85% of whom live in rural areas where agriculture is the major contributor to their livelihoods.¹ When widows and orphans become victims of property grabbing, they lose not only their homes and personal possessions, but their sources of food and income. As a result, they may become homeless, malnourished, driven further into poverty and vulnerable to further exploitation.

While the Ugandan Penal Code and other statutes do not include a specific offense called “property grabbing,” the act of stealing a widow’s land violates numerous criminal statutes. Although many property grabbing perpetrators attempt to hide behind customary practices of refusing women and children the right to own property, the Constitution and laws of Uganda supersede such traditions, guaranteeing the equality of land and inheritance rights between men and women as well as the equal protection of the civil and criminal law. Unfortunately, property grabbing against women remains entrenched in the sociocultural and gender norms of Uganda, and the Ugandan public justice system has not effectively delivered on the aspirations of protection and security promised by the law of Uganda.

The purpose of this study was to document the prevalence and impact of property grabbing among widows in Uganda and the effectiveness of the Ugandan public justice system’s response to property grabbing. Specifically, the study assessed: 1) the prevalence of property grabbing among widows and orphans in Mukono County; and 2) the effectiveness of the key duty-holders within the public justice system (Local Councils, police, Administrator General, judiciary and court staff) in providing proper estate administration and an appropriate criminal and civil justice response to cases of property grabbing from widows.

Methods

The study team employed three data collection methods:

- 1. County-wide household prevalence survey:** The study team surveyed 1,806 widows in Mukono County (from all villages in half of the randomly selected parishes in all sub-counties of Mukono County). These women were either widowed in Mukono County and still resided there or had moved out of the targeted village (<100km away) after the death of their husband². Enumerators asked women to provide a “story map” of their lives at the beginning of each interview. This narrative helped establish rapport with the enumerator, acted as a data quality assurance measure and provided illuminating detail about their relationships, associated property and land, and lives as a whole. Enumerators then administered a structured questionnaire using mobile data collection.
- 2. Case file review:** The study team reviewed 187 cases closed or completed between 2010 and 2012. In total, reviewers captured data from 68 criminal prosecutions of property grabbing-related case files at Mukono Town Council and Naggalama Police Stations and then followed through, where possible, to the Mukono Chief Magistrate’s Court; the team reviewed 119 estate administration case files at the Jinja High Court and Mukono Chief Magistrate’s Court and tracked the cases back, where possible, to the Administrator General’s Office.
- 3. Focus group discussions and key informant interviews:** The study team conducted stakeholder interviews with women and men in the targeted communities as well as with lawyers, police officers, Local Council Leaders and court clerks. In total, the team conducted 13 focus groups with a total of 118 respondents, and interviewed 13 individuals holding either positions of authority in the government and/or roles in the criminal justice or estate administration process.

Results

This study found that, for many women in Uganda, property grabbing is a common experience following the loss of a husband. Nearly 40% of widows faced an attempt of or actually experienced property grabbing in their lifetime. More than 30% of widows have been victims of property grabbing.

In many cases, the widow reported experiencing violent acts that either influenced her decision, or forced her to leave her land or property. These ranged from verbal threats to physical and sexual violence to mass destruction of land or property. Eighteen percent of victims reported a murder attempt on their lives.

The county-wide household survey revealed three statistically significant protective factors against property grabbing ($p < 0.05$): marriage formalization, the existence of a will for the husband prior to his death, and land documentation. Four statistically significant risk factors for property grabbing were found as well ($p < 0.05$): land ownership through kibanja, customary/traditional marriage, presence of co-wives and existence of children from the deceased husband and another woman.

All three data collection methods revealed barriers to engagement in the criminal prosecution of property grabbing cases, including widows’ and justice system officials’ lack of knowledge on the law, widows’ fear of the loss of social support and other repercussions of pursuing justice, a disproportional burden on the widows to obtain justice, and justice system officials’ lack of resources and capacity. Barriers to engagement in the estate administration process included widows’ lack of awareness of their rights, communities’ reinforcement of traditional norms disadvantaging women over laws intended to protect them, and the complexity of the estate administration process.

Conclusions and Recommendations

Existing social structures and power relations already place women in a vulnerable position, and the majority of widows interviewed were living with circumstances identified as risk-increasing. Compounding this vulnerability is the fact that widows do not benefit from the potential protective power of their justice system. The estate administration system is a failed endeavor that does not provide basic clarity into or documentation of women's property rights that could protect them from property grabbers. Even more significantly, the criminal justice system fails to apprehend or convict property grabbing perpetrators, leaving victims reasonably reluctant to engage the public justice system. This atmosphere of impunity is further facilitated by the widespread lack of accurate understanding of Uganda's laws around property grabbing, land ownership, and succession and inheritance-related matters.

There are a number of false beliefs and misperceptions among widows, perpetrators and community members that need to be corrected if widows are to be protected from property grabbing. Tailored public education messages should center largely around the rights of women to inherit and own land, the existence of the legal framework and related legal promises to protect these rights, the criminal nature of and related penalties for property grabbing, proper distribution of estate property, and the importance of and procedures for engaging the public justice system in formal estate administration and/or criminal prosecution.

In addition to education on general principles, the public—particularly married couples, widows and property grabbing victims—would benefit greatly from service providers who could help them take tangible steps to protect themselves and their families from property grabbers, specifically in the areas of will writing, land documentation, marriage formalization and navigation of the justice system.

The sustainability and scalability of public education and direct service delivery efforts ultimately relies on the existence of a properly functioning justice system. Accordingly, any of the above efforts must be coupled with investment in improving the actual service delivery of the justice system institutions that have the legal duty to investigate and prosecute property grabbing crimes and to provide efficient estate administration. In addition to general skills enhancement, the study uncovered a number of specific actions that could be taken to improve the public justice system's ability to restrain and prevent property grabbing, specifically: educate and equip Local Council Leaders on the law and procedure related to criminal reporting, succession and estate administration; prioritize the criminal prosecution of property grabbing cases within the police, prosecution and courts; invest in accurate and complete records; and reduce in transfers of public justice system officials.

¹Andrew Elias State, et al., *The Role of Poultry in Peoples Livelihoods in Uganda*, Food and Agriculture Organization of the United Nations ("FAO") (2009).

²Husband: In this study, the term "husband" refers to the male partner of widows in legally recognized marriages and as well as the male partner in cohabiting relationships

that were not officially recognized, but in which partners are nonetheless socially and culturally viewed as husband and wife.



1 Introduction

Property grabbing is a violent crime common in Uganda. Among the most vulnerable are widows and orphans. IJM conducted this study to document the prevalence of property grabbing, its impact on widows and the effectiveness of the Ugandan justice system's response to property grabbing.

1.1 Property Grabbing and the Justice System in Uganda

1.1.1 What is Property Grabbing?

For a woman or family living in poverty, a house and a small patch of land provide a crucial source of shelter, food and income. But for many, this foundation is not secure.

“Property grabbing” is the common phrase used to describe the set of crimes through which vulnerable people are driven from, or otherwise lose access to, their rightful property through physical force, forgery, fraud, threats, intimidation, property destruction and/or collective pressures.

In Uganda, widows and orphans are among the most vulnerable to property grabbing. Following the death of a male head of household, it is common for relatives, community members, authority figures and other opportunists to plunder the property (including the home and its surrounding gardens) that belonged to the deceased or to the couple jointly.

Land security is essential to livelihood security for most Ugandans, over 85% of whom live in rural areas where agriculture is the major contributor to their livelihoods.³ When widows and orphans become victims of property grabbing, they lose not only their homes, but their sources of food and income, and personal possessions. They become homeless, malnourished, and vulnerable to further exploitation.

1.1.2 Property Grabbing and the Law in Uganda

Property grabbing is illegal.

While the Ugandan Penal Code and other statutes do not include a specific offense called “property grabbing,” the act of stealing land violates numerous criminal statutes.

Attempting to evict widows⁴ or unmarried orphans⁵ from the home of their deceased husband⁶ or father is made criminal by the Succession Act,⁷ wrongfully occupying their property is made criminal by the Land Act,⁸ and intermeddling in the process of estate administration and distribution after a death is made criminal by the Administrator General’s Act.⁹ Uganda’s Penal Code also contains provisions outlawing the full host of crimes commonly committed in the process of property grabbing, including murder and assault;¹⁰ arson, theft, fraud, and threatening violence;¹¹ bribery and corruption; forgery of a will,¹² grant of probate, certificate of no objection, letter of administration or other

judicial/government document; concealing a will or deed;¹³ damaging/removing survey and boundary markers; criminal trespass;¹⁴ malicious injury of property;¹⁵ etc.

Not only does Ugandan law prohibit the crimes committed in the process of property grabbing, but it protects the property rights and welfare of widows and orphans. Although property grabbing perpetrators may attempt to hide behind customary practices of refusing women and children the right to own property or traditional norms privileging men over women, the Constitution¹⁶ and civil and criminal laws of Uganda¹⁷ guarantee equality of land and inheritance rights between men and women and equal protection under the law. Uganda has also ratified international conventions that promote equality between men and women.¹⁸

Under Uganda's Constitution, married couples are entitled to equal rights during marriage and at its dissolution. Such rights extend to matrimonial property.¹⁹ Under the Succession Act, a will must provide reasonable support for the spouse(s) and children of the deceased.²⁰ If the will does not provide for dependents, they can apply to court for maintenance payments from the estate. If the deceased did not leave a will, a lawfully married widow is entitled to possession of the matrimonial home and surrounding gardens ("the homestead") as well as 15% of the remainder of the estate. In such cases, orphans are entitled to share possession of the matrimonial home and surrounding gardens as well as an equal share of 75% of the remainder of the estate.²¹ Beneficiaries of the same category share equally, meaning that all children would receive an equal share and all wives would receive an equal share.

Though Uganda has robust laws setting forth the rights of women and children and criminalizing the actions that comprise property grabbing, in practice, widows and orphans often do not experience these protections.

Vulnerability to property grabbing can be mitigated with proper documentation of land rights, including land titles and wills, and proper estate administration—that is, lawfully dividing and distributing the property of the deceased. However, the estate administration process is extremely cumbersome. To benefit from this protection, the widow or estate administrator (the individual who has been legally designated with the responsibility for distributing the property of the deceased among beneficiaries) must follow a series of steps, including but not limited to:

- Obtaining documentation of death from her Local Council (LC) Leader;²²
- Obtaining a Certificate of No Objection (CNO) from the Administrator General (AG) certifying that there are no other individuals claiming the right to administer the property;²³
- Obtaining a Letter of Administration from the Magistrate or High Court giving the widow the right to administer the property herself (that is, distribute it among rightful beneficiaries);²⁴
- Physically distributing the estate property (handing over personal property or keys to doorways or fences securing land) to appropriate family members; and
- Recording any distribution involving titled real property with the Lands Registry.

(Complicating this process is the fact that the law provides an exception for widows that allows them to proceed from approaching their Local Council Leader for documentation of death directly to obtaining a Letter of Administration from the Magistrate—skipping over the requirement to obtain a Certificate of No Objection—but in practice courts and other justice system officials require widows to go through this arduous process anyway.)

The Administrator General's Office has a single office²⁵ located in Kampala; a widow in an outlying area must spend significant time and monetary resources to reach this office for assistance at multiple stages throughout the process. Under the best of circumstances, for a widow in Mukono County, completing the process of receiving the Letters of Administration in order to distribute her late husband's estate and secure her own right to remain in it requires making at least 16 trips to various justice system offices in Kampala and 43 trips to justice system offices in Mukono. The cost of transport alone is at least \$450 in bus fares, which is more than the average widow in Mukono earns in a year. Many widows can neither afford the cost nor time of traveling to Kampala. On top of that, the proceedings are in English, which excludes many widows who speak only Luganda and who are illiterate²⁶

Distortion and improper implementation of customary law disadvantages widows and orphans.

In Uganda, customary law is legally valid only to the extent that it does not contradict written law. Yet customary practices often prevail, even in instances in which they directly violate Ugandan law.²⁷ This is particularly true in rural

The cost of transport alone is at least \$450 in bus fares, which is more than the average widow in Mukono earns in a year.

communities, where ignorance of statutory law is compounded by high illiteracy rates and inaccessible courts. Traditionally entrenched ideas and practices of customary law contribute to property grabbing in Uganda, including: ideas of patrilinealism (and the associated concept of “bride price”),²⁸ the practice of male control of land, the practice of “customary heir,”²⁹ the practice of “widow inheritance,”³⁰ and estate distribution by (male) clan leaders. Indeed, Adoko and Levine conclude that “the insecurity of women’s rights to land is deeply rooted in the fact that under customary law, the woman does not own land in her own right.”³¹

1.2 Literature Review: Property Grabbing Among Widows in Uganda

Research and advocacy has increased in recent years around the issue of large-scale corporate land grabbing and the impact of such grabs on the poor,³² but less research is available on smaller-scale instances of land grabbing from the poorest in society.

1.2.1 Literature Review: The Prevalence of Property Grabbing in Uganda

Past studies suggest that property grabbing is widely prevalent in Uganda, and that its victims are overwhelmingly women and children—in particular, widows and orphans.

According to a 2008 household survey by the Ministry of Justice covering 20 districts in Uganda, approximately 35% of households reported experiencing land conflicts at a household level.³³ The survey also found that the nature of land insecurity was frequently violent, and land disputes were often listed as the cause of other disputes, including family and domestic violence, assaults and murder.

In northern Uganda, land insecurity has increased dramatically in recent years.³⁴ According to a World Bank household survey undertaken in six districts in northern Uganda, 71% of disputes were about inherited land.³⁵

Women and orphans are among the most vulnerable to land insecurity, due to entrenched sociocultural and gender norms that privilege adult men over women and children. A 2013 Oxfam study estimated that the prevalence rate of property grabbing among female widows in Northern Uganda (West Nile, Acholi, Lango, Teso and Karamoja) was 30%.³⁶ Oxfam found that 68% of cohabiting women had experienced property grabbing as opposed to 25% of cohabiting men. Similarly, a 2003 study by Deninger and Castagnini revealed that the probability of land conflict is 14% higher for a household headed by a widow and 48% higher for one headed by a separated woman than for a male-headed household.³⁷ The Ministry of Justice’s 2008 household survey also reflected the vulnerability of orphans to property grabbing, reporting land conflict in 41.3% of child-headed households—the most common scenario for land conflict found in the study.

Past studies suggest that succession-related property grabbing (that is, situations in which property is grabbed after the death of a male relative) is particularly common.

Property grabbing from widows and orphans is especially common following the death of a male head of household.³⁸ According to Peterman (2010), 48.9% of Ugandan widows received no property from their husband’s estate after his death, but in only 5.9% of these cases was this because there was no property to inherit. Although they are entitled to the majority of the estate by law, widows and their children reportedly received it only 36.4% of the time.³⁹

In the majority of instances, widows and their children were denied their legally entitled share by other relatives who made claims upon the estate property. Indeed, in Gilbourn et al’s 2001 study, 48% of women and 47.8% of orphans responded that property grabbing was a problem in their community, and many of these women and orphans believed paternal relatives to be the most likely to steal inherited property. Fears were also expressed that maternal relatives and other community members would also attempt to grab property (13.6%).⁴⁰

1.2.2 Literature Review: Property Grabbing Characteristics and Process

Past studies demonstrate that property grabbing is a violent crime typically perpetrated by more physically and socially powerful perpetrators against weaker victims.

A 2009 LEMU⁴¹ study carried out in seven districts of northern Uganda highlighted the violent nature of property grabbing. Perpetrators commonly use physical force to overpower a victim, or intimidate victims by threatening violence or witchcraft. They may maliciously damage crops (or property). Perpetrators are often physically powerful, and the widows they exploit often lack the physical strength to withstand assaults or threats. Threats, intimidation and attempts to drive the victim from her home often last over a protracted period, and the violence—whether actual or threatened—leaves widows afraid to stand up for their rights.

Perpetrators also exploit victims' vulnerability, frequently committing their crimes in the aftermath of a death and taking advantage of victims' ignorance of the law. Trustees of estates will commonly abuse a victim's dependency, assuming the role of "protector" while secretly stealing or fabricating title deeds behind the scenes.

Past studies reveal that systems of forced compromise and crumbling traditional justice systems can amplify the power of property grabbers, both before and after the crime.

According to LEMU,⁴² if victims attempt to resist property grabbing, perpetrators can exploit uneven power structures by forcing compromise, typically in cases where there are no clearly marked demarcations on the land. When a victim brings a property grabbing matter to clan leaders, they will often suggest a compromise of putting the new border in the middle of the disputed strip. Thus, if a perpetrator steals two acres, he will only have to return one acre to the victim. Given that mediated compromises result in both parties giving up part of what they wanted, most land grabbing perpetrators emerge from the mediated result with more property than they had before violating the victim's rights, creating a "steal two, give one back" incentive for opportunist perpetrators.

In Northern Uganda especially, Oxfam suggests that the civil war left the traditional justice system of Chiefs (Rwodi Moo) totally weakened, which has led to an increase in land disputes.⁴³ Many property grabbers take advantage of this weakness to victimize widows and orphans.

Past studies demonstrate that property grabbing is an opportunistic crime in which traditional guardians and protectors of women are complicit.

Bikaako et al. suggest that while membership within a community traditionally protected women and children by guaranteeing their access to land, more recently, private ownership and the commercialization of land have contributed to the distortion of customary practices. For example, individual males often control and dispose of land without consulting with the larger community or considering their traditional obligations to dependent women and children.⁴⁴

Past studies demonstrate that property grabbing is an opportunistic crime made possible by the absence of knowledge of the law and of the justice system.

Many of the young widows and orphans LEMU encountered in its study reported that their own ignorance of their legal rights and the legal process contributed to their vulnerability to property grabbing. While statutory law provides for and protects women and children, other researchers have also cited victims' lack of knowledge of the law, and the high costs of legal action to administer an estate as contributors to property grabbing.⁴⁵ Other research has identified that the weak institutional capacity of the legal system, particularly in rural areas, prevents effective enforcement and administration of the laws meant to protect widows and orphans from property grabbing.⁴⁶

1.2.3 Literature Review: The Ugandan Public Justice System Response to Property Grabbing

There has been very little formal research on the performance of the Ugandan public justice system in response to property grabbing, nor has there been significant critical evaluation of the traditional and customary systems.⁴⁷ One 2009 study in Uganda found that a significant portion (20%) of land disputes are not reported to any dispute resolu-

tion institution, while 59% of land disputes are resolved by whichever institution they are first reported to, including clan heads, local council leaders, and the police.⁴⁸ Bennett et al. found that law enforcement officers are often reluctant to address property grabbing cases reported to them by widows because they perceive them to be domestic issues.⁴⁹

Lack of capacity and corruption within the courts are significant challenges to engaging the court in estate administration or criminal prosecution. In 2012, Transparency International found 24.8% of respondents reported having to pay bribes when interacting with the judiciary.⁵⁰ The lack of judicial officers as well as the lack of funds available for judges to sit has led to increasing backlogs within the system.⁵¹ Indeed, Jinja resident Judge Godfrey Namondi announced in 2014 that Jinja Courts of Judicature have a backlog of 800 criminal cases yet to be heard due to a lack of judicial officers.⁵²

The UNODC 2008 Uganda Victimization Survey found that many victims of crime did not report the crimes to the police because they believed that the police could do nothing or they feared corruption.⁵³ The police are constrained by a lack of human and financial resources as well as training on the law and its application, and, as a result, either fail to respond effectively to crimes or demand “facilitation fees” in order to provide a response.⁵⁴ In 2012, nearly 49% of Ugandan citizens who interacted with police reported having to pay bribes, according to Transparency International.⁵⁵ The East African Bribery Index in 2011 found the Uganda Police the most corrupt police force in East Africa.⁵⁶

1.3 International Justice Mission in Mukono, Uganda

International Justice Mission is a global organization that protects the poor from violence by partnering with local authorities to rescue victims, bring criminals to justice, restore survivors and strengthen justice systems. IJM has been investigating and documenting cases of property grabbing affecting widows in Uganda since the early 2000s. Since 2007, IJM’s Kampala office has focused its interventions exclusively on Mukono County—a rural county near Kampala with an estimated population of 335,800, as of 2012.⁵⁷

IJM engages the Ugandan justice system in “Collaborative Casework,” taking the cases of individual victims of property grabbing through the justice system and providing hands-on training and mentoring to public justice system actors in the course of resolving each case. In partnership with local authorities, IJM works to secure legal and physical property ownership for individual victims through formal and informal justice system mechanisms, restrains property grabbing offenders through the formal criminal justice system and supports victims of property grabbing through the provision of aftercare services. Between 2008 and 2012, IJM collaborated with local authorities to return more than 800 property grabbing victims to their land.

In addition to Collaborative Casework, IJM also engages in System Reform, a systemic approach to strengthening the justice system response in order to more sustainably protect vulnerable people from violence. In 2012, IJM Kampala launched a System Reform project (“Project Empaanyi”⁵⁸) in Mukono district to strengthen the Ugandan justice system to prevent, deter and respond to property grabbing. Project Empaani was designed to:

- **Deter perpetrators** from property grabbing by ensuring that the criminal justice system effectively investigates and holds perpetrators accountable for property grabbing.
- **Reduce vulnerability to property grabbing** by ensuring that widows and orphans have secure land ownership rights and documentation provided through an effective estate administration system and responsive local government.

See Annex G for further information on this System Reform project.

1.4 Study Purpose and Objectives

IJM conducted this study to document the **prevalence of property grabbing, its impact on widows and the effectiveness of the Ugandan justice system’s response to property grabbing.**

IJM conducted this study to document the prevalence of property grabbing, its impact on widows and the effectiveness of the Ugandan justice system's response to property grabbing.

The secondary objective of the study was to assess knowledge, attitudes, perceptions and behaviors that influence the prevention and deterrence of property grabbing, including the justice system's response: namely,

- the frequency at which widows and orphans access the estate administration and criminal prosecution pipelines
- the frequency at which widows and orphans engage in preventative measures
- the general public's knowledge and perceptions of property grabbing
- the general public's confidence in the ability of the public justice system to effectively address property grabbing and estate administration.

³Andrew Ellias State, et al., *The Role of Poultry in Peoples Livelihoods in Uganda*, Food and Agriculture Organization of the United Nations ("FAO") (2009).

⁴Under the Marriage Act, there are four legally-recognized forms of marriage: church/civil, customary, Muslim and Hindu. In order for a woman to have the rights of a widow under the Succession Act, she must have been married to the deceased through one of these means.

⁵Under Section 2 of the Children's Act, a child is defined as a person below the age of 18 years.

⁶In this study, the term "husband" refers to the male partner of widows in legally recognized marriages and as well as the male partner in cohabiting relationships that were not officially recognized, but in which partners are nonetheless socially and culturally viewed as husband and wife.

⁷Rule 10, Schedule 10 of the Succession Act.

⁸Section 92 of the Land Act.

⁹Section 11 of the Administrator General's Act.

¹⁰Sections 235 and 236 of the Penal Code.

¹¹Section 277 of the Penal Code.

¹²Section 81 of the Penal Code.

¹³Section 277 of the Penal Code.

¹⁴Section 302 of the Penal Code.

¹⁵Section 254 and 261 of the Penal Code.

¹⁶Articles 33, 34 and 35 of the Constitution.

¹⁷Section 28 of the Land Act.

¹⁸Uganda has ratified international conventions which promote equality be-

tween men and women: International Covenant on Civil and Political Rights in 1995, the Convention Against Torture in 1986 and the Convention on the Rights of the Child in 1990. Uganda has also ratified the African Charter on Human and Peoples' Rights (ACHPR) and, in July 2010, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). Uganda is also a signatory to the African Union Solemn Declaration on Gender Equality in Africa.

¹⁹ Article 31(1).

²⁰ Section 37 of the Succession Act.

²¹ Schedule 10. In 2007, Uganda's Constitutional Court invalidated parts of the Succession Act, including the sections containing the formula for intestate distribution. See *Law & Advocacy for Women in Uganda v. Attorney General*, Nos. 13/05, 05/06, Const Ct. of Uganda (2007). The Court held that the Succession Act discriminated on the basis of sex because it used sex-specific language in its description of the formula. The position of the Administrator General and of IJM is that, notwithstanding the opinion, the formula represents the most reasonable position to take in dividing property, and divisions inconsistent with this formula are in violation of the "notions of justice" under which the remainder of the Succession Act is to be interpreted.

²² LC Leaders are elected officials at the village ("LC1"), parish ("LC2"), sub-county ("LC3"), and district ("LC5") levels. LC1 and LC2 Leaders are influential in their communities, serving as the first point of contact when someone must interact with the justice system, a mediator when a conflict arises in the community and a witness to any real estate transfer within their jurisdiction.

²³ The Administrator General's Office is an agency of the Ministry of Justice and Constitutional Affairs established to administer estates for which no proper administrator can be identified. While the Administrator General's Act provides lawfully married widows with an exemption to this step in the process, the Ugandan Courts have effectively eliminated that exemption in practice, meaning that widows still must obtain a CNO from the AG to administer the estates of their deceased husbands.

²⁴ The Magistrate Court serves as a court of first instance for the administration of small estates and the prosecution of non-capital offenses. The High Court serves as a court of first instance for the administration of large estates and all offenses as well as an appellate court charged with reviewing decisions arising from the Magistrate Court.

²⁵ The Administrator General does technically have three other regional offices (one in Gulu, one in Mbale and one in Mbarara). However, the Administrator General and his staff are physically in and work from the Kampala office rather than these regional offices, so that widows who wish to meet with the Administrator General or his staff must visit Kampala, irrespective of where they live. Furthermore, these quasi offices have no staff in them.

²⁶ A. Ellis, C. Manuel, and C.M. Blackden, (2006). *Gender and Economic Growth in Uganda: Unleashing the Power of Women*, Washington, DC: World Bank.

²⁷ Valerie Bennett, et al., *Inheritance Law in Uganda: The Plight of Widows and Children*, 7 GEO. J. GENDER & L. 451,459 (2006); Jennifer Cho, et al., Country Report: Republic of Uganda 79 (Draft) (White & Case 2006).

²⁸ Payments by which men take ownership of women they marry.

²⁹ The closest male descendant of the deceased, who served as both the administrator and successor to the estate.

³⁰ By which a male clan member takes ownership of the deceased male's wife in exchange for fulfillment of "wifely duties." Uganda's Observer newspaper (6th April 2012) reported cases of widow inheritance in Uganda; FIDA (The International Federation of Women Lawyers) documents that between June 2011- April 2012, 10 widows had been forcibly inherited.

³¹ J. Adoko, and S. Levine "Land Rights: Where we are and Where we need to go. A Review of the situation of land rights in Apac district In Uganda, and of opportunities for land rights protection work based on the work of LEMU 2003-4." (2005).

³² For example, Oxfam's advocacy on land grabbing in Uganda reported here: <http://www.oxfam.org/en/grow/campaigns/tackle-landgrabs> and the World Resource Institute research discussed here: <http://www.wri.org/blog/2011/04/qa-avoiding-resource-curse-uganda>

³³ Margaret A. Rugadya, et al., *Final Report on the Integrated Study on Land and Family Justice*, Justice, Law and Order Sector: Ministry of Justice and Constitutional Affairs (2008). The study found a slightly higher rate for rural households than urban households.

³⁴ Margaret A. Rugadya et al, *Northern Uganda Land Study: Analysis of Post Conflict Land Policy and Land Administration: A Survey of IDP Return and Resettlement Issues and Lessons: Acholi and Lango Regions*, World Bank (2008).

³⁵ *ibid*

³⁶ Burke, C., and Kobusingye, D. (2013). *Securing Women's Land and Property Rights in Northern Uganda*, Oxfam. Unpublished Working Paper.

³⁷ Deininger, K. (2003). *Land Policies for Growth and Poverty Reduction*. World Bank Policy Research Report. Washington, DC: World Bank; New York: Oxford University Press.

³⁸ Deininger, K. (2003). *Land Policies for Growth and Poverty Reduction*. World Bank Policy Research Report. Washington, DC: World Bank; New York: Oxford University Press.

³⁹ Amber Peterman, *Widowhood and Asset Inheritance in Sub-Saharan Africa: Empirical Evidence from 15 Countries*, Chronic Poverty Research Centre (2010).

⁴⁰ Laelia Zoe Gilborn, et. al. *Making a Difference for Children Affected by AIDS: Baseline Findings from Operations Research in Uganda* (Washington, DC: Population Council, 2001).

⁴¹ Land and Equity Movement in Uganda ("LEMU"). 2009. *How does Land Grabbing Happen?* Policy Document.

⁴² *Ibid*.

⁴³ C. Burke and D. Kobusingye "Securing Women's Land and Property Rights in Northern Uganda (West Nile, Acholi, Lango, Teso and Karamoja)." Unpublished Working Paper. May 2013

⁴⁴ Winnie Bikaako, et al., *Gender, Land and Rights: Contemporary Contestation in Law, Policy and Practice in Uganda*, in *Women And Land In Africa: Culture, Religion And Realizing Women's Rights* 232, 239-40 (L. Muthoni Wanyeki ed., 2003).

⁴⁵ C. Ampaire, et al. *Baseline Study Report on Succession-Related Property Grabbing in Mukono County, Uganda*. 2008. Kampala, International Justice Mission.

⁴⁶ A. Whitehead and D. Tsikata "Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-Turn to the Customary." *Journal of Agrarian Change* 3 (January 2003): 67-112; D.E. Young, "The Jurisprudence of Vulnerability: Property Rights, Domestic Violence and HIV/AIDS Among Women in Uganda."

⁴⁷ Although one notable study by Ellis et al. (2006) cites the bias against women in such systems, where men preside over disputes and women are often not allowed to speak according to the rules of many local court forums.

⁴⁸ Margaret A. Rugadya, *Escalating Land Conflicts in Uganda: A Review of Evidence from Recent Studies and Surveys* (2009).

⁴⁹ Valerie Bennett, et al., *Inheritance Law in Uganda: The Plight of Widows and Children*, 7 *Geo. J. Gender & L.* 451,459 (2006).

⁵⁰ Transparency International Uganda, et al., *East Africa Bribery Index* (2012).

⁵¹ Godfrey Kaweesa, *Case Backlog and the Right to Due Process: The Uganda Judiciary* (2012).

⁵² Jinja Courts Overwhelmed with Backlog of Cases, Uganda Radio News, April 11, 2014. <http://ugandaradionetwork.com/a/story.php?s=62745>

⁵³ United Nations Office on Drugs and Crime ("UNODC"), *Victimization Survey in Uganda* (2008).

⁵⁴ Uganda Women's Network ("UWNET"), *CSO Alternative Report on Uganda's Implementation of CEDAW* (2010).

⁵⁵ Transparency International Uganda, et al., *East Africa Bribery Index* (2012).

⁵⁶ Transparency International Uganda, *East Africa Bribery Index* (2011).

⁵⁷ Building on its experience in Kampala, IJM opened a second Ugandan office in Gulu in October 2012 to extend collaborative casework services to widows and orphans victimized by property grabbing in Northern Uganda.

⁵⁸ The Empaanyi is a leafy plant that has traditionally been used throughout the Buganda Kingdom to mark property boundaries. In the words of the AG, the Empaanyi is "a living mark stone" that protects one's property.

2 Methods

The in-country research team used mixed methods to create a picture of the prevalence of property grabbing and the justice system response to it, incorporating a county-wide prevalence survey, case file reviews of both estate administration and criminal property grabbing cases, and stakeholder interviews.

TO COMPREHENSIVELY AND ACCURATELY ASSESS both the scale and the nature of property grabbing and the justice system response to it in Uganda, the study team used a mixed methods approach. The study incorporates a large household survey with a narrative story-telling component as well as focus group discussions with local community members, both of which provided data on the scale and nature of property grabbing. The study team gathered information on the performance and perception of the justice system response to property grabbing and estate administration through a qualitative review of physical police and court files, focus group discussions, and key informant interviews with stakeholders. This information was triangulated with responses from widows captured via the household survey on their experiences with and knowledge of the justice system.

The methods are presented in terms of data collection efforts within the prevalence study, case file review, and focus group discussions and key informant interviews.

2.1 County-Wide Household Prevalence Survey on Property Grabbing

The study included a survey conducted with a statistically representative sample of all widows in Mukono County, incorporating a “story map” as well as a structured questionnaire created to gather data on widows’ experiences and perceptions of property grabbing.

The study team conducted a county-wide household prevalence survey with a statistically valid sampling of widows in Mukono County. In response to questions from enumerators on the study team, respondents provided a “story map,” sharing details about their lives that provided a window into their relationships, homes, land and lives. This narrative helped establish rapport with the enumerator, acted as a data quality assurance measure, and provided great detail about their relationships, associated property and land, and lives as a whole. Enumerators then administered a structured questionnaire to each widow using mobile data collection tools.

2.1.1 Target Area and Population

The target area for the household survey spanned all of Mukono County, one of two counties in Mukono District, central Uganda (see Figure 1). The study team conducted the survey in all eight sub-counties of Mukono County. Half of all parishes in each sub-county were randomly selected for the sample, covering all villages in the selected parishes.

Figure 1: District Map of Uganda



Source: © Nations Online Project, <http://www.nationsonline.com/one-world/map/uganda-administrative-map.htm>

The target population inclusion criteria included [a + b + c + (d or e)]:

1. any woman,
2. age 18 or older at the time of the study,
3. ever widowed, whether currently single, cohabiting or re-married; defined as a woman:
 - who lost her legally married husband while living in one of the targeted villages ; or
 - who lost a cohabiting partner while living in one of the targeted villages⁵⁹, whether children were born from the relationship or not; or
 - who lost the father of one of her children while living in one of the targeted villages

AND either was:

1. living in one of the targeted villages at the time of the survey, OR
2. originally from one of the targeted villages and had since moved out of that village to a location within 100 kilometers of that original village

The standard source for determining study population size is Census or other nation-wide surveys. However, the definition of *widow* used in Uganda's 2009/2010 National Household Survey only included women who were legally married to their deceased partner at the time of death, excluding the large percentage of women who had lost a cohabiting partner, thus underestimating the widowed population. Instead, the study team used a village-level participatory method to leverage the in-depth knowledge of the community members to generate a more comprehensive picture of the widow population, from which the study sampling strategy would be derived. A team of 20 enumerators from a local research institution in Kampala⁶⁰ conducted a "listing exercise" in a total of 178 villages across 24 parishes in the eight sub-counties of Mukono County.⁶¹ The listing exercise incorporated two main steps:

- First, the enumeration team met with the Local Council Chairperson, or in his/her absence, the Local Council General Secretary or Vice Chairpersons of each village, and the village's Women's Representative (also called "Local Council Secretary for Women"). The local research team explained the purpose of the study and the listing exercise specifically as well as the definition of *widow* used in the study. The Local Council Chairman was then asked to list the full name, nickname, physical address and contact phone number, when possible, of each widow in his/her village and to note whether the widow still lived in the village, migrated into the village after the death of her husband, or migrated away from the village after the death. Each participating local leader was compensated for his/her time and transportation to and from the meeting place.⁶² (See Table 1 below for the number of widows originally listed, by sub-county.)
- Second, each village's list of widows was then validated with a local women's group from within the same village. The Local Council assisted the enumeration team in this second step by contacting and mobilizing these women, but the original listing group did not participate in the validation exercise. A minimum of three to five members had to be in attendance to meet the validation requirements. The women's group representatives often included the group's Chairperson, Vice Chairperson, Treasurer and other group members for a total of five validators. For the few villages with no established women's group, the original listing group assembled older men and women (a maximum of five people, with at least three of those being women) who had lived in the village for an extended period of time. In total, the validators added an additional 906 widow names, totalling 21% more than the original list.

Table 1: Total Number of Widows Listed in Each Sub-County

Sub-county	Total No. of Widows Listed in Sub-County
Goma	689
Kyampisi	857
Mpatta	468
Mpunge	355
Mukono Town Council	564
Nakisunga	917
Nama	710
Ntenjeru	631
TOTAL	5,191

2.1.2 Sampling Strategy

The study team included all listed widows as part of the widow population and classified whether the widow remained in the targeted village where her husband had died, had come to the targeted village after her husband's death elsewhere, or had migrated away from the targeted village after her husband's death. Of the 5,191 widows originally listed, 8% (n = 438) had migrated to their current village after their husbands' deaths, and 10% (n = 522) had migrated away from the village after their husbands' deaths (but were still named in the listing exercise by virtue of being known as a widow to the listing exercise participants). As the study intended to measure the prevalence of property grabbing among widows in Mukono County, all widows who had migrated into the targeted village after the deaths of their husbands elsewhere were subsequently taken out of the study population.

From this targeted population, statisticians from the local research institution determined the statistically significant sample size required for each sub-county using Krejcie and Morgan's formula.⁶³ The required sample size for each sub-county was divided proportionally based on the respective widow population size in each parish. The total sample size required for the study was 1,756 widow interviews. The local research team's Project Manager generated the sampling frame from the population list, using Excel's randomization function, including a 30% buffer for potential misclassification, inability to locate, or unwillingness or inability to participate. The study team interviewed a total of 1,806 widows. See Table 2 for a breakdown by sub-county of required sample size and actual interviews conducted.

Table 2: Sample Size Required for Each Sub-County

Sub-county	Required sample size	Actual number of widows interviewed
Goma	234	238
Kyampisi	253	271
Mpatta	188	189
Mpunge	159	159
Mukono Town Council	213	220
Nakisunga	260	261
Nama	230	245
Ntenjeru	219	223
TOTAL	1,756	1,806

2.1.3 Training of Enumerators and Pilot Exercises

A pool of potential enumerators, made up of individuals hired by the local research institution and volunteers from a local university, underwent a four-day training and selection process. The training process included three days of traditional lecture-style learning coupled with formal and informal mock interviews followed by a fourth-day pilot, testing the survey tool with 39 widows from three villages not included in the study sample.

The training covered the overall purpose of the study; methods for listing, data collection, and data quality; all questions and answer choices on the data collection survey; and use of the survey on the mobile device. The train-

ing concluded with a debrief session, revision of tools and an examination for each potential enumerator on core concepts of the study and language efficiency. Based on the testing exercises and candidates' proven fluency in both English and Luganda, IJM selected 20 training participants to serve as enumerators, who were broken into four teams with one team lead.

The study team conducted a pilot of the listing exercise in 10 villages in order to provide coaching on the implementation of the exercise and refine the method before launching the full study. In each of these villages, enumerators held a short discussion with the women's community groups to better understand how the community understood and perceived what a widow was, as well as perceptions around widows' vulnerability to property grabbing. These discussions were used to refine the listing method as well as the phrasing of certain questions on the quantitative survey. During this pilot phase, the study team also engaged religious leaders (Christian and Muslim) to validate the listing of widows created by the Local Council Leader group. However, the pilot revealed that, for a variety of reasons, religious leaders did not provide substantial additions to the original list to justify inclusion as part of the listing method.⁶⁴

2.1.4 Data Collection Tools and Methods

The household prevalence survey was designed around a survey tool developed by IJM and revised based on the pilot testing conducted by the local research team. It was originally written in English, but also translated into Luganda. The local research team back-translated the original translation for verification, with the final version of the survey incorporating enumerator feedback and experiences during pilot testing. The survey was then scripted into a web-based data collection software called Dooblo SurveyToGo, which enabled mobile data collection. The mobile version could be viewed in either English or Luganda.

For each interview, the study team used the contact details from the listing exercise to locate the residence of the widow and administered the survey tool in Luganda at the widow's household. After the enumerator explained the purpose of his/her visit and gained informed consent (*see Annex C for form*), he or she asked the widow to map out where she was born, how long she lived there, and why she moved from that place. This "story map" narrative continued until the widow discussed her current residence. The enumerator captured this narrative in English in a notebook, which was later transcribed. The enumerator used this story map to build rapport with the respondent, understand the details of the widow's life and marriage/relationship from her perspective, and conduct data quality assurance with the quantitative survey.

The full interaction with the survey participant included an introduction and informed consent; a hand-written collection of the widow's "story map," prompted by questions, but provided orally and free-flow from the participant; and an interview using the survey on the mobile device.

The entire interaction lasted 1-1.45 hours on average. This was dependent on how much information the widow was able to recall as well as the number of husbands the widow had lost and her respective land ownership. The survey captured information on up to three relationships with deceased husbands. *See Annex B for directions to access the survey data collection tool.* As per national research protocol and best practice, the survey methodology, data collection tool and informed consent were all provided to the Uganda National Council for Science and Technology (UNCST).

Many widows did not view themselves as victims of property grabbing or understand their circumstance in that way. Therefore, rather than directly asking the widows if they had been victims of property grabbing, IJM trained the enumerators to assess the widow's responses to a variety of different scenarios that would demonstrate whether she had been victimized by any of the various crimes in Uganda's laws associated with the act of property grabbing.

The study team conducted data collection from October 3 to November 18, 2013. During the first week of survey, the survey team targeted data collection only on widows included in the sampling frame who had migrated away from their homes in the targeted villages after the husband's death, with the goal of determining the rate at which they would be able to successfully locate these women. During all subsequent weeks of survey collection, the study team followed a more geographical flow from village to village.

Once data collection was fully underway, the enumeration team attempted to interview every widow who was a part of the randomly selected sampling frame. In cases where the enumerators determined that the widow had actually migrated into the village after her husband's death elsewhere, had migrated more than 100 kilometers away, was deceased,

refused to participate, did not speak the languages of the enumerators (English or Luganda), was admitted to the hospital for a long period of time, was unknown to the Local Council or community representation assisting the enumerators in locating the widow's homes, had no clear location listed in the listing tool, or was wrongly listed as a widow when she was not or did not identify herself in this way, the Field Project Manager immediately provided an alternate name to interview. For any other reason (the widow was working, away from the home, at a burial, etc.), the enumerators followed a strict protocol for obtaining a substitution: Three separate attempts on three different days were necessary before substitution was authorized.

To ensure the broadest capture of Mukono's widow population, the enumerators used an additional method at the point of survey data collection at the household: At the end of each survey, the enumerator asked the widow if there was any woman living or staying on her property or was otherwise within her household that met the study definition of a widow. The enumerator recorded her name and contact information within the mobile survey instrument. The enumerator then called the Field Project Manager to verify the name and details against the population and sample list. If the enumerator did not find the name on the list, the enumerator was given authorization by the Field Project Manager to proceed with seeking consent from this woman for survey participation and conducting the interview. The local research team tracked these surveys separately from the rest of the data from widows on the sampling frame. Only six additional widows were found throughout the entirety of household data collection; data from these women is not presented in this report.

2.1.5 Data Storage Techniques, Cleaning and Quality

If the enumerator could get a 3G mobile signal to access the internet at the household site, surveys were uploaded from the mobile device to the server hosted at the local research team's office immediately after completing and closing out each interview. Otherwise, all surveys on each mobile device were uploaded by enumerators daily once internet connection was established. Data was stored in SPSS and exported daily into Excel for review by IJM staff. A statistician from the local research institution formatted the raw data using SPSS syntax and conducted data cleaning techniques using several statistical checks. Any discrepancies were reported to the Field Project Manager for review with the relevant enumerator. Only research team members from the local institution and IJM had full access to the survey data. The "story maps" were typed into Microsoft Word by the local research institution's data entry team and organized into electronic folders by village, parish and sub-county.

The study design and implementation incorporated various data quality assurance (DQA) methods. In developing the study population, the validation exercise with the community members (see 2.1.1) enabled multiple voices to speak into creating the most exhaustive list of widows. This DQA approach was to eliminate any bias resulting from power dynamics, political differences, or potential personal gain for mentioning or not mentioning certain names. Furthermore, the additional inquiry at the point of household data collection (see 2.1.4) was designed to reveal if the listing method had significantly missed women unknown by local leaders or active women's groups within the village. In the survey tool design, translation from English to Luganda was conducted by one individual and verified by a second translator. This version was then back-translated for accuracy.

Within the training component, only those who demonstrated sufficient competency in both Luganda and English as well as the study concepts were allowed to act as an enumerator. Additional training was provided after piloting and the first week of data collection to ensure understanding of the nature and various manifestations of property grabbing in these communities. Because the enumerators were fluent in both English and Luganda, all enumeration teams were able to offer additional verification of the translation as well as provide feedback from the widows who participated in the pilot testing on interpretation and understanding of particular concepts, terms and question structure.

Another strategic and intentional DQA method employed was mobile data collection. The electronic version of the survey made complicated skip patterns automatic, ensured all questions had answers, required all answer choices of "other" to be specified, and enabled data validation (such as date or year formats, numerical/text character limits, valid entry specifications, etc.) on relevant fields. Data accuracy noticeably changed after enumerators begin using the electronic version of the survey, as the pilot testing was conducted using the paper version. Additionally, digitizing the data collection tool allowed the local research team to lock down the survey after completion, ensuring no edits could be made without the Field Project Manager's approval.

In the data collection phase, three DQA methods were utilized to ensure high-quality data gathering. First, enumerators were accompanied daily by a group of local university student volunteers, mobilized by IJM through its ongoing

partnership with the university's law degree program.⁶⁵ The volunteers did not always accompany the same enumerator each day. The volunteers' role was to assist the enumerator in any way, but also to ensure that proper protocols were followed with each interview. Additionally, on a total of 482 of the interviews, enumerators were accompanied by local research team leads. Second, the use of the "story map" also provided a data quality check. The study team verified 100% of the story maps against particular survey questions on a daily basis and highlighted inconsistencies or possible errors for review and resolution. Lastly, the local research team's Field Project Manager and team leads conducted back-checking on 215 surveys. This most frequently involved phone calls, but when convenient and possible, included a second visit to the widow's home to verify particular entries on the survey.

2.1.6 Data Analysis

The household survey data was jointly analyzed by IJM and a US-based research institution.⁶⁶ The quantitative survey was analyzed using SPSS and Excel. Analysts ran various statistical tests for correlations and coded and analyzed qualitative data from the story maps using ATLAS.ti. Themes emerging from the data are identified in the results section (Chapter 3).

2.1.7 Limitations

The survey methods include a range of limitations to be considered in interpreting this study's results and analysis, as well as in any application of these methods for other contexts.

The term "widow" or *namwandu*

During the pilot testing of the survey and listing exercise, women from the community highlighted several social and cultural views about the term widow or "*namwandu*" in the local language:

- Widows are pictured as older women, with young women not easily or immediately thought of as widows.
- Being thought of as a widow is stigmatized. Widows are often assumed to be HIV positive. Also, members of the community shared that these women are sometimes thought to have been involved with witchcraft or were themselves "be-witched."
- The label can also inhibit an attempt to pursue another relationship. Therefore, some widows did not self-identify as a widow or refused to acknowledge ever being a widow. The latter occurred mostly in circumstances where the woman was re-married or seeking a relationship.

Each of these impacted the ability to identify and collect data on widows for the survey.

Community-level participatory model for population creation

An assumption made in the design of the population creation method was that community leaders and members would know their people better than any other source of documentation. While this method has proven valuable, it also has limitations:

- Due to time and resource constraints, listing exercises in each village were conducted in one day and relied on the robustness of memory and recall. While the enumeration teams gave prior notice and explanation of the exercise and exchanged cell phone numbers if more names were remembered, there were some instances in which additional names were given to enumerators on the days of data collection after the sampling frame had been created.
- The listing exercises conducted in urban areas were far more difficult than in rural areas. The towns are much more populated, and the community leaders often don't know every person in the area. One community group often could not speak about the whole town, as they only knew their section. This became evident when the women's community group could validate very few women on the original listing, but could provide up to 80% more widow names. An additional community group was consulted whenever this happened.

- Full names and contact information or location were sometimes difficult to provide for the groups in the listing exercise. Some women were known by some in the village by their nickname, “*Namwandu (First Name)*” or “*Mama (First Name)*,” and others by their full name. This caused duplication on the listing as well as challenges in locating the women for interviews .

Recall bias among respondents

During data collection, many women could not recall dates (years) of birth, marriages, death or property grabbing events. This caused difficulty when needing to compare dates for validation or indicator calculation.

Locating widows who had migrated

Many women who have been victims of property grabbing relocate, making it a challenge to find them. The sampling frame contained 315 widows who had migrated away from the village where they lived when their husbands died. However, the enumeration teams were not able to locate many of these widows, and the replacements were taken from the entire universe, not a pool of only widows who had migrated to a new village following their husbands’ deaths. Therefore, in the end, only 54 widows who had migrated after their husbands’ deaths were surveyed and included in the results.

Current snapshot of widows’ experience

The methodology captures only those widows currently living and able to be surveyed. Survey results suggest that women who have been victims of property grabbing often experience nutrition shortcomings, health problems, secondary exploitation and dependent mortality during and after victimization, which may make it impossible to capture information from all victims of property grabbing. Moreover, the results are a current snapshot or “slice in time” from a widow’s lifetime. When conducting any follow-up survey, if death rates or life expectancy significantly change among Ugandan women/widows, the analysis of the results will need to accommodate this.

Acknowledgment/knowledge of land ownership

The survey was structured in a way that first asked about land ownership and then property grabbing. If the widow reported that land was not owned by her or her belated husband, she was not asked questions around property grabbing. However, particularly with regard to land held as *kibanja*, widows may not understand their own ownership rights and therefore not report “owning” *kibanja*, when in fact, the law recognizes this type of land ownership as well.

2.2 Case File Review of Estate Administration and Criminal Property Grabbing Cases

The study included a review of closed administrative and criminal cases to gather quantitative data on the justice system response to property grabbing.

A local research team⁶⁷ conducted a case file review of both estate administration cases (in which applicants filed to administer a deceased person's estate) and criminal property grabbing cases. They captured data from all available closed estate administration cases with a female complainant from Jinja High Court and Mukono Chief Magistrate's Court (the two courts that serve Mukono County) and, where possible, followed the case back to the Administrator General's Office. Reviewers captured data from all available adjudicated criminal property grabbing cases from Mukono Town Council and Naggalama Police Stations (the two main police stations that serve the county and the location of the county case archives) and then followed through, where possible, to the Mukono Chief Magistrate's Court. This review included 187 cases closed or completed between the years 2010-2012.

2.2.1 Method for Reviewing Administrative Cases

The purpose of this file review was to gather quantitative evidence on the performance of the Administrator General's (AG) Office and the respective courts in processing administrative cases in which applicants filed for administration of a deceased person's estate. (When a property owner dies—even if a will is present—the individual who will occupy or distribute the property of the deceased is required to engage the estate administration process at some level.)

Case Selection Criteria

The selection criteria for the administrative case file review included any case:

- For which the physical file was present within the selected court archives;
- Opened between January 2009 and August 2011 and closed at the time of review (Sept. - Nov. 2012);⁶⁸
- With a female applicant.

Data Collection Method

The study team listed all administrative cases meeting the criteria above found in the physical files present in the archives of the Mukono Chief Magistrates' Court and Jinja High Court, the two courts in which any administrative cases in Mukono would be filed.⁶⁹ A total of 119 case files were reviewed, 68 in Mukono and 51 in Jinja. Thirty-seven of these cases (29 from Mukono and eight from Jinja) were eligible for review at the Administrator General's Office, meaning the individual who had filed the case was pursuing a Letter of Administration (official documentation required to certify ownership for properties when there is no formal will) and the property was located in Mukono County. Of those 37 cases, only nine case files were able to be physically located at the Administrator General's office (*see Table 3*).

Table 3: Number of Estate Administration Files Reviewed at Court and Administrator General’s Office

Data gathered at Courts and Administrator General’s Office

	Number of physical files found at court	Number of physical files that met selection criteria and reviewed at court	Number of physical files found and reviewed at AG’s office
Jinja High Court	132	51	4
Mukono High Court	236	68	5
TOTAL	368	119	9

2.2.2 Method for Reviewing Criminal Property Grabbing Cases

The purpose of this case file review was to gather evidence of the performance of the police and courts in processing criminal property grabbing cases.

Determination of Case Selection Criteria

The selection criteria for the criminal property grabbing case file review included any case:

- Found within the criminal record book at select police stations;
- In which the crime occurred in Mukono County;
- Opened between 2005-2009 and closed (i.e., adjudicated) at time of the review (Sept. – Nov. 2012);⁷⁰
- With a female complainant; and
- Containing at least one “property grabbing” charge⁷¹ or one of the complementary charges⁷² that was analyzed for property grabbing.

Data Collection Method

From a review of the criminal record books at the Mukono and Naggalama police stations, researchers listed all possible criminal property grabbing cases. Mukono Police Station is the district headquarters and home to the main archives for police files in the county. Naggalama Police Station, while not in the project area, was a station archiving many case files from police posts within the rural areas of the county.⁷³

A total of 494 cases were listed at the Mukono Police Station and 202 cases at Naggalama (*see Table 4*). These files became the population from which to sample. However, locating the physical case files listed on the criminal record books at the police station presented a major challenge. In fact, only 21% (n = 104) and 34% (n = 69) of the physical files, respectively, could be located in the archives. Both the case file review team as well as police and staff in the stations assisted in locating the files. Of the 173 physical case files opened and reviewed, only 73 actually met the selection criteria listed above. One hundred percent of these files were reviewed.

Table 4: Number of Criminal Prosecution Files Reviewed at Police Stations

Data Gathered at Police Stations

Police Station	Year	Population	Number of physical files found at station	Number of files that met selection criteria/reviewed
MUKONO	2009	119	45	19
	2008	118	24	8
	2007	102	31	7
	2006	140	38	7
	2005	15	7	5
	Total	494	145	46
NAGGALAMA	2009	55	12	4
	2008	28	8	2
	2007	43	23	10
	2006	61	7	4
	2005	15	8	2
	TOTAL	202	58	22

To capture information on the judicial proceedings in each criminal case, the study team used the case identification numbers and Resident State Attorney sanction date to locate the corresponding court files in the Mukono Chief Magistrates’ Court registry and archive. Due to several challenges encountered at the court registry and archive, including non-corresponding criminal record book and court case file numbers, conflicting charges, file duplications, empty files or lost files, the local research was only able to locate and review six Mukono files at the court.

2.2.3 Training on Data Collection Tools and Methods

IJM trained the local research team on the Case File Review listing and data collection methods and tools. “Mock” case files were developed for training purposes.

The study team designed the data collection methods and tools based on experiential knowledge from both IJM and the local research team, and revised the methods based on the piloting exercise.

All tools were written in English, with all data captured in English completed by hand on the printed tools. See Annex D for links to the Case File Review data collection tools.



The civil and criminal records in an attic storage room at Jinja High Court, 2013.

2.2.4 Data Storage Techniques, Cleaning and Quality Assurance

Hard copies of the completed Case File Review tools were entered into Excel for storage. The local research team conducted data cleaning and verification of accuracy between the hard copy and the electronic data.

Quality assurance was implemented at two levels with the Case File review. The Case File Review Project Lead from the local research team conducted oversight of all reviewers. IJM also held weekly check-in calls with the local research team to ensure rigorous adherence to the Case File Review method. Local IJM staff accompanied the local research team on several occasions to conduct data quality assurance and assist with the location of case files in the courts.

2.2.5 Data Analysis

Data analysis for the Case File Review was conducted jointly by a university research institution⁷⁴ and IJM. Data was imported into SPSS for analysis.

2.2.6 Limitations

Key limitations for this method include:

- The Case File Review only included closed or adjudicated cases that were able to be physically located by either the relevant justice system officials or staff and study team members. Therefore, this review is not fully representative of the performance of the respective justice system actors in these cases, as it does not include any review of cases that could not be found in the archives or that were currently open.

- Both Case File reviews' selection criteria included the requirement of female applicant or complainant. While this was believed to capture the majority of property grabbing and estate administration cases concerning widows, it would have excluded any male orphans or children that may have reported or applied on behalf of the widow/mother.
- The review of case files could only document and review the information that was physically in the file. Many files had significant information or documents missing. This may or may not be indicative that the information was at some point present in the file.
- When tracking the cases from one institution to another, the inconsistency of case file numbers and complainant/suspect/applicant specifications, conflicting charges, file duplications, and empty or non-existent case files caused significant challenges. Therefore, while the case file review included 100% of files that met selection criteria and were physically found, the low number of files actually reviewed should not be viewed as representative.

2.3 Stakeholder Interviews

The study incorporated focus group discussions with community members and key informant interviews with leaders in order to gather qualitative data on how property grabbing and the justice system response to it is understood and perceived in Mukono County.

The study team conducted focus group interviews with women and men in the targeted communities as well as with lawyers, police, local officials, court clerks and other key officials holding positions of authority in the government and the criminal justice and administration process, who offered rich perspectives on the realities and perceptions of property grabbing and the justice system response to it in Uganda.

2.3.1 Target Audience

Focus group discussions and key informant interviews complemented the county-wide household prevalence survey and the case file review. The study team held focus group discussions with groups of men and women from rural and urban areas, Local Council leaders, religious leaders, and police from within Mukono County as well as court clerks and Administrator General attorneys, who serve people from all over the country. The study team conducted key informant interviews with purposively selected individuals whose positions in the government and roles in the criminal justice or estate administration process allowed them to contribute rich information toward the study objectives.

2.3.2 Data Collection Tool and Method

For both the focus groups and the key informant interviews, the data collection tools included a semi-structured discussion guide and interview guide, along with a brief questionnaire (covering knowledge and perceptions of property grabbing), which was administered with some focus group participants. IJM developed the guides in English, but focus group discussions were conducted in the local languages depending on the preference of the participants, and key informant interviews were conducted in English. See *Annex E* for a link to the focus group discussion and key informant interview guides.

The local facilitator or interviewer explained the study purpose to each participant and asked for verbal or written consent for their participation. See *Annex F* for a copy of the informed consent. The focus group discussions were recorded, which was explained in the informed consent; the key informant interviews were not audio recorded, as all key informants declined to be voice recorded.

The research team conducted 13 focus group discussions with a total of 118 participants, 82 male and 36 female. See

Table 5 for distribution of participants. The local research team collaborated with the Local Council Leaders to mobilize groups of men and women for the focus group discussions with community members as well as the religious leaders. For all other focus groups, IJM assisted the local research team in making connections with the relevant justice system actors. In the four focus groups with community members in Bukerere and Gwafu-Seeta and the two focus groups with police, each participant was asked by the facilitator to fill out a short questionnaire before the focus group formally commenced. This was to understand their knowledge base and perceptions regarding women's ownership of land, succession law in Uganda, and engagement with the justice system on property grabbing and estate administration.

The research team conducted key informant interviews with two Resident State Attorneys (RSAs) in Mukono, the District Police Commissioner and OCCID (Officer in Charge of the Criminal Investigation Directorate) in Mukono, sub-county chiefs in Goma and Kyampisi (sub-counties of Mukono), Administrator General (AG) attorneys, the Chief Magistrate in Mukono, the High Court Judge in Jinja, and the High Court Deputy Registrar in Jinja.

Table 5: Distribution of Focus Group Discussion Participants

Focus Group Discussion	Participants	Location	Type	Male	Female	TOTAL
1	Men	Bukerere	Rural	10		10
2	Men	Gwafu-Seeta	Urban	14		14
3	Women	Bukerere	Rural		10	10
4	Women	Gwafu-Seeta	Urban		15	15
5	Christian Religious leaders	Mukono	Urban-mixed	8	2	10
6	Muslim Religious leaders	Mukono	Urban	10		10
7	Court clerks	Mukono	Urban-mixed	2	1	3
8	Court clerks	Jinja	Urban-mixed	2	1	3
9	AG attorneys	Kampala	Urban-mixed	3		3
10	LC leaders	Ntenjeru	Rural	9	1	10
11	LC leaders	Goma	Urban	6	1	7
12	Police, non-uniformed	Mukono	Urban	7	3	10
13	Police, uniformed	Mukono	Urban	11	2	13
TOTAL				82	36	118

The local research team transcribed verbatim all focus group discussions and interviews in the language in which they were conducted. The transcripts that were in local languages were translated directly into English.

2.3.3 Data Analysis

ATLAS.ti qualitative software 6.2 was used by an independent researcher to organize data. Data analysis was guided by the overarching goal of understanding property grabbing from the perspective of the widow. The consultant completed a content analysis of the data from the focus group discussions and the key informant interviews, identifying central themes, categories, subcategories, and relationships among these categories. Specifically, the consultant focused the analysis for this report on the experiences of women in navigating the public justice system, interactions with key members of the system, as well as factors influencing women's decision-making. The consultant discussed themes and patterns with experienced field staff throughout the analysis process.

2.3.4 Limitations

The main limitation for the focus groups was inability to hold discussions with community groups in all areas where the household survey was collected. Thus, the coverage is not representative of the county, but can only be used as a complement to illustrate or contextualize more statistically significant and generalizable findings from the survey.

⁵⁹In the Ugandan context, “cohabiting” is living together, as if married, without being legally married.

⁶⁰Ipsos Synovate Limited was the local research institution that conducted the listing and data collection for the county-wide property grabbing prevalence study.

⁶¹For a list of all villages and parishes sampled, please see Annex A.

⁶²The LC Chairperson was given UGX 10,000 (US \$4) to be shared among the original listers as reimbursement for travel and time. The group of community members assisting in validation of the widow list were also given UGX 10,000 in the form of mobile air time to reimburse for travel and time. This was shared equally among the group.

⁶³Krejcie and Morgan's formula: $X_2 NP(1 - P) \div d^2 (N - 1) + X_2 P(1 - P)$, where s = required sample size; X_2 = the table value of chi-square for 1 degree of freedom at the desired confidence level (3.841); N = the population size; P = the population proportion (.05); and d = the degree of accuracy expressed as a proportion (.05).

⁶⁴The pilot listing exercise demonstrated that religious leaders provided added value to the listing exercise. However, considering the large sample, there were particular challenges that limited the usefulness of the religious leaders' perspective for this exercise. These challenges included: Religious leaders often cover many villages across multiple parishes, with some villages included in the sample and not included in the sample. Additionally, each village had a breadth of religious groups and each leader was mainly familiar with only his/her parishioners. Lastly, religious leaders were less willing to know of or acknowledge a woman as a widow if she was not legally married as defined by Ugandan law.

⁶⁵Students from Uganda Christian University assisted the enumerators throughout the listing exercise and data collection.

⁶⁶The University of Notre Dame's Center for Global Health and Development was contracted to conduct statistical analysis for the survey and qualitative analysis for the story maps.

⁶⁷In the mailo land tenure system adopted in central Uganda, the government officially recognizes two major types of land ownership: titled ownership and kibanja ownership. Under this system, a titled land owner may own a large piece of land, while any number of kibanja holders may own occupancy rights to certain portions of that piece of land. While both titled land owners and kibanja owners “own” the land, they are often referred to respectively as “landlords” and “tenants.”

⁶⁸Associates Research Uganda Limited was the local research team that conducted the case file reviews.

⁶⁹The administrative case file review sought to cover court cases closed in the period 2010-2012, so the strategy was to look at files opened between

January 2009 - August 2011, taking the typical case incubation period into account.

⁷⁰The Magistrate Court serves as a court of first instance for the administration of small estates and the prosecution of non-capital offenses. The High Court serves as a court of first instance for the administration of large estates and all offenses, as well as an appellate court charged with reviewing decisions arising from the Magistrate Court. Thus, the Case File review covered both Mukono Chief Magistrates' Court and Jinja High Court.

⁷¹The criminal case file review sought to cover court cases closed in the period 2010-2012, so the strategy was to look at police cases opened in the period 2005-2009, taking the case incubation period into account.

⁷²While the Ugandan Penal Code and other statutes do not provide for a specific offense called “property grabbing,” the law does contain provisions outlawing the full host of crimes commonly associated with property grabbing, including: intermeddling, eviction or attempted eviction of widows or children; fraudulently destroying or converting trust (estate) property; forgery of a will or other legal documents; forgery of a Grant of Probate, Certificate of No Objection, Letter of Administration, or other judicial or government document; concealing or stealing a will; concealing a deed; destroying a deed; destroying or damaging a will; damaging survey and boundary marks; removing boundary marks; and malicious injury of property.

⁷³Other crimes that may occur at the same time as property grabbing are: threatening violence, criminal trespass, theft, bribery/corruption, assault causing physical injury, and murder. If only “complimentary charges” were listed on the criminal record book, the researchers conducted further analysis before adding it to the list. The detailed instructions were as follows - add a case listing: “assault” OR “threatening violence” if: 1) the woman complainant was over 30 years old, OR 2) the criminal record book mentioned other family members; “bribery/corruption” if in relation to land; “theft” if theft of land, household items, or home construction items (disregard cases of theft of phones or vehicles); “murder” if the suspect is someone the woman complainant knows OR is in relation to land; “receiving money by false pretense” if: over 100,000 UGX AND in relation to land, household items, or home construction items.

⁷⁴Originally, researchers planned to review criminal cases at the Seeta police station. However, later it was established that all the records expected to be reviewed for the period of interest (2005-2009) in Seeta were actually located in the Mukono police station archives because Seeta did not establish its own archive until 2010.

⁷⁵Arizona State University's Center for Violence Prevention and Community Safety

3 Results

This study found that property grabbing from widows in Mukono County is common, violent and occurs in an environment of near total impunity for perpetrators.

The results of the study demonstrate that property grabbing is

Common: Property grabbing is a common experience for widows in Mukono County, with one in three widows becoming a victim of property grabbing in her lifetime.

Violent: When they narrated their personal experiences, widows commonly reported experiencing violent acts, ranging from physical assaults to destruction of land and property.

Unchecked: There was virtually no criminal justice response to this pervasive crime, with only 6.3% of widows expressing confidence that they could pursue the criminal prosecution of someone who had chased them from their home through the public justice system. Of all property grabbing cases opened between 2005-2009 and closed as of the time of the review (that could be located and had sufficient data to review) not one perpetrator was convicted of a property grabbing crime.

In line with a mixed-methods approach, the results are presented in themes, using data from each of the methods for a holistic view of the study objectives.

3.1 Characteristics of Widows in Mukono County

The county-wide household prevalence study surveyed 1,806 widows and captured information about all husbands who had passed away in each surveyed woman's lifetime, resulting in data collected on a total of 2,068 relationships.

Under Uganda's Succession Law, widows' rights to property (including their home and surrounding gardens) depend on the nature of their relationship with the deceased person. For the purposes of the study, relationships were characterized by the types of legal rights the woman had.

Each of the 1,806 surveyed women was categorized into one of three legal status categories:

Category 1 – Widow Legally Recognized through Marriage: Any woman who lost a spouse, whose relationship was formalized through a legally recognized customary/traditional, civil, Christian, or Muslim marriage. Sixty-six percent (1,358/2,068) of relationships fell into this category.

Category 2 – Widow Legally Recognized through Children: Any woman who lost a cohabiting partner, whose relationship was not formalized or officially documented, but had children with the deceased who were 0-17 years old at the time of his death. Twenty-seven percent (554/2,068) of relationships fell into this category.

Category 3 –Widow Not Legally Recognized: Any woman who lost a cohabiting partner, whose relationship was not formalized or officially documented, and either did not have children with the deceased, or whose children were of majority at the time of his death. Fewer than 8% (156/2,068) fell into this category of relationship.

Under current Succession Law, widows with a formalized marriage (category 1) have rights to the land and property shared in the marriage. Widows who had children with the deceased but did not formalize the marriage (category 2) also have rights to the land and property while they are caring for dependent children under the age of 18. Widows who did not formalize their marriage and did not have children under age 18 at the time of the death do not have any legally recognized rights in the absence of an explicit will stating their right to the home or other form of sale or gift from the owner of the property.

This study considered women who fell into any of the three categories above. As of 2012, an estimated 23,883 widows meeting these definitions lived in Mukono County (approximately 7% of the total county population). The following demographics are characteristic of all widows living in Mukono County.

3.1.1 Relationship Type

Ninety-one percent of widows were single at the time of interview, 8% were cohabiting and about 1% were legally married.

When asked about prior relationships, surveyed widows reported that 47% of their relationships were customary/traditional marriages, 19% were religious marriages (Christian or Muslim), and 31% were cohabiting relationships. Table 6 provides a breakdown of the widows surveyed by relationship type.

Table 6: Widows' Relationship Types

	Number of marriages/ relationships	% of Total	Category 1	Category 2	Category 3
Customary/traditional	965	46.7%	965	0	0
Civil	3	0.1%	3	0	0
Christian	254	12.3%	254	0	0
Muslim	136	6.6%	136	0	0
Cohabitation	641	31.0%	0	506	135
Had children but no cohabitation	69	3.3%	0	48	21
TOTAL	2068*	100%	1358	554	156

Source: Household survey

*Approximately 87% (n=1,567) had lost only one husband/partner in their lifetime, 12% (n=213) lost two husbands, and 1% (n=26) lost three or more. Therefore, the total number of relationships (2068) exceeds the total number of widows surveyed.

In 56.4% of these relationships, the widow reported having a co-wife or co-wives, meaning her husband had another relationship. Additionally, in 66.1% of these relationships, the widow reported that her deceased husband had children with someone other than her.

As shown in Table 7, most widows who indicated being in a formalized marriage also self-reported that they had the proper documentation of their marriage. (However, it is important to note that a widow’s belief that she has the proper documentation does not necessarily mean she has it. In International Justice Mission’s case experiences, many widows who believe themselves to be protected by the correct documentation do not in fact have this documentation.)

Table 7: Formalized Marriage Documentation

	Documentation Required	Number of Marriages	% Self-Reporting Proper Documentation
Customary/traditional	partial bride price	965	97.2%
Civil	certificate from CAO/Registrar	3	100%
Christian	marriage certificate from church	254	97.2%
Muslim	marriage certificate from mosque	136	91.2%

Source: Household survey

3.1.2 Household Demographics

The mean age of widows was 55.7 years with a standard deviation of 15.8 years. The maximum age recorded was 100 years, and the minimum was 19 years. The mean number of years the widows have been living in their current place is about 42.5 years, with a standard deviation of 19.5 years.

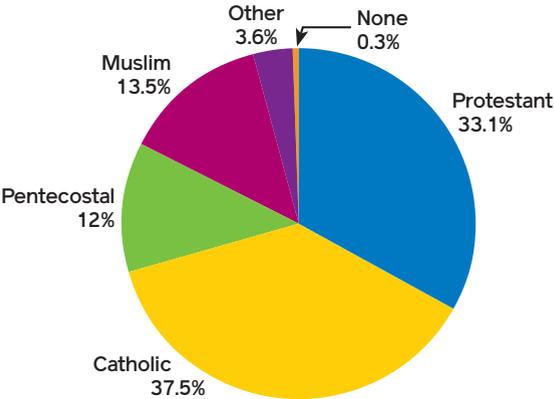
The average household size was 3.74, which is lower than the national average of five members per household.⁷⁵ This data was consistent with the nature of being a widow, having one male member absent in the household. The highest number of family members recorded was 20.

Seventy-eight percent of the widows surveyed were living with at least one school-aged child at the time of the survey. Of these women, over 91% reported that their children were attending schools at that time. The 9% of children in these households that did not go to school is slightly higher than the national average, with over 94% of children enrolled in primary school in Uganda.⁷⁶

3.1.3 Religious and Tribal Affiliation

Most of the widows affiliate with some religion (see Figure 2). The large majority (82.6%) identified themselves as some form of Christian, with 13.4% identifying as Muslim and the remaining 3.6% identifying as “other.” These findings were similar to the 2002 Census.⁷⁷

Figure 2: Widows' Religious Affiliation



As Buganda comprises the largest percentage of the population in Uganda, it is not surprising that 71% of the widows surveyed were Buganda.⁷⁸ A range of other tribes were represented in the county (4.4% Busoga, 1.6% Ankole, and 13.8% “other”), and 8.8% come from outside of Uganda (Burundi, Rwanda, Kenya, etc.).

3.1.4 Literacy and Education Level

More than one-fifth (23.7%) of widows reported that they had never attended a school. Nearly half (48.4%) completed some, but not all, of primary school, with only 10.6% completing primary school. Similarly, 10.6% completed some, but not all, of secondary O level (S1-S4), with another 2.1% completing all of secondary O level. Only 0.1% of widows completed secondary A level (S5-S6). Of the rest, 2.4% had vocational training and 1.5% of widows completed diploma or university level education.

Widows' self-reported reading literacy was slightly higher than the national average of women on the 2010 estimates.⁷⁹ Roughly 66% could read in their mother tongue, and 34% could read English. Thirty-three percent reported an inability to read in either language.

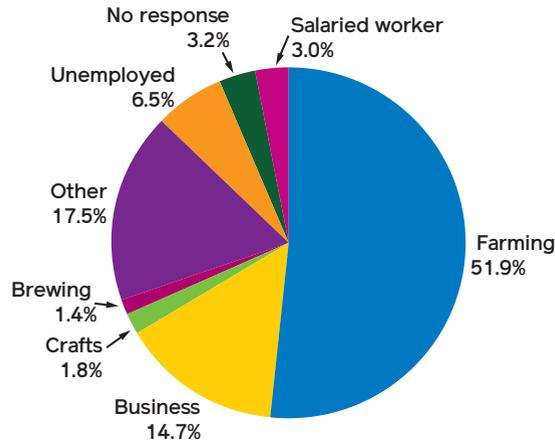
3.1.5 HIV Status

According to the Uganda AIDS Indicator Survey Report published by the Ministry of Health (2011), “HIV prevalence is highest among those who are widowed.” The national HIV prevalence among widows 15-49 years old was 32.4%.⁸⁰ In this study, only 63.3% of widows (1144/1806) reported that they had ever been tested and, of those tested, nearly one-fourth (24%, 280/1144) reported that they were HIV positive - meaning that 15% of widows in this study reported that they had HIV positive status.

3.1.6 Occupation and Income

The majority of widows held primary occupations in farming, with 51.9% reporting either farming crops (47.8%) or raising livestock (4.1%) as their livelihood (see Figure 3). This is slightly lower than the Uganda National Household Survey 2009/2010 reports, which found 65% of households involved in agricultural activity.⁸¹ About 14.7% of widows reported that they were involved in “business,” with only 4.2% of those requiring a skill for operation (such as tailoring) as opposed to selling goods or products via market stall, kiosk or by the roadside. Only 3.0% of widows were salaried workers, and 6.5% were unemployed and looking for employment at the time of survey.

Figure 3: Widows' Primary Occupation



Thirty-five percent reported no income. This high percentage is most likely capturing a common misinterpretation of the meaning of “income” (e.g. subsistence farming may not be viewed as providing income but rather food for consumption) as well as any women relying on others for their main livelihood. Of those reporting some income, the average self-reported monthly income was 71,841 Ugandan Shillings, which is roughly USD \$27, or less than one dollar per day. This is much lower than the national and regional average as the Uganda National Bureau of Statistics reports that households in Central Uganda (urban and rural combined) earned 389,600 Shillings monthly.⁸²

3.1.7 Marital Land Ownership and Documentation

In the mailo land tenure system adopted in central Uganda, the government officially recognizes two major types of land ownership: titled ownership and kibanja ownership. Under this system, a titled land owner may own a large piece of land, while any number of “kibanja holders” may own occupancy rights to certain portions of that piece of land. Titled land owners and kibanja owners are often referred to respectively as “landlords” and “tenants,” but both titled owners and kibanja owners “own” the land and have certain legal rights to it.

In 81.3% (1,682) of the reported relationships, the widows reported living on a homestead (that is, the home and its surrounding gardens) that was owned by the husband and/or the widow at the time of the husband’s death. Widows reported joint ownership for 11.8% of these homesteads, with the husband as sole owner in 80.7% of cases and the widow as sole owner in only 2.0% of cases. Of those 1,682 homesteads, 74.8% were kibanja and 14.7% were titled land (7.4% reported “other;” 2.9% responded “don’t know;” 0.3% did not provide a response).

In the event of a property dispute or threatened property grabbing, it is important for a widow to have the best evidence (i.e., legally recognized documentation) of land ownership. For titled land, the best evidence is a government-issued copy of the title to the land. The best evidence of kibanja ownership is a busuulu ticket (i.e., a receipt of payment) signed by the underlying titled land owner.

In only 39.0% of cases did widows report having the best evidence of ownership for the homesteads. The documentation rates varied depending on the type of ownership, with 80.6% of homesteads on titled land documented through the best evidence (i.e., a title) of their land ownership, as opposed to 30.8% of homesteads on kibanja (i.e., busuulu tickets). While a low number of kibanja-held homesteads were documented with the best evidence, 61.2% of these homesteads were documented by purchase agreements, another good form of ownership documentation.

Additionally, in 33.9% of all relationships (702), either the husband⁸³ and/or the widow owned land other than the homestead (called “other land” in this study). These other pieces of land were mostly used for cultivation and farming (44.8%). An additional 9.7% had rental properties on the land, 5.5% were burial grounds, and 12.9% were “idle.” Twenty-five percent were listed as having “other” uses, which mainly included homes or residences for other family members including children and co-wives. Of the 877 pieces of other land owned, 65.2% were kibanja and 15.6% were titled land (8.0% reported “other,” 5.5% responded “don’t know” and 5.7% did not provide a response.) In total, only 27.8% of the other pieces of land were reportedly documented with the best evidence of ownership. Again, the documentation rates varied depending on the type of ownership, with 60.6% of other titled land documented through the best evidence (a title), as opposed to only 19.9% of kibanja-held other land (busuulu tickets). While a low number of kibanja-held other pieces of land were documented with the best evidence, 69.4% of these pieces of land were documented by purchase agreements, another good form of ownership documentation. See Table 8 for further breakdown of the widows’ land ownership of the homestead and other pieces of land, disaggregated between titled land and kibanja.

Table 8: Land Ownership and Proper Documentation

Homestead	N = 1,682	Other land	N = 877
Titled land	247 (14.7%)	Titled land	137 (15.6%)
Self-reported to have best evidence of formal documentation (a title)	80.6% (199/247)	Self-reported to have best evidence of formal documentation (a title)	60.6% (83/137)
Kibanja	1260 (74.8%)	Kibanja	572 (65.2%)
Self-reported to have best evidence of formal documentation (busuulu tickets)	30.8% (388/1260)	Self-reported to have best evidence of formal documentation (busuulu tickets)	19.9% (114/572)
Total homesteads with best form of documentation	39.0% (587/1507)	Total pieces of other land with best form of documentation	27.8% (197/709)

Source: Household survey

3.2 The Manifestations of Property Grabbing in Mukono County

Key Messages

- People in positions of power, whether due to their gender, societal position, financial wealth or role within the family, exploit widows' unique vulnerabilities to steal their land and livelihood.
- Property grabbing manifests in many ways, including as slow encroachment on a widow's land, unauthorized sale of portions of the land, forced "sharing" of the land with perpetrators, coerced acceptance of payment for the land, and take-over of the land by in-laws, co-wives or step-children.

For women in Uganda, property grabbing is a common experience following the loss of a husband. People in positions of power, whether due to their sex, societal position, financial wealth or role within the family, exploit widows' unique vulnerabilities to steal their land and livelihood.

In many cases, a father-in-law, brother-in-law, step-son, or even son grabs property from the widow. People who are supposed to protect widows often instead exploit them, forcefully taking their property or coercing them to leave it.

A power imbalance is apparent in many of the story maps collected from widows.

A widow shared how her own son assumed that since he was the male heir to the land, his father's death provided an opportunity to take ownership of "his" land:

"After the death of my husband, my own child, the heir, chased me out of the house and took it."

Many other widows told stories about how a landlord⁸⁴ forced them off the land or provided minimal compensation and took back the land. A widow shared how she was evicted from her land:

"He [the husband] owned a kibanja and we were chased away by the landlord from that land where he had the homestead and the house is still where the landlord sold it off to the whites."

In polygamous marriages, co-wives are also engaged in grabbing property. The first wife, the legally married wife, the "favorite" wife, or the child-bearing wife often holds power over other wives. This widow described a situation in which one wife sold the husband's land, which was rightfully the property of another wife:

"...The other land was also taken by some other step-children but it was also sold off by my co-wife."

Other manifestations of property grabbing capitalize on widows' economic insecurity and vulnerability. One widow lost her land to real estate developers, as she could not afford to buy out her kibanja:

"The real estate developers have taken most of our land because we are kibanja holders and we did not have money to buy that land..."

Widows' stories also provided a view into the strategies used by perpetrators to grab property.

Some widows' stories illustrated how property grabbing manifests through slow encroachment or selling off land portion by portion:

"After my husband's death in 2000, my step children started mistreating me.... In 2008, they started selling off plots from the land."

“The in-laws encroached on the same piece I was using for farming without my permission.”

Another widow’s story demonstrates how property grabbing manifests in the woman “sharing” some of her rightfully-owned land with the perpetrators in order to settle the dispute:

“My in-laws wanted to take over my land. The case was reported to the Local Council and, after two months, one of the in-laws accused me of poisoning one of the sisters and I was put in the prison for four days. After those four days I was forced to give them three-quarters of my land to the in-law.”

Another woman’s stories demonstrate how widows are also often forced to accept deals in which they lose their property or do not receive the full value of the property:

“I stayed on the kibanja for four years until 1999, when the landlord told me that he was taking back the six acres and gave me one acre and forced me to sign an agreement to confirm I accepted the deal...”

“The rich man from Mukono town, who is now dead, came and convinced the LC Chairperson so that we could sell him our kibanja. It was about six acres. But I refused but I was forced to agree when I was told that I would automatically lose this land without getting anything.”

“The homestead I was staying in was later sold by the landlord who compensated the money, which was less compared to the value of the land.”

3.2.1 Property Grabbing of the Homestead

The most egregious cases of property grabbing typically involve the outright theft of the widow’s homestead. However, a common scenario for property grabbing is for perpetrators to slowly encroach on land or the homestead (the home and its surrounding gardens) or sell off portions of it. Therefore, it was important to ask the interviewed widows about their homestead specifically and ownership of it in its entirety. As noted in section 3.1.7, the surveyed widows reported 1,682 relationships in which the widow lived in a homestead owned by her and/or her husband at the time of that husband’s death. At the time of the survey, in 53.6% of these relationships, widows reported that they still owned or lived on these homesteads, uninterrupted and in their entirety (see Table 9). This response indicates that these women had not been victims of a successful property grabbing, and therefore were not asked additional follow-up questions on the topic.

The remaining 44.2% (744, which excludes “no response”) of homesteads were further examined to determine whether the interruption and/or loss of the widow’s ownership was a result of property grabbing.

Table 9: Does the Widow Still Live On or Own the Homestead?

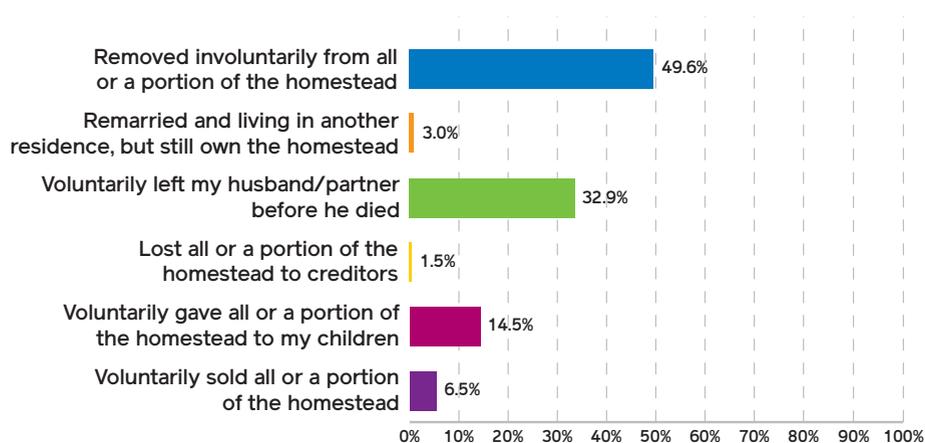
Option	Current Ownership/Residence Status of the Homestead	#	%
1	Still lives on homestead in its entirety, never left	901	53.6%
2	Still lives on portion of homestead, never left	120	7.1%
3	Still lives on homestead in its entirety, but had to give up possession for a period of time	9	0.5%
4	Still lives on portion of homestead, but had to give up possession for a period of time	16	1.0%
5	Still owns portion of the homestead, but does not live on it currently	81	4.8%
6	Does not own any portion of the homestead and does not live on it currently	518	30.8%
99	No response	37	2.2%
	TOTAL	1,682	100%

Source: Household survey

The primary indicator of a property grabbing-related loss was an involuntary surrender, sale, and/or sub-division of the property. Accordingly, the enumerators asked widows to describe in their own words the circumstances surrounding the interruption and/or loss of their ownership rights. Based on the widow's responses, the enumerator placed the response(s) into the six categories in Figure 4 below (more than one category could be selected).

Figure 4: Why Does the Widow Not Currently Live On or Own the Homestead?

(N = 803 scenarios were given, as multiple answers were applicable)



Note: The percentages do not tally to 100% because multiple scenarios were possible.

As seen in Figure 4, 49.6% of the losses in ownership of the homestead were involuntary. Common scenarios that fell into this category included but were not limited to:

- I was forced off the land
- I did not own the land once my husband died
- I was sent away before my husband died
- My [family members, in-laws, landlord] chased or sent me away
- My [co-wife, son, step-children, in-laws, family members, landlord] sold the land/home
- The customary heir chased me off, removed me, or sold the land

Responses that fell into the involuntary category were treated as property grabbing scenarios and were further examined by the enumerators.⁸⁵

Additionally, in 32.9% of the losses in ownership of the homestead, widows reported voluntarily leaving their husband before he died. The story maps from widows captured prior to the survey helped provide context on this scenario, as it was not further investigated in the survey. Having “misunderstandings” or “conflict” were the most commonly-cited reasons for leaving a husband. Some women also reported they left due to mistreatment from the husbands or in-laws. In other cases, the women left because their husbands took on another wife.

3.2.2 Property Grabbing of Other Land

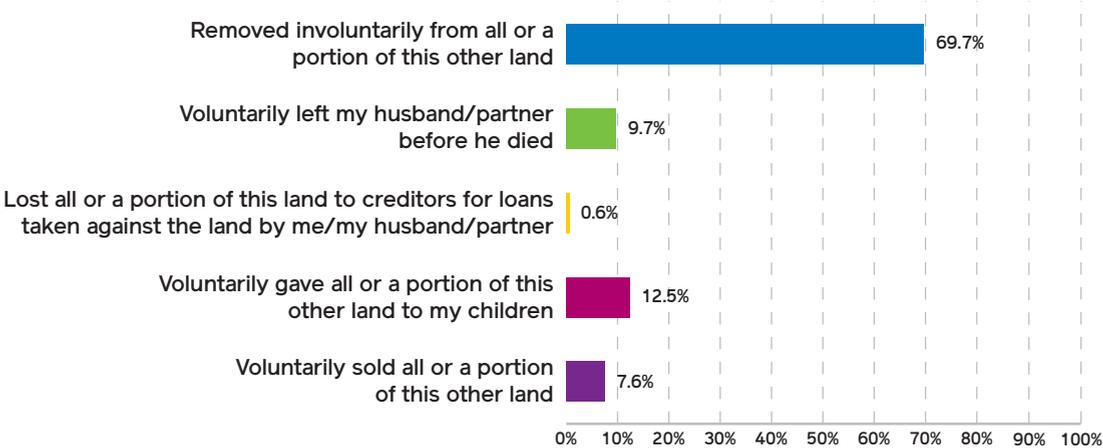
Property grabbing is not limited to homesteads. As noted in section 3.1.7 above, the surveyed widows reported 702 relationships in which other land was owned by her or her husband at the time of her husband’s death.⁸⁶ At the time of the survey, in 38.2% of these relationships, widows reported that they still owned or possessed these pieces of land, uninterrupted and in their entirety (see Table 10 below).

Table 10: Does the Widow Still Have Control Over or Own Other Land ?
(N = 802 pieces of other land)

	Current Ownership/Residence Status of the Other Land	#	%
1	Still owns or has control over other land in its entirety, never left	306	38.2%
2	Still owns or has control over portion of other land, but not all of it, never left	53	6.6%
3	Still owns or has control over other land in its entirety, but had to give up possession for a time	8	1.0%
4	Still owns or has control over portion of other land, but not all of it, and had to give up possession for a time	7	0.9%
5	Does not own even a portion of other land and does not have control over it any longer	428	53.4%
	TOTAL	802	100%

The remaining 61.8% (496) of other land holdings were further examined to determine whether the interruption and/or loss of the widow's ownership was the result of property grabbing. Again, the primary indicator of a property grabbing-related loss was an involuntary surrender, sale, and/or sub-division of the land. Accordingly, the enumerators asked widows to describe in their own words the circumstances surrounding the loss of their land. Based on the widow's responses, the enumerator placed the response(s) into the six categories in Figure 5 below.

Figure 5: Why Does the Widow No Longer Own or Have Control Over the Other Land?
(N = 528 scenarios were given, as multiple answers were applicable)



As seen in Figure 5, 70% of the losses of other land were involuntary. As was the case with homesteads, common scenarios that fell into the involuntary category included but were not limited to:

- I was forced off the land
- My [family members, in-laws, co-wife, landlord] chased or sent me away
- My [co-wife, son, in-laws, family members, landlord] sold the land/home
- The customary heir or children of my co-wife chased me off, removed me, or sold the land

Responses that fell into the involuntary category were treated as property grabbing scenarios and were further examined by the enumerators.

3.3 The Prevalence of Property Grabbing in Mukono

Key Messages

- 30.3% of widows in Mukono County have been victims of property grabbing in their lifetime.
- 37.2% of widows in Mukono County have experienced either a successful or unsuccessful attempt of property grabbing in their lifetime.
- There was a statistically significant reduction ($p \leq 0.001$) in the percentage of husbands' deaths that resulted in a successful property grabbing event between 2010-2013 compared to the average rates across 1990-2009 ($\approx 29.4\%$ to 10.8%).

3.3.1 Successful Property Grabbing Events

The prevalence of property grabbing victimization among widows in Mukono County is significant. According to data collected via the household survey, 30.3% of widows in Mukono County have been victims of successful property grabbing in their lifetime. This means that out of the total 1,806 widows surveyed, 548:

1. had a legal right to inherit property (i.e., widows legally recognized through marriage, or widows legally recognized through children—see section 3.1 for details);
2. were land owners at the time of their husband's death (i.e., were engaged in a relationship in which land was owned jointly/individually); and
3. experienced successful property grabbing of her homestead or another piece of land after her husband's death (i.e., were involuntarily removed from all or a portion of the homestead or other land and no longer lived on the homestead or other land at the time of the survey).

Extrapolated to the entirety of Mukono County, approximately 7,244 widows out of the estimated total widow population in the district (23,883 widows) have been victimized by this crime in their lifetime.⁸⁷

Of the 548 widows surveyed who were victims of property grabbing, 82 (4.5%) were victimized between the years 2010 and 2013. Seventy-six widows, or 31.8% of all widows who had lost two or more husbands (76/239), were victims of property grabbing of more than one homestead.

3.3.2 Unsuccessful Property Grabbing Events

Not all property grabbing attempts are successful. In addition to asking about successful property grabbing events (i.e., events in which the property was lost), the widows were asked about unsuccessful property grabbing events (i.e., events in which actions were taken to remove the widow from the land, but the widow maintained ownership and possession). Of the widows surveyed, 14.2% reported experiencing unsuccessful property grabbing events during their lifetime. Moreover, 66 widows reported experiencing successful property grabbing of one piece of property and an unsuccessful attempt on another. In total, 37.2% of surveyed widows reported experiencing a property grabbing event, whether successful or unsuccessful, in their lifetime. See Table 11 for detailed indicator breakdown regarding prevalence.

Table 11: Key Prevalence Figures, Successful and Unsuccessful Property Grabbing

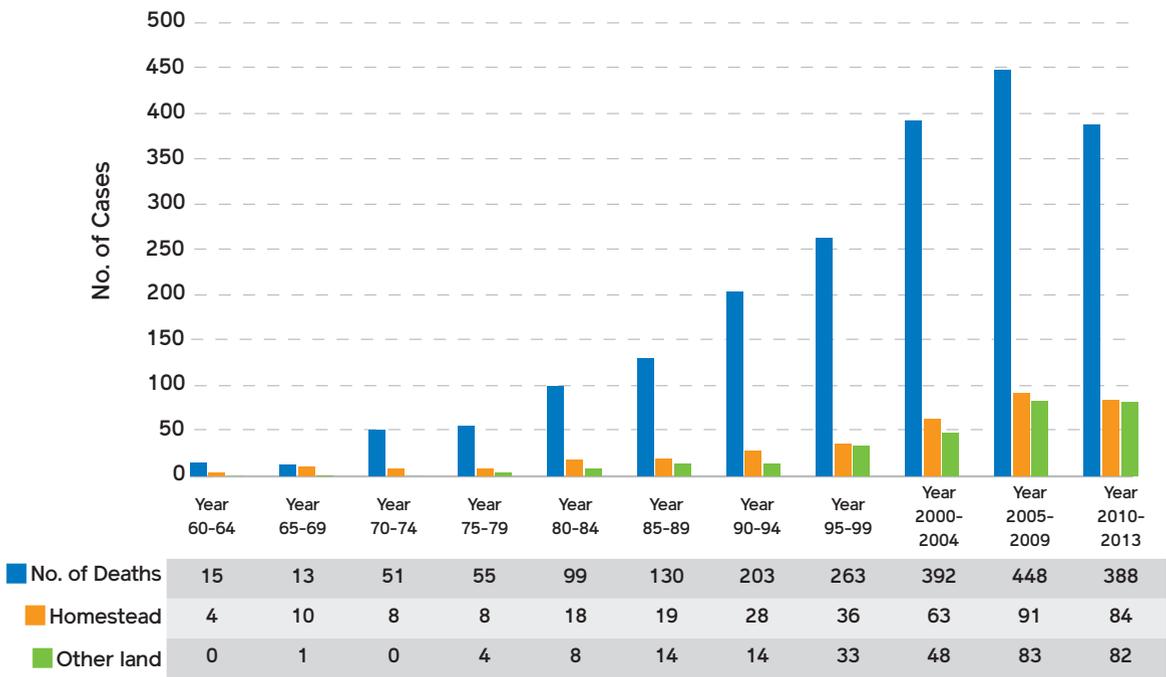
Indicators	Prevalence %	(#/total)
Prevalence of successful property grabbing over lifetime	30.3%	(548/1806)
Prevalence of successful property grabbing between 2010-2013	4.5%	(82/1806)
Prevalence of unsuccessful property grabbing over lifetime	14.2%	(256/1806)
Prevalence of unsuccessful property grabbing in 2010-2013	7.7%	(139/1806)

3.3.3 Cohort Lifetime Trends

Property grabbing victimization of widows is typically linked to the death of the woman's husband. Indeed, 33% of property grabbing events experienced by surveyed widows occurred within one year of the death of the widow's husband. Accordingly, the more deaths of male partners, the greater the amount of land and property vulnerable to property grabbing. Figure 6, next page, shows the absolute number of husband deaths documented in the household survey as well as the absolute number of property grabbing events—both successful and unsuccessful—experienced by the women widowed by those deaths. The totals are broken down into four year increments from 1962 through 2013 in order to identify the historical trends in property grabbing victimization for this cohort of women over their lifetime.

As can be seen from Figure 6, the absolute number of deaths, successful property grabbing events and unsuccessful property grabbing events captured by the survey all increase over time. The increase in husband deaths was predictable, as this captures the lifetime events for the widows surveyed. Many other natural and contextual demographic factors are most likely influencing the death trend, and therefore should be considered when interpreting Figure 6: the average age of widows interviewed (55.7 years old); natural life expectancy of Ugandan men (as associated with the widow's age); the HIV/AIDS epidemic that plagued Uganda in the 1980-90s and the subsequent significant influx of anti-retroviral therapy drugs in the mid-2000s; and widows' recall bias particularly around estimation of years.

Figure 6: Absolute Number of Husband Deaths and Property Grabbing Events



*Note: The number of deaths is not necessarily associated with the property grabbing events of that same year range.

Interestingly, the trend line for unsuccessful property grabbing events (i.e., property grabbing attempts in which the perpetrator did not ultimately succeed in taking the widow’s property) was less steady than the trend lines for deaths and successful property grabbing events, with a 254.2% increase occurring between the 2006-2009 and 2010-2013 time periods. However, between 2010-2013, the difference between the number of unsuccessful and successful property grabbing events was much more equal than in past year ranges (as unsuccessful and successful events are on different pieces of land).

Perhaps the most encouraging historical trend for this cohort of women is found in Table 12, which reports the number of deaths that occurred within each time period and the number of property grabbing events associated with those deaths that occurred within that same time period. The percentage of deaths that resulted in a successful property grabbing event from 1990 to 2009 ranged from 23.5% to 31.9%, with a cumulative percentage of 29.4%. In the 2010-2013 time period, however, the percentage of deaths that resulted in a successful property grabbing event was 10.8%, which was a statistically significant reduction ($p < 0.001$). The percentage of deaths that resulted in an unsuccessful property grabbing event also dropped from 15.5% in the 2006-2009 time period to 11.1% in the 2010-2013 time period, but the reduction was not statistically significant.

Table 12: Linked Death-to-Property-Grabbing Events, by Range of Years

Year Range	# of husband deaths	% (#/total) of successful property grabbing events related to the property of husbands who died during this period	% (#/total) of unsuccessful property grabbing events related to the property of husbands who died during this period
1990-1993	162	23.5% (38/162)	9.3% (15/162)
1994-1997	198	30.3% (60/198)	17.2% (34/198)
1998-2001	248	31.3% (78/248)	14.5% (36/248)
2002-2005	325	27.4% (89/325)	12.6% (41/325)
2006-2009	373	31.9% (119/373)	15.5% (58/373)
2010-2013	388	10.8%** (42/388)	11.1%** (43/388)

** Correlation is significant at the 0.001 level (2-tailed).

Note: Successful and unsuccessful property grabbing events are mutually exclusive of each other for the same piece of land. However, if the husband had more than one piece of land (for instance, homestead and other land), one could have a successful property grabbing and another unsuccessful property grabbing event.

The findings recorded in Table 12 indicate that fewer property grabbing attempts were made in 2010-2013 than in preceding time periods; and more importantly, they indicate that a significantly lower percentage of women widowed in the last four years lost their land to property grabbers.

3.4 Means of Property Grabbing

Key Messages

- Violence and intimidation were common experiences for widows who experienced property grabbing.
- 31% of property grabbing victims experienced threats around the time of the property grabbing event.
- 18% of property grabbing victims reported a murder attempt that occurred around the event.

“...Up to now I have never gone back because of fear for my life.”

—Ugandan widow victimized by property grabbing

In the household survey, enumerators asked widows to describe their experience of property grabbing events — both successful and unsuccessful. The story maps provided by the widows at the beginning of the household survey underscore the violence and intimidation often associated with the crime. For example:

“My in-laws said they will kill my children and see if I can stay on the land. ... One time my in-laws when I had gone to Masaka for treatment, he almost killed my son. We took the matter to police, they arrested him for a day, then they let him go home.”

“After the death of my husband, one of the in-laws’ sons to whom they had given a piece of land tried to grab it. He even threatened and later tried to kill me because at some point he came with a panga to kill me and my children so that we can stay out of the land forever. He even destroyed the crops we had on that piece of land.”

“The land was bought by both of us, and after his death my in-laws sold the land. I wanted to go to court but I failed because my in-laws convinced the villagers and said that the land did not belong to me, it belonged to my father-in-law, yet some villagers knew everything about that land. But the villagers who knew about this were bribed by my in-laws and they all turned against me. They threatened me, by telling me that they will bewitch me, that land and I will die from there.”

“I had another plot of land I bought on my own money but I was chased away by the children of my brother and they beat me up seriously and I was forced to leave that land to save my life. I reported the case to Nsangi police station. They took me to Mulago, I spent one week in hospital.”

As seen in Table 13 at right, this sort of violence and intimidation was common among widows who experienced property grabbing. In many cases, the widow reported experiencing violent acts that either influenced her decision, or caused or forced her to leave the land or property. These range from verbal threats to physical and sexual violence to mass destruction of her land or property. Table 13 shows that 31% of property grabbing victims experienced threats around the time of the grabbing event; in unsuccessful events, widows reported experiencing threats in half of the attempts. Eighteen percent of property grabbing victims reported a murder attempt that occurred around the event. Additionally, sexual violence is often under-reported in surveys for various reasons; therefore, the nine cases that were reported in this study give an indication of a higher occurrence in reality.

Table 13: Circumstances around Property Grabbing Events

Question	Percentage of successful property grabbing that involved these circumstances	Percentage of unsuccessful property grabbing attempts that involved these circumstances
Threats made to the widow or her children	31.6% (173/548)	50.8% (130/256)
Physical abuse to the widow or her children	14.2% (78/548)	18.4% (47/256)
Sexual abuse to the widow or her children	1.1% (6/548)	1.2% (3/256)
Attempts on the widow's life	18.3% (100/548)	23.8% (61/256)
Destruction of the widow's home, crops or anything on her land	17.0% (93/548)	12.5% (32/256)
Arson or attempted arson of the widow's home, crops or anything on the land	4.0% (22/548)	4.3% (11/256)

Note: Given the level of violence surrounding successful and unsuccessful property grabbing events, it should be noted that widows who experienced any type of serious physical assault or injury leading to death would not be included in the household survey and thus, their experiences are unaccounted for in this table.

The violent and coercive nature of property grabbing was also evidenced in the criminal cases pursued through the justice system. From the case file review, 52.9% (36/68) of property grabbing related cases filed with the police included a charge indicative of some form of criminal violence (e.g., threatening violence, malicious damage, arson, injury to animal, etc.). According to the Resident State Attorneys interviewed in the key informant interviews, the most common charges they see listed in property grabbing cases are assault, arson, malicious damage, aggravated robbery and even murder.

3.5 The Aftermath of Property Grabbing

Key Messages

In the year following the property grabbing event:

- 43.6% of victims had to rely on other people for food
- 32.3% of victims had to rely on other people for housing
- 63.7% of victims reported regularly missing meals
- 20.3% of victims told interviewers they began a new cohabiting relationship
- 22.4% of victims experienced death of a dependent

Key informant interview and focus group participants described the emotional, financial, and health tolls that property grabbing takes on women in the community, including “mental anguish, suicide and prostitution to survive.” Information was also collected on the household survey from property grabbing victims, specifically detailing experiences within the year following the grabbing (*see Table 14*). While it is not possible to causally link these experiences directly to the property grabbing event, the data from the survey demonstrates the state of widows in the aftermath of an eviction from her homestead or land. Forty-four percent of victims had to rely on other people for food, and 32.3% did so for housing. Sixty-three percent of victims reported regularly missing meals during the year following victimization. Twenty percent told interviewers they began a new cohabiting relationship. And 22.4% of victims experienced death of a dependent within that first year after losing the land.

Key informant interview and focus group participants described the emotional, financial, and health tolls that property grabbing takes on women in the community, including “mental anguish, suicide, and prostitution to survive.”

Table 14: Experiences of Property Grabbing Victims within One Year of the Property Grabbing Event

Indicator: Property grabbing victims who...	Percentage (#/total victims)
Experienced a decrease in income within the first year after victimization	74.8% (410/548)
Experienced a reliance on other people for food during the first year after victimization	43.6% (239/548)
Experienced a reliance on other people for housing during the first year after victimization	32.3% (177/548)
Experienced wife inheritance within the first year after victimization	2.0% (11/548)
Began a new cohabiting relationship within one year of victimization	20.3% (111/548)
Experienced a decline in health or negative change in their body during the first year after victimization	64.8% (355/548)
Tested positive for HIV for the first time within one year after victimization	23.2% (127/548)
Had a dependent (child, parent, sibling) pass away within one year after victimization	22.4% (123/548)
Missed meals regularly within the first year after victimization	63.7% (349/548)

3.6 Protective Factors Against Property Grabbing

Key Messages

- Analysis on the county-wide household survey revealed three statistically significant **protective factors** against property grabbing:
 - land ownership documentation
 - existence of a will for the deceased husband
 - marriage formalization
- The majority of widows in Mukono County do not have the best form of documentation of their land ownership, and most widows' husbands did not leave a valid will.

3.6.1 Land Ownership Documentation

Land ownership documentation was found to be the most significant protective factor against successful property grabbing across a widow's lifetime. For purposes of this research, land documentation refers to obtaining and possessing the documentation of the land ownership prior to the husband's death. T-tests revealed that widows with *any* documentation of their land were less vulnerable to losing their homestead or land than those who did not have any documents proving ownership. As shown in Table 15, a widow (self-reportedly) having documentation of her land was protective against successful property grabbing ($p < 0.01$) and unsuccessful property grabbing across a widow's lifetime ($p < 0.05$).⁸⁸

Table 15: Correlation between Land Documentation and Prevalence of Property Grabbing⁸⁹

Indicators	Levene's Test for Equality of Variances		t-test for Equality of Means				
	F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference
Prevalence of successful property grabbing in lifetime	14.474	.000	2.841	1804	.005	.14175	.04990
			2.624	95.803	.010**	.14175	.05403
Prevalence of successful property grabbing in 2010-2013	15.693	.000	2.069	1804	.039	.04679	.02262
			1.515	92.606	.133	.04679	.03088
Prevalence of unsuccessful property grabbing in lifetime	21.156	.000	2.617	1804	.009	.09909	.03787
			2.153	94.008	.034*	.09909	.04602
Prevalence of unsuccessful property grabbing in 2010-2013	15.573	.000	2.102	1804	.036	.06087	.02896
			1.647	93.375	.103	.06087	.03695

** Correlation is significant at the 0.01 level (2-tailed). *Correlation is significant at the 0.05 level (2-tailed).

This statistical correlation corresponds with the opinions of interviewed widows, who reported land documentation as a protective factor on the survey: 61.5% of widows named “having a copy of your land title, purchase agreement or lease agreement” as a “good way to protect property from grabbing.”

Unfortunately, neither the statistical reality nor the common perception of the protective value of land documentation has led to high rates of land documentation. As noted in Table 8, only 39% of homesteads owned were documented with the best evidence of land rights, and only 27.8% of other land owned was documented with the best evidence of land rights.

3.6.2 Will Writing

Will writing was found to be the most significant protective factor against property grabbing occurring in the last four years (2010-2013). For purposes of this research, will writing refers to the existence of a legally valid will providing for the distribution of the husband’s estate at the time of his death. As seen in Table 16, the late husband having a will was protective against successful property grabbing across a widow’s lifetime ($p < 0.05$) and within the period of 2010-2013 ($p < 0.001$).

Table 16: Relationship between Wills and Prevalence of Property Grabbing⁹⁰

Indicators	Levene’s Test for Equality of Variances		t-test for Equality of Means				
	F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference
Prevalence of successful property grabbing in lifetime	27.429	.000	-1.863	1804	.063	-.16310	.08753
			-2.391	28.441	.024*	-.16310	.06822
Prevalence of successful property grabbing in 2010-2013	5.973	.015	-1.163	1804	.245	-.04612	.03966
			-9.269	1777.000	.000**	-.04612	.00498
Prevalence of unsuccessful property grabbing in lifetime	12.548	.000	2.203	1804	.028	.14623	.06638
			1.675	27.485	.105	.14623	.08733
Prevalence of unsuccessful property grabbing in 2010-2013	1.357	.244	.604	1804	.546	.03065	.05079
			.512	27.609	.613	.03065	.05986

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

In focus group discussions, male and female community members largely agreed that writing a will provided protection, but none of the men (0 of 14) and fewer than half of the women (6 of 14) understood the reason to have a will; that is, though respondents understood a will to be conceptually important, they did not have a clear idea about how it could actually be used to protect them. On the household survey, 85.5% of all 1,806 widows interviewed identified “writing a will and naming an executor” as a “good way to protect property from grabbing,” which was the most commonly selected answer choice on this survey question. At the same time, 43.2% of all widows surveyed *incorrectly* identi-

fied this statement as true: “The deceased man’s sons, father and brother all have a right to distribute his property once he passes, if he had a will.” Table 17 below shows the correct answers (in purple) to the three statements around wills that were read to widows participating in the survey and the associated frequency analysis.

Table 17: Knowledge Questions on Rights Afforded by Wills, According to Ugandan Law

Statements	Answer choices (N = 1,806 widows)			
	True	False	Don't know	No response
The deceased man's sons, father, and brother all have a right to distribute his property once he passes, if he had a will.	43.2% (n = 780)	52.9% (n = 956) ✓	3.7% (n = 66)	0.2% (n = 4)
The children get the largest share of a deceased person's estate when he dies without a will.	79.3% (n = 1432) ✓	12.8% (n = 232)	7.3% (n = 132)	0.6% (n = 10)
Ugandan law allows you to write a will to leave your property to whomever you choose and will execute it accordingly.	72.8% (n = 1315)	12.2% (n = 220) ✓	14.3% (n = 258)	0.7% (n = 13)

Source: Household survey

* Purple shade is the correct answer choice.

Moreover, regardless of knowledge, it does not appear that widows are benefitting from the protections afforded by written wills. In the household survey, widows self-reported that in only 27.0% of their relationships (555/2058) was there a will written. Most tellingly, in the case file review, in 97.5% of the completed administrative cases, the parties were unable to produce a will that named an executor of the estate.

3.6.3 Marriage Formalization

A third protective factor identified by the household study was marriage formalization. For purposes of this discussion, marriage formalization refers to completing the steps to ensure that the couples' relationship is recognized as a legally valid marriage under the law. T-tests revealed that marriage formalization was protective against successful property grabbing during the period of 2010-2013 (see Table 18). This means, during that period, widows who reported ownership of the land (either by the husband/partner alone, herself alone, or joint ownership) and had a formalized marriage with their now deceased husband were less likely to be victims of property grabbing than those widows who owned the land and did not have a formalized marriage ($p < 0.05$).⁹¹ Widows in non-formalized or cohabiting relationships were more vulnerable to losing the land during that time period. Interestingly, marriage formalization was neither statistically significant as a protective factor for lifetime prevalence of successful property grabbing nor protective for unsuccessful property grabbing events, both over a lifetime and in the 2010-2013 timeframe.

Table 18: Relationship between Marriage Formalization and Prevalence of Property Grabbing⁹²

Indicators	Levene's Test for Equality of Variances		t-test for Equality of Means				
	F	Sig.	t	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference
Prevalence of successful property grabbing in lifetime	12.002	.001	1.85	1804	0.064	.04729	.02551
			1.81	679.178	.070	.04729	.02608
Prevalence of successful property grabbing in 2010-2013	21.36	.000	2.33	1804	0.02	.02696	.01155
			2.05	589.184	.041*	.02696	.01315
Prevalence of unsuccessful property grabbing in lifetime	1.51	.219	.620	1804	.535	.01201	.01937
			.609	682.37	.543	.01201	.01974
Prevalence of unsuccessful property grabbing in 2010-2013	3.25	.071	0.909	1804	.363	.01346	.01480
			873	660.64	.383	.01346	.01542

*Correlation is significant at the 0.05 level (2-tailed).

Focus group discussions with community members revealed that women did not always recognize marriage formalization as a key protective factor against property grabbing. On the household survey, only 29.9% of all 1,806 widows interviewed named “having a formalized marriage” as a “good way to protect property from grabbing.” The topic of marriage formalization was specifically brought up by the moderators for discussion in the focus group discussions and, within that context, most participants reportedly viewed marriage as being generally protective against property grabbing. Some participants felt it “validated the couple’s relationship.” One explained:

“Usually, even the community knows that a wedded wife is the owner of the property if the man dies. So, it enables a woman to get entitlements which include getting a share of her husband’s estate.”

However, several women presented contrary opinions, stating that marriage alone was not enough to prevent property grabbing.

3.6.4 Child-Bearing

In both the focus group discussions, women described the protection afforded by a formal marriage and a will as lesser than that provided by having children with the deceased. According to respondents, while marriage itself was not always sufficient to protect women against property grabbing, bearing children was thought to validate the relationship and strengthen the woman’s claim to the land.

“Having a formalized marriage does not help preventing property grabbing unless on top of formalized marriage, the widow produces children in that family. Formalizing marriage is especially done only for prestige; and it can help those widows who are educated, but for a local widow, the bottom line is that she produces

children for the man; a formalized marriage can help those who are educated, not the illiterate ones. A formalized marriage also does not help if the deceased produced other children outside the marriage.” (Female community member, Focus Group Discussion – Seeta)

In reality, although Ugandan law does afford a woman who had biological children with the deceased with a right of occupancy, that right is limited. Under the law, a woman has the custodial right to stay on the property as she cares for the child(ren). However, when the child reaches adulthood, the woman loses her claim to the land. Women participating in the focus group discussions, however, did not appear to recognize this limited protection from property grabbing. Instead, the women felt that the right associated with having children trumped those provided by formalized marriage.

This view was also voiced through the story maps collected in the household survey. One woman’s experience demonstrated not only how, in practice, not having children can appear to delegitimize land ownership after a partner’s death in the eyes of the community, but also identified a potentially wrongful resolution of her case:

“We bought the land together, but since I didn’t have a child with my husband, his elderly children demanded for his share, which we settled by paying them a certain amount, under the guidance of the Local Council, and now I own it personally.”

Because this view was held so strongly and consistently, the data was mined to determine what effect, if any, child bearing had on property grabbing vulnerability. T-tests revealed no correlation between having children with the deceased and unsuccessful or successful property grabbing.

3.7 Risk Factors for Property Grabbing Victimization

Key Messages

- Analysis on the county-wide household survey revealed four statistically significant risk factors for property grabbing:
 - presence of co-wives in the relationship
 - existence of children from the deceased husband and another woman
 - land ownership through kibanja
 - marriage through customary/traditional means
- The majority of widows interviewed in the survey described themselves as living with circumstances identified as risk-increasing.

Statistical analysis of the county-wide household survey indicated that a widow was more likely to experience successful property grabbing in her lifetime if she had co-wives, if her husband had children with someone else, and if her marriage was customary or traditional. She was less likely to experience successful property grabbing in the last four years (2010-2013) if she had land ownership through kibanja and if her husband had children with someone else.

3.7.1 Family-Related Vulnerabilities

The most significant risk factor for successful property grabbing in a widow’s lifetime was the presence of co-wives. In the survey, co-wives were reported as the perpetrators in 14% of homestead property grabbing and 20% of property grabbing of other land. Additionally, the deceased husband having children with another woman was positively correlated with all four prevalence indicators (see in Table 19), being highly significant for successful lifetime prevalence ($p < 0.01$). Step-children were reported as perpetrators of property grabbing in 16% of homestead grabs and 15% of other land grabs. This risk factor was voiced in the focus group discussions among community members as well. One respondent explained:

“Many men produce children secretly outside their marriages and when a man dies, the children come home and refuse the widow’s request to administer the estate.” (Female community member, Focus Group Discussion – Seeta)

Correlation tests were run for a range of other suspected vulnerability factors against the four prevalence-related indicators. Table 19 shows the various factors included in the tests. Widows who reported their relationship type was customary or traditional marriage were more at risk of property grabbing victimization ($p < 0.05$). Receiving a positive HIV test within one year of the grabbing event or attempt was also positively correlated with both successful property grabbing across a widow’s lifetime and between 2010-2013 ($p < 0.001$); however, property grabbing should not be viewed as a risk factor for HIV, as time of HIV acquisition is unknown and cannot be determined as either a cause or an effect.

Table 19: Correlations between Vulnerability Factors and Prevalence of Property Grabbing

Potential Vulnerability Factors		Prevalence Indicators			
		Prevalence of Successful Property Grabbing in Lifetime	Prevalence of Successful Property Grabbing in 2010-2013	Prevalence of Unsuccessful Property Grabbing in Lifetime	Prevalence of Unsuccessful Property Grabbing in 2010-2013
Existence of co-wives	PCC	.079	.032	.020	.014
	Sig (2-tailed)	.001**	.187	.403	.548
	N	1751	1751	1751	1751
Customary/ traditional marriage	PCC	.050	-.041	.006	-.004
	Sig (2-tailed)	.033*	.081	.803	.855
	N	1806	1806	1806	1806
Cohabitation relationship	PCC	-.025	.032	-.031	-.015
	Sig (2-tailed)	.297	.173	.195	.511
	N	1806	1806	1806	1806
Husband had child with someone else	PCC	.063	.050	.051	.051
	Sig (2-tailed)	.008**	.037*	.034*	.034*
	N	1758	1758	1758	1758
Illiteracy in both English and mother tongue	PCC	-.012	-.019	.003	-.007
	Sig (2-tailed)	.620	.423	.892	.769
	N	1787	1787	1787	1787
Christian	PCC	-.037	-.019	-.015	-.021
	Sig (2-tailed)	.115	.415	.538	.374
	N	1805	1805	1805	1805
Crop farming as primary occupation	PCC	.008	-.019	-.023	-.024
	Sig (2-tailed)	.739	.421	.340	.312
	N	1749	1749	1749	1749
Education level	PCC	-.019	.043	.005	.005
	Sig (2-tailed)	.415	.065	.831	.827
	N	1806	1806	1806	1806
Yearly income	PCC	-.039	.026	.022	.044
	Sig (2-tailed)	.181	.369	.454	.134
	N	1183	1183	1183	1183

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

PCC = Pearson’s Correlation Coefficient

3.7.2 Kibanja Land Holders

The second significant risk factor concerned how the land was owned: titled land versus kibanja. There was a positive correlation between land held through kibanja and lifetime prevalence of property grabbing. Kibanja was more likely to be grabbed than titled land, as kibanja holders had a significantly higher incidence of property grabbing across their lifetime. This was true of both homesteads and other land ($p \leq 0.001$). For other pieces of land, the correlation was also significant for prevalence of successful property grabbing occurring between the years 2010-2013.

The study found that any type of documentation of the kibanja ownership was better than no documentation (statistically significant at the 0.05 level for 2010-2013 prevalence of successful property grabbing). The best evidence of documentation for legal purposes of proving formal land ownership of kibanja is busuulu tickets. (See section 3.1.7 for more information.) As shown in Table 8, only 30.8% and 20.3% of kibanja-held homesteads and other pieces of land, respectively, had busuulu tickets. As shown in Table 8, t-tests revealed that widows who had rights to kibanja land but did not have busuulu tickets were significantly more vulnerable to losing the land than their counterparts who owned kibanja but had the tickets ($p \leq 0.01$). This correlation, however, was only statistically significant for prevalence of successful property grabbing occurring between 2010 and 2013. Another good form of ownership documentation is a purchase agreement. Widows with kibanja-held land who did not have a purchase agreement were more likely to experience property grabbing in their lifetime than widows who did not have a purchase agreement ($p \leq 0.01$).

Table 20: Correlation between Busuulu Ticket-Holding Kibanja Owners and Prevalence of Property Grabbing

Four Prevalence Indicators	Levene's Test for Equality of Variances		t-test for Equality of Means				
	F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference
Prevalence of successful property grabbing in lifetime	8.083	.005	-1.262	1309	.207	-.05145	.04077
			-1.298	201.141	.196	-.05145	.03962
Prevalence of successful property grabbing in 2010-2013	16.864	.000	-1.977	1309	.048	-.03774	.01909
			-2.896	287.029	.004**	-.03774	.01303
Prevalence of unsuccessful property grabbing in lifetime	.462	.497	.344	1309	.731	.01038	.03020
			.335	194.815	.738	.01038	.03093
Prevalence of unsuccessful property grabbing in 2010-2013	1.496	.221	.619	1309	.536	.01420	.02293
			.582	190.826	.561	.01420	.02438

** Correlation is significant at the 0.01 level (2-tailed).

3.8 Barriers to Estate Administration Engagement

Key Messages

- Widows engaged in the formal estate administration process in only 1.3% of their relationships.
- The lack of knowledge among widows of the underlying law contributes to this low engagement rate: only 29.2% of Mukono's widows recognized that Ugandan law addresses succession related issues and matters related to inheritance at all, and 22.5% did not know that Ugandan law allows women to own land.
- Although Ugandan laws outline inheritance rights, these laws are often ignored in practice in favor of traditional methods of property distribution that favor men. Communities, clans and even local leaders uphold these cultural norms instead of the law.
- Even if a widow did make the extremely unlikely decision to engage in the formal estate administration process, the complexity of the process itself presents a second, virtually impenetrable barrier to justice.

One of the main purposes of estate administration function in the Ugandan justice system is to ensure legal division and distribution of a deceased person's property and estate. Indeed, if the estate administration system operated effectively, going through the process would mitigate a widow's vulnerability to property grabbing. However, virtually no widows in Mukono County are engaging in the estate administration process for their own protection.

In discussing the 2,068 relationships in which their husbands passed away, surveyed widows could only identify 27 instances in which they had engaged in the formal estate administration process. In other words, surveyed widows engaged in the formal process of administering their husband's estate only 1.3% of the time, remaining vulnerable to losing the property they are entitled to inherit the other 98.7% of the time.

The study uncovered a number of barriers that are effectively preventing widows in Mukono County from benefiting from the protection the estate administration system should provide. Widows lack awareness of their own rights around inheritance, and communities often uphold traditional norms disadvantaging women over laws. Additionally, the estate administration process is confusing, disorganized, hard to access and inconsistent, making navigation more maze-like than streamlined to benefit the applicant.

The estate administration process is confusing, disorganized, hard to access and inconsistent, making navigation more maze-like than streamlined to benefit the applicant.

Barriers are often two-sided; this barrier is no exception. The officials and processes that make up the system also face barriers to an effective response to applications for estate administration. The three different sources of data revealed a number of factors that have led to an ineffective and failed response in preventing property grabbing as well as facilitating proper and legally-appropriate administration of estates. These factors include norms, attitudes, beliefs and knowledge among widows, community members and justice system officials; as well as ineffective and unclear processes.

3.8.1 Widows Are Unaware of Their Rights

The first barrier widows face to engaging the estate administration system is their own lack of knowledge of their ownership and inheritance rights. According to the household survey, over three quarters were either unsure if there was any law governing inheritance rights at all or believed there was no law. When asked about public knowledge of the estate administration process, the Administrator General explained:

“People are ignorant about its [AG Office’s] role and its mandate. The succession laws on which the AG acts are also not known.” (Administrator General, KII)

As noted in Section 1.1.2, the Ugandan Constitution provides men and women with equal rights of land ownership. Moreover, Uganda’s law of succession dictates that a will must provide reasonable support for the deceased’s spouse(s) and children, and in cases where the deceased did not leave a will, a lawfully married widow(s) is entitled to possession of the matrimonial home and surrounding gardens (“the homestead”) as well as 15% of the remainder of the estate. The deceased’s children are entitled to share possession of the matrimonial home and surrounding gardens as well as an equal share of 75% of the remainder of the estate.⁹³

According to the household survey, over three quarters of widows were either unsure if there was any law governing inheritance rights at all or believed there was no law.

When widows were asked in the household survey whether, in their opinion, “all women should be allowed to own property such as land,” 96.8% (1749/1806) replied “agree.” These same questions were discussed in the focus groups among community members, and 100% of men and women in the groups stated that women had the right to own property. When asked more specific questions, however, only 76.9% (1388/1806) of the household survey respondents reported accurately that the Ugandan law does in fact allow women to own land. (See Table 17 and Table 21 for the twelve indicators used to assess this knowledge.) Similarly, when asked if they had the right to inherit property and why, many focus group discussion participants qualified their answers, and some changed their views. Women themselves wavered on the rights of other women to keep and inherit property following the death of their husbands. One widow relayed in her story map an expression of this view:

“There have been a lot of quarrels whether this land should also include girl children as beneficiaries.”

This disconnect was also evidenced in the widows’ responses on the survey to a question asking if male children are entitled to a larger share of the deceased father’s estate (according to the law): 46.5% said the statement was true, that male children are entitled to larger shares than female children, while 48.5% correctly replied the statement was false (see Table 21). This may be more of a reflection of women’s day-to-day experiences with norms trumping laws.

Table 21: Knowledge Questions on Succession Rights, According to Ugandan Law

Statements	Answer choices (N = 1,806 widows)			
	True	False	Don't know	No response
Ugandan law does not allow women to own land.	14.2% (n = 257)	76.9% (n = 1388) ✓	8.3% (n = 149)	0.7% (n = 12)
The law in Uganda is silent on succession-related issues and matters related to inheritance.	29.0% (n = 523)	29.2% (n = 527) ✓	40.1% (n = 724)	1.8% (n = 32)
All biological children of the deceased person are entitled to benefit from a share of the man's estate.	97.1% (n = 1753) ✓	2.0% (n = 37)	0.8% (n = 15)	0.1% (n = 1)
Orphaned children of the deceased have a legal right to remain in the family home.	95.9% (n = 1732) ✓	3.2% (n = 57)	0.9% (n = 17)	0% (n = 0)
When a father dies, the male children are entitled to a larger share of the estate than female children.	46.5% (n = 840)	48.5% (n = 876) ✓	4.9% (n = 88)	0.1% (n = 2)
All wives of the deceased, whether formally married or not, are entitled to benefit from a share of the man's estate.	63.8% (n = 1152)	29.9% (n = 540) ✓	6.1% (n = 110)	0.2% (n = 4)
It is permissible under the law for family members to require a widow to leave the home she and her deceased husband lived in together.	9.0% (n = 163)	86.6% (n = 1564) ✓	4.2% (n = 75)	0.2% (n = 4)
The administrator approved by the Administrator General or Court is entitled to keep the majority of the estate property.	12.1% (n = 218)	45.9% (n = 829) ✓	37.0% (n = 668)	5% (n = 91)
It is permissible for a customary heir to keep the majority of the estate property for his role as a customary heir.	38.4% (n = 694)	58.6% (n = 1059) ✓	2.9% (n = 52)	0.1% (n = 1)

Source: Household survey

* Purple shade is the correct answer choice.

The focus group discussions and key informant interviews revealed many still believe that a woman's right to inherit land from her husband is trumped by familial blood relationships, including that man's brothers and his biological children. Similarly, 38.4% of widows thought that customary heirs⁹⁴ have a greater right to estate property than the law provides.

“Ordinary people don’t follow the Succession Act; they do the distribution of property according their traditions and customs. The girls get less and the boys get more.”

–Chief Magistrate in Mukono

3.8.2 Communities Reinforce Norms Over Laws

A second barrier to the estate administration process is the consistent application of norms and traditional practices over the formal estate administration system. Although the Succession Act and other laws spell out the steps to administer estates, even legal authorities express an acceptance that, at the community level, norms are preferred to laws. When asked about the Succession Act, the Chief Magistrate in Mukono County explained his experience with application of the Act:

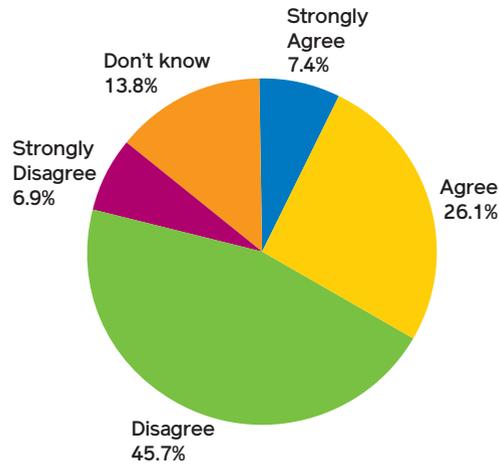
“Very rarely, if at all. Ordinary people don’t follow the Succession Act; they do the distribution of property according to their traditions and customs. The girls get less and the boys get more.” (Chief Magistrate, Key Informant Interview, Mukono)

The preference of norms and traditional practices becomes particularly strong when a family must distribute estate property. Ugandan laws on inheritance rights are often ignored in practice in favor of traditional methods of property distribution that favor men. Communities, clans and even local leaders uphold these cultural norms instead of the law.

“There is culture here which says that the property of the deceased belongs to the whole of his father’s family, his brothers, so, when your brother dies, you automatically inherit his property even the wife .” (laughter among participants) (LC Leaders, Focus Group Discussion, Goma)

As shown in Figure 7, over one third of widows felt that Local Council Leaders give preference to men over women and children in property disputes. According to the Ugandan Constitution, the Law of Succession prevails over any traditional practice or belief that contradicts it. However, many widows do not realize this and instead accede to traditional practices.

Figure 7: “Local Council leaders often give preference to men over women and children in property disputes.”



Source: Household survey

Both groups of women from the community focus group discussions expressed how important it was for girls to inherit property from their fathers, particularly because it is common for women to receive no property should future marriage relationships fail:

“Girls need to inherit property, most especially the land, because when they get married, should they get divorced or chased away when their marriages break down, they can come and settle there or if a girl marries but fails to produce any child, when the deceased’s relatives chase her, she can get something to fall back on.”
(Female community member, Focus Group Discussion, Bukerere)

Religious beliefs also play a part in how property inheritance is viewed. All of the religious leaders participating in the focus group discussions said that property grabbing was a crime. Although nearly all religious leaders stated that women had the right to inherit property, their views on how property should be distributed following the death of a husband differed between religions. Christian leaders said that girls should inherit property evenly and that it should be dispersed among the deceased’s family. Muslim leaders saw women as rightful heirs to property, but felt they should not get the same amount of property as men:

“In Islam, the rightful beneficiaries of the deceased are well articulated in the Koran, that a boy takes a bigger share than a girl, boys take equal shares but these shares are bigger than those of girls.” (Muslim Leader, Focus Group Discussion, Mukono)

3.8.3 Estate Administration Complexity

The third, and possibly most significant, barrier to widow engagement with the estate administration system is the complexity and inconsistency of the system itself. As noted in section 1.1.2, to lawfully administer an estate, estate administrators must follow a series of steps including but not limited to:

- Obtaining documentation of death from her Local Council Leader;
- Obtaining a Certificate of No Objection (CNO) from the Administrator General (AG) *Though widows are ostensibly allowed to skip this step, many are nonetheless told it is a requirement by various government authorities.*

- Obtaining a Letter of Administration from the Magistrate or High Court;
- Providing the Court with inventory of the estate property;
- Physically distributing the estate property (handing over chattels or keys to doorways or fences securing land) among appropriate family members;
- Recording any distribution involving titled real property with the Lands Registry; and
- Providing the Court with an accounting of the distribution.

Identifying and properly petitioning such a diverse group of government actors would be difficult for even the most well-educated of administrators, much more so for a population with the education levels of widows in Mukono County. (Only 10.6% of surveyed widows completed primary school, and only 2.1% completed secondary school. See section 3.1.4.)

Moreover, the vast majority of the estate administration procedures are recorded in English, which places another nearly insurmountable barrier before the 66% of Mukono's widows who reported that they could not read or write in English.

The vast majority of the estate administration procedures are recorded in English, which places another nearly insurmountable barrier before the 66% of Mukono's widows who reported that they could not read or write in English.

Even when these education and literacy barriers are overcome, the financial burdens of following these steps make estate administration all but impossible for the average widow in Mukono, who earns less than one US dollar per day. Many of the administrative offices are located in urban centers a journey of many miles from Mukono's rural widows. Each visit requires bus fare and, for those who work, a day away from earning income. As the Sub-County Chief in Goma explained:

"They [widows] lack money; even the money for transport is not there. Whenever they think of going to the Administrator General, they think of selling part of that very land to get money to pursue that case." (Sub-county Chief, Key Informant Interview, Goma)

Even the civil servants who are responsible for guiding and vetting estate administrators appear to be unable to overcome the complexity of the estate administration system. Local Council Leaders (the village-level government officials who serve as the first point of contact between a widow and the public justice system), for example, are not seen as knowledgeable by many women and often give guidance that is unhelpful and contrary to the law they are supposed to be enforcing:

"They are not effective because they also don't know the process themselves. Some of them have become too old to be of any help. For the LCs, they only stop at giving widows letters of introduction. That's all, he hands you a letter, and the rest is yours." (Female community member, Focus Group Discussion, Bukerere)

"Our role is to give the widow an introduction letter, but only if she was married to the deceased in the office of the CAO (Chief Administrative Officer), the church, the mosque or customary marriage where there was an introduction to her parents. ... If her marriage is not among those, we just advise her not waste her time seeking estate administration, we advise her that you cannot administer the estate; first stay there cultivating the land and if the grabber comes, simply plead for mercy." (LC Leader, Focus Group Discussion, Ntenjeru)

Under the law, a widow should be able to move directly from her Local Council Leader to petition the Court for Letters of Administration (bypassing the step of securing a Certificate of No Objection). While the Administrator General's Act requires estate administrators to notify the Administrator General and allow him the opportunity to object to the application prior to proceeding to court, the Act makes an explicit and unqualified exception to this requirement for

lawful widows. Notwithstanding the clarity of the exception, courts inconsistently advise widows on whether they can proceed without first going through the process of obtaining a Certificate of No Objection from the Administrator General. In key informant interviews and focus group discussions, those in the court system spoke of the necessity for widows to obtain Certificates of No Objection.

As a result of this lack of clarity, widows are typically required to obtain a Certificate of No Objection. According to the interviews with Administrator General Attorneys and the Administrator General himself, the process to receive a Certificate of No Objection takes a minimum of four visits to the Administrator General's Office in Kampala.⁹⁵ Each visit would be on a separate date, meaning four different trips to Kampala. In addition to the formal filing trips, the process of obtaining a Certificate of No Objection requires the applicant to partner with the Administrator General or his designees in hosting family meetings to uncover objections to the application. All necessary family members must attend the family meeting for it to proceed. As will be later discussed in 3.9.2 (see Table 23), the majority of property grabbers are related to the widow in some manner (in-law, co-wife, children, etc.). Thus, further delays often occur around these meetings, as disputes arise around the property or certain family members purposely do not attend. In the estate administration case files that were reviewed that had Certificates of No Objection, the time between the applicant's receipt of a Letter of Introduction from the Local Council Leader and applicant's receipt of a Certificate of No Objection ranged from nine days to eight-and-a-half years.

Thus, the delays, frustrations and time commitment required to obtain a Certificate of No Objection force many women out of the process before they are able to obtain the document or otherwise secure their rightful land. If a Certificate of No Objection is granted, the widow must then petition the court for a Letter of Administration. There is, however, also great misunderstanding about the meaning of the Certificate of No Objection, as both focus groups and interviews revealed that many women think obtaining a Certificate of No Objection makes them the legal owners of their property:

"Many women don't understand the process and think they are done after obtaining the CNO and don't know they have to go to the court with it." (Court Clerk, Focus Group Discussion, Jinja)

The lack of clarity around Certificates of No Objection is far from the only chokepoint. If the applicant knows to apply for a Letter of Administration and passes through that arduous process, she must then distribute the property of the deceased according to the law, and is required to report back to the court on this process. However, many administrators fail to report back, either because they misunderstand this requirement or purposely do not follow distribution procedures:

"They know that they are supposed to come back but they take that requirement for granted. After getting the letters of administration, they feel that the property is theirs and there is no need to make a report." (Court Clerk, Focus Group Discussion, Jinja)

"To be sincere, they are very few. Many people do not return them because when they get the letters of administration they think that now they have the full authority." (Judge, Key Informant Interview, Jinja)

Widows and orphans tend to bear the consequences of this failure to report, both as administrators and as the rightful owners of property. As administrators, women who fail to report back to the court are at risk of someone challenging their ownership of the land or of facing fines for non-compliance. If a widow is the rightful owner of property, but someone else is named administrator of the property, she is in danger of having her property taken by the administrator, as the failure of the court to follow up with administrators creates an environment of little oversight in which opportunists can steal deceased's property from the rightful beneficiary.

All of the confusion and inconsistency in the estate administration system was clearly evidenced by the case file review as well. This review of 119 case files (three estates with wills and 116 estates without wills) revealed that the various government actors failed to properly transfer information. At the time of the survey, the hard copy file archives at both Mukono Court and Jinja High Court were disorganized, and the physical state of the files was very poor. In Mukono,

many files listed on the court register could not be located or were recorded as “missing.” Inside the files identified, it was not uncommon to find cover specifications different from contents or no contents at all. The team attempted to trace these court files back to the Administrator General’s Office; however, only nine of the files identified at the court could be matched or located with Administrator General files. This speaks to the lack of coordination and data management between the courts and the Administrator General’s Office. Of note, only 42 of the files (35.3%) reviewed were found in the Computerized Case Administration System (CCAS), all of which were cases from Jinja High Court; none of Mukono’s cases were in the electronic database.

The case file review also revealed that the courts were inconsistently applying the Certificate of No Objection exception for legal widows. Of the applications filing for Letter of Administration, more than a third (34.5%, n = 40) of these cases had a Certificate of No Objection documented in the file.

Notwithstanding the fact that all of the Letter of Administration files were considered “closed” or “complete” at the time of the review, 23.3% lacked the required letter from the applicants local council leader, 16.4% lacked a formal petition for the Letter of Administration, 10.7% lacked the required newspaper posting, 99.1% lacked the required estate inventory report, and 100% lacked the required distribution accounting report. (See Table 22 for the number of cases that contained the necessary documents and information.)

Table 22: Documents Found in Administrative Cause Case Files (N = 119)

Letter of Administration Process (n = 116)		Grant of Probate Process (n = 3) [for cases with a will]	
Documents Found in File	Number of Files Containing Doc	Documents Found in File	Number of Files Containing Doc
Letter from Local Council Leader	89	Letter from Local Council Leader	2
ID card	47	ID card	1
Marriage certificate or affidavit	32	Written will in English	2
Petition for Letter of Administration	97	Petition of Probate	2
Declaration	106	Declaration	2
Notice of Application	101	Notice of Application	2
Newspaper Advert	92	Newspaper Advert	2
Certificate of No Objection (CNO)	40		
Letter of Administration (LOA)	108	Grant of Probate (GOP)	2
Administrative Bond	34	Administrative Bond	2
Court Identification Form	93	Court Identification Form	2
Inventory Form	1	Inventory Form	0
Account Form	0	Account Form	0

3.9 Barriers to Criminal Prosecution Engagement

Key Messages

- Widows experience significant barriers to preventing property grabbing and to receiving justice and resolution after being victimized by property grabbing.
- Property grabbing is considered a normal part of losing a husband, and is often not recognized as a legal issue by victims. 56.1% of widows who were property grabbing victims did not report their crime to any authority because they did not know that what had happened to them was a crime.
- Women fear the loss of important social support within their husband's family and community. Women also fear for their safety when engaging with the police, believing that the potential ramifications of reporting cases will bring even higher costs than losing their property. These fears keep many women from taking action in cases of property grabbing.
- Justice system officials often see property grabbing as a non-criminal matter, do not know how to apply the law to property grabbing-related crimes, and lack resources and capacity to assist widows.
- Of all property grabbing cases reviewed in the two targeted police stations, not one perpetrator was convicted of a property grabbing crime.

When she is victimized by property grabbing, a widow must decide whether to challenge the perpetrator or accept the loss of her property. Even widows who pursue recourse are often successfully pressured to acquiesce to a “resolution” or “compromise” as determined by the perpetrators or other male clan leaders; such outcomes typically disadvantage the widow. Alternatively, widows may decide to engage with the criminal justice system.

The initial decision to engage with the justice system is only the first step in a long process. Currently, the public justice system is not a consistently reliable path that is protective, favorable, cost-effective or responsive to widows or any other marginalized person. As a result, the widow must make a conscious and deliberate choice to continue to engage the system at several key junctures.

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The officials and processes that make up the justice system's response to criminal cases of property grabbing also have their own barriers to effectively responding to cases. The three data collection methods revealed a number of barriers to criminal prosecution engagement that have led to an ineffective and failed response by the justice system in deterring perpetrators from this crime. These factors include norms, attitudes, beliefs and knowledge among widows, community members and justice system officials; as well as capacity and resource constraints of the system.

3.9.1 Widows and their Communities Do Not Recognize Property Grabbing as a Crime and Lack Knowledge of their Rights

In order to approach the criminal justice system, the woman must first recognize that the act of property grabbing is a crime. For many widows, however, property grabbing is considered a normal part of losing a husband:

“We are not equipped at all, there is nothing; we even didn’t know that issues of property can reach court. We have heard it from you. We thought the court is only for trying and sentencing thieves.” (Female community member, Focus Group Discussion, Bukerere)

In fact, in the household survey, 56.1% (235/419) of widows who were property grabbing victims did not report the crime to any authority because they said, “I did not know that what had happened to me was a crime” (survey answer choice). This lack of awareness was also evidenced in the focus group discussions, as many community members expressed the belief that when a man dies, his widow should return to her family and does not have any right to her husband’s property. Widows operating under this perception may acquiesce to their property being taken and may not identify as property grabbing victims because of these entrenched norms that undermine widows’ legal rights.

“They tell the widow: Do you belong to our family? Go back to where you belong because the one who brought you here has died. And this usually happens immediately after the burial. The widow is seen as a foreigner in the family.” (LC Leader, Focus Group Discussion, Ntenjeru)

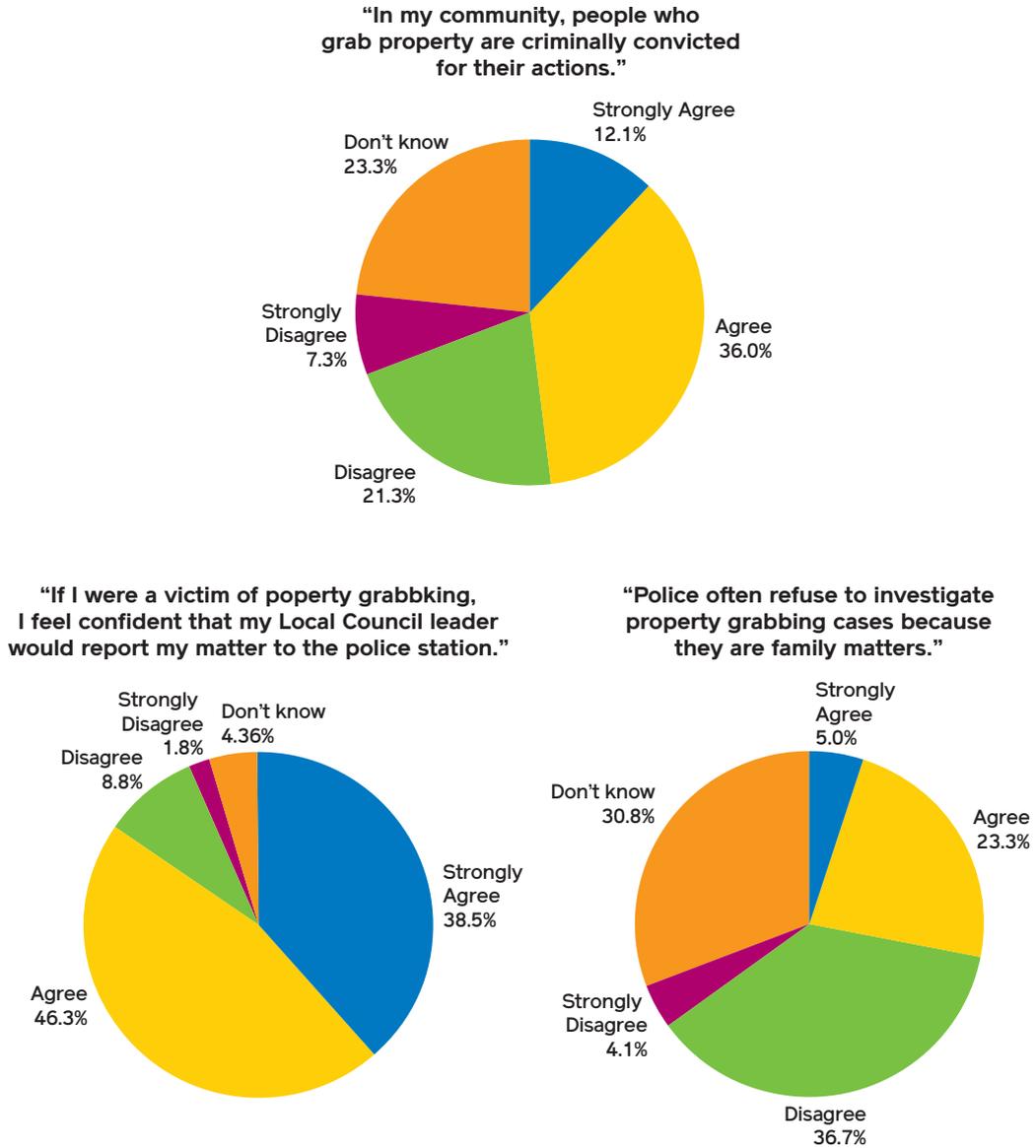
When asked whether property grabbing was a criminal matter at the focus group discussions, 22 of 24 women, 19 of 25 men, and 16 of 17 Local Council Leaders answered “yes.” However, when asked to explain further, participants described violent acts that went along with property grabbing, and not the act of taking the property itself. Often, it is not the act of taking the property that spurs a woman to report the property grabbing or motivates the relevant local authorities to act in response to the report, but rather additional criminal acts that are perpetrated against her, such as threats or acts of violence.

Even if a widow does recognize that she has been a victim of property grabbing, she may not decide to seek recourse through the public justice system. Property grabbing is still seen as a “family matter” by many communities. This belief is often reinforced by the community and by the justice system:

“Property does not belong to the widow alone but to the family and if one of the deceased’s brothers grabs it, it’s a family matter.” (Male community member, Focus Group Discussion, Bukerere)

In fact, as shown in Figure 8, more than one fourth (28.3% = 512/1806) of widows interviewed through the household survey report that “police often refuse to investigate property grabbing cases because they are family matters.”

Figure 8: Widows' Reported Experiences Regarding the Public Justice System Response to Property Grabblings



Source: Household survey

3.9.2 Widows Fear Repercussions for Pursuing Justice

The focus group discussions revealed that widows may not report property grabbing out of fear that they will lose the support of their community or relatives, be harmed by the perpetrator, or even suffer harm from law enforcement authorities.

Women reported that they feared losing the financial, social or emotional support provided by their communities and

late husbands' families if they reported property grabbing, particularly when the property grabber is a member of their husband's family. For many women, this social support is more important than securing their grabbed land. As one widow told an interviewer through her story map:

"I never reported the case to anyone because I thought it's better to just live without any struggle."

The majority of the perpetrators of property grabbing reported by widows in the household survey were either in-laws, step-children or co-wives (see Table 23).

Table 23: Who "Removed" the Widows from the Property?

Reported Perpetrators	Successful Property Grabbing		Unsuccessful Property Grabbing	
	Homestead (N = 376)	Other Land (N = 374)	Homestead (N = 277)	Other Land (N = 73)
Co-wife	13.8% (n = 52)	20.3% (n = 75)	6.5% (n = 18)	8.2% (n = 6)
Step-children	15.7% (n = 59)	15.0% (n = 56)	18.8% (n = 52)	15.1% (n = 11)
Children I had with the deceased	4.5% (n = 17)	2.4% (n = 9)	4.7% (n = 13)	1.4% (n = 1)
Customary heir	6.6% (n = 25)	4.0% (n = 15)	4.3% (n = 12)	2.7% (n = 2)
In-laws	31.9% (n = 120)	28.3% (n = 106)	41.9% (n = 116)	41.1% (n = 30)
My relatives	2.4% (n = 9)	3.2% (n = 12)	4.3% (n = 12)	1.4% (n = 1)
Neighbor/non-relative	7.7% (n = 29)	7.5% (n = 28)	6.9% (n = 19)	8.2% (n = 6)
LC/other local leader	1.6% (n = 6)	1.3% (n = 5)	1.4% (n = 4)	1.4% (n = 1)
Landlord	10.6% (n = 40)	7.2% (n = 27)	12.6% (n = 35)	20.5% (n = 15)
Other	17.8% (n = 67)	19.0% (n = 71)	6.9% (n = 19)	15.1% (n = 11)

**Multiple perpetrators could be selected, therefore the percentages do not sum to 100%. Also, the total "N" is based on the number of homesteads/pieces of other land in which the widow gave an answer to this removal question (including "no response"); it does not correspond to the total number of victims.*

Widows also reported fear of repercussions from the perpetrators themselves. One widow's story map revealed how this fear influenced her decision to abort her property grabbing case even though it had already progressed to court:

"My brother's children have chased me off the land claiming it is their grandfather's land. They have sent death threats to me and my children. I reported the matter to police and it was extended to court in February 2013 but stopped the case due to fear of being killed."

In a focus group discussion, a police officer reported:

"And then there are those who don't report to the police because they are threatened by the grabbers that 'if you report me to the police, I will kill you,' so they don't because they fear for their lives." (Non-uniformed police officer, Focus Group Discussion, Mukono)

Some women also fear for their safety when engaging with the police, based on their prior experiences and their perceptions of the experiences of people around them. Women in the focus group discussions suggested a fear of being jailed, blamed, stigmatized or even harmed if they reported a property grabber to the police.

"Then others fear that if they report to the police, they may actually end up being arrested." (Non-uniformed police officer, Focus Group Discussion, Mukono)

Distrust is also the result of misinformed police officers who often do not have accurate knowledge about the law and a woman's right to own and inherit property, or of their responsibilities in such cases.

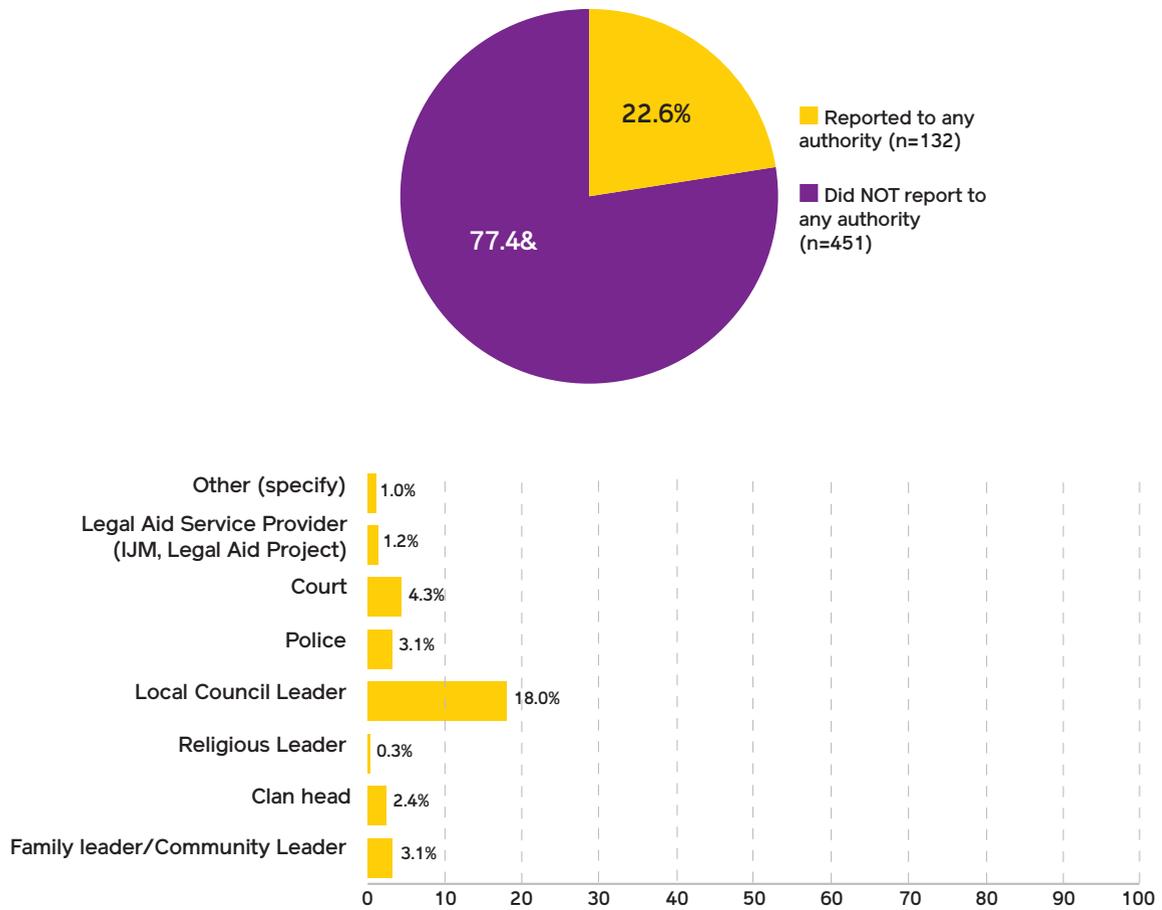
For many widows, these fears act as major barriers from engaging the justice system; victims fear that the potential ramifications of reporting cases will bring even higher costs than losing their property.

These fears act as major barriers from engaging the justice system; victims fear that the potential ramifications of reporting cases will bring even higher costs than losing their property.

According to data collected from the household survey (see Figure 9), widows reported high confidence (84.8% agreed) that Local Council Leaders would report property grabbing cases to the police, a possible signal that they believe these local leaders view the act as criminal. Widows did not have this same level of confidence in police: While 40.8% disagreed with the statement "police often refuse to investigate property grabbing crimes because they are family matters," 30.8% reported "don't know" and 28.3% agreed with the statement.

This also matches the low number of property grabbing victims identified through the household survey who actually reported their victimization to an authority. As shown in Figure 9, only 22.6% (132/583) of the crimes were reported to any authority. In line with the confidence indicators, the widows reported most commonly to the Local Council Leader over any other authority: 18.0% of all crimes were reported to the Local Council Leader (of all crimes that were reported, 79.5% were made to the Local Council Leader). More property grabbing cases were reported to the court than the police (4.3% vs. 3.1%), which received the same number of reports as a family or community leader (3.1%). Of all crimes reported, 31.1% were made to authorities outside the formal justice system (legal aid service provider, religious leader, clan head, family/community leader). In the majority of scenarios where "other" was marked, the widow mentioned the Administrator General.

Figure 9: To Whom Did Victims Report the Crime?



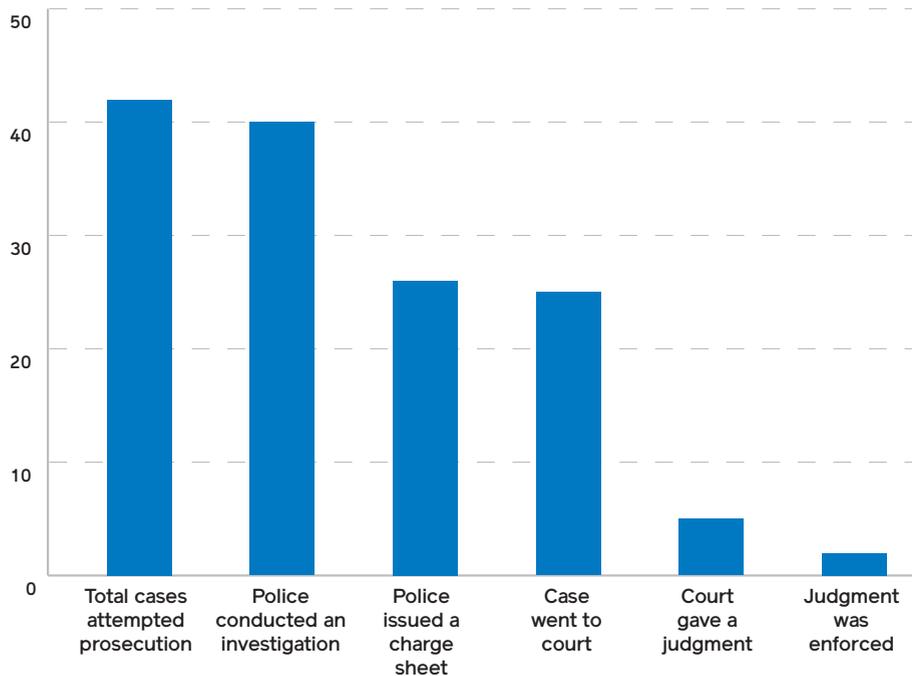
(of all property grabbing crimes, N = 583)

Note: One property grabbing event could be reported to more than one authority, therefore, the percentages do not total to 100%.

Only one factor made a statistically significant difference in whether a widow reported her victimization to an authority—knowledge of her rights around succession and inheritance.⁹⁶ The greater the accuracy of her knowledge of her rights, the greater the chance she would report ($p < 0.01$).

Not surprisingly then, in only 7.2% (42) of the 583 property grabbing events did the widow attempt to prosecute the person who committed the crime. Figure 10 shows the progression of these particular cases through the system.

Figure 10: Case Progression for Successful Property Grabbing Events



Source: Household survey

*Note: A widow mentioned reporting specifically to IJM in only one of these cases.

3.9.3 Justice Requires a Disproportional Burden on the Widow

A disproportionate amount of the burden for securing justice is placed on the widow, given the money and time needed to navigate the system with success.

Focus group discussion participants highlighted the important role a woman’s financial status plays in deciding whether or not to move forward with a property grabbing case. Despite the fact that the criminal justice system does not officially impose any fees on victims (the crime is to be investigated by the State-sponsored police, the charges are to be prosecuted by the State-sponsored attorney, and the case is to be heard by the State-sponsored court), the financial costs of transportation, securing legal documents and satisfying requests for unofficial “fees” (bribes) required by authorities throughout the justice system are a virtually insurmountable barrier for many widows.

Widows interviewed in the household survey reported requests of “facilitation fees” or bribes from both Local Council Leaders and police for any action on property grabbing cases. The perception that they will be required to pay bribes they cannot afford to pay is a barrier for many women.

Local Council Leaders, the first authority to whom widows would report property grabbing at the community level, have a reputation for requiring material support from the widow. This can take the form of monetary bribes, transportation money, or office supplies. As seen in Figure 11, 57.4% of widows agreed with the statement: “Local Council Leaders will request facilitation fees or bribes in order to resolve property disputes or provide documentation for estate administration.” Women worry that if they cannot pay the Local Council Leaders, these authorities will side with property grabbers who can.

“They [the Local Council Leaders] are not effective; some of them are bribed by the property grabbers—it is money that works, because they favor the rich.” (Female community member, Focus Group Discussion, Seeta)

The police also have a reputation of requiring bribes to help women in property grabbing cases; this perception is a barrier for many women.

In the household survey, 68% of widows agreed that “police often accept or request bribes or facilitation fees in order to investigate cases of property grabbing.”

“The police are after money; if they are not bribed, a widow can walk to the police until she gets tired and gives up.” (Female community member, Focus Group Discussion, Bukerere)

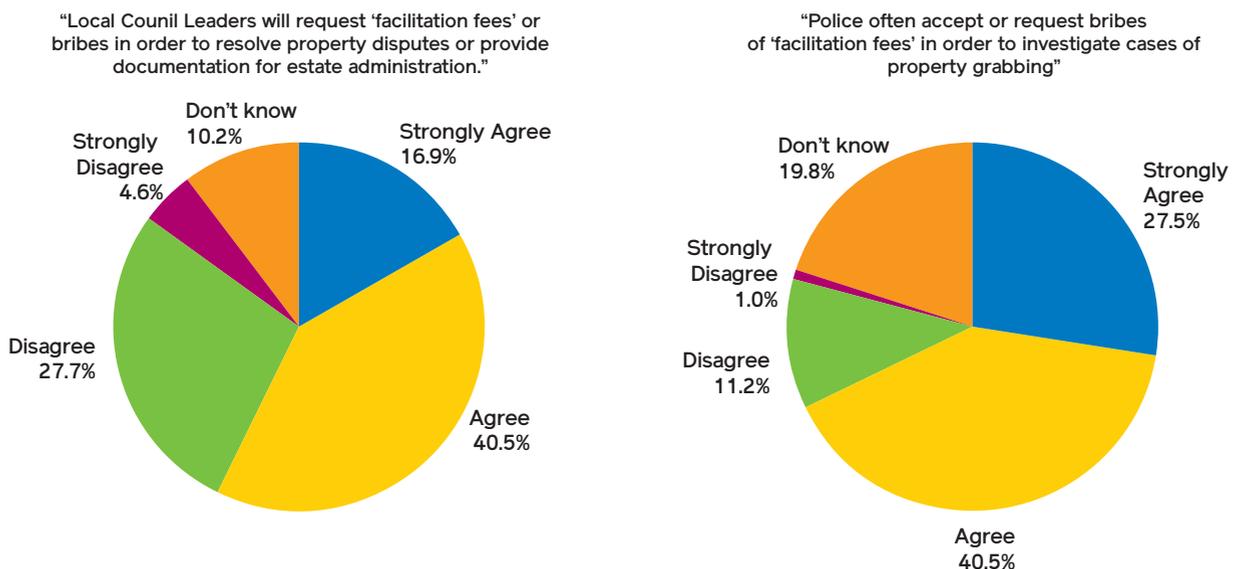
“Others don’t report to the police because they fear that the police demand money when one reports and they say, where I shall get money to give to the police. I am poor.” (Police officer, Focus Group Discussion, Mukono)

“Most files get lost at the police if you don’t give them money. The biggest barrier is the policeman whom you find on the reception, when you reach there, he or she tell you, ‘sinalya break’ meaning that I have not taken breakfast. And if you don’t produce the money for the breakfast, you will not be assisted; you cannot go beyond the reception without giving a policeman some money.” (Multiple female community members, Focus Group Discussion, Seeta)

Focus group discussions also revealed a concern that “legal fees” would be charged by the court staff, notwithstanding the fact that no such fees should be charged.

“Remove the legal fees: women fear the legal fees and if you don’t have court fees, the court keeps on postponing your access until next year. You can’t get justice.” (Female community member, Focus Group Discussion, Bukerere)

Figure 11: Widows’ Beliefs About Local Council and Police Requests for Bribes in Property Grabbing Cases



Source: Household Survey

Even when women do recognize property grabbing as non-normative or illegal, many do not feel empowered or supported to go forward with a case or do not know where to go for help.

“Most of the widows have inferiority complex, they fear and feel that they just cannot manage the legal process, they feel too inferior.”

“The majority of them are ignorant of the legal system, they don’t know which office to start from or how the legal system works.”

(Female community members, Focus Group Discussion, Bukerere)

Before making their decisions to pursue action in a property grabbing case, women appear to make an evaluation of the costs and potential rewards for going forward. They evaluate the time, effort, money, chance of a favorable outcome and the social consequences. Even when cases end up at trial, there are often significant delays. One of the main causes of delays mentioned by participants related to the court system was the transfer of magistrates, which often occurs part way through a case. Women then have to wait for a new magistrate, who often restarts the case proceedings from the beginning. Frustration caused by these delays and inability to devote more time to the process often cause women to stop pursuing their cases.

The high frequency of court delays was evidenced in the case file review, where, on average, the number of scheduled appearances for a court hearing was about 8.25 times. This requires a substantial investment of both time and the widow’s limited financial resources. One surveyed widow described how her case progressed:

“In 2012 they told us to come to Jinja court but since then they normally tell us that the judge is not around. Worst of all things, even the LC was given money to dismiss the case.”

It is unsurprising, then, that widows interviewed in the household survey reported being unsatisfied with the outcome of their decision to pursue prosecution in nearly three-quarters of crimes.

Given the barriers of time, financial resources and corruption, it makes sense that the older a widow gets, the less likely she is to report the crime, a correlation found to be statistically significant at the 0.05 level on the household survey.

3.9.4 Justice System Officials Lack Knowledge of the Law

All three methods of data gathered (Focus groups [including knowledge questionnaires], key informant interviews and the case file review) from public justice system officials—from Local Council Leaders through Magistrates—often lacked a sophisticated understanding of the criminal implications of property grabbing cases.

Widows rely heavily on their Local Council Leaders at the outset of a case, and therefore Local Council Leaders often determine its fate, as illustrated by these statements:

“On our local standards we cannot go and report by ourselves unless the LC1 Chairman goes and reports on our behalf.” (Female community member, Focus Group Discussion, Bukerere)

“We are not equipped at all. The police needs money, but we can only be able to report to the Local Councils.” (Female community member, Focus Group Discussion, Seeta)

Misunderstandings about the law abound among Local Council Leaders. Though they are often the first responders on property grabbing cases, many Local Council Leaders had difficulty identifying crimes associated with property grabbing. As part of the focus group discussions, Local Council Leaders were given a scenario of property grabbing that contained four criminal acts and were asked to identify the crimes. While all Local Council Leaders identified malicious injury of property, only half identified threatening violence and roughly 20% identified trespass and intermeddling. Local Council Leaders did not appear to have a strong grasp of the law of the criminal acts that accompany property grabbing cases. This weakness makes it very difficult for them to effectively help widows who are victims of property grabbing cases. One widow illustrated this in her story map:

“I had nobody to help me so I just kept harmony. I first went to the LC1 but of course he was helpless.”

Similarly, in their focus group discussions, police officers displayed a low level of knowledge of the law. While the officers acknowledged that property grabbing is a crime, they reported dealing with few property grabbing-related cases

in their day-to-day work. Some described property grabbing as a family matter, and something that should be dealt with within families and by clan leaders, particularly when the theft is not accompanied by a violent act. Other police officers felt they played an important and key role in property grabbing cases regardless of violence and felt a responsibility to help women who were victims of property grabbing.

When given a property grabbing scenario and asked to identify seven criminal acts, police officers also had difficulty identifying offenses related to property grabbing. Threats of violence, theft, and assault were easily recognized by police officers. However, officers had a much more difficult time identifying intermeddling, criminal trespass, eviction and conspiracy, all of which are key property grabbing-related offenses. This is consistent with public perception, as focus group discussions revealed that community members felt the police were more likely to recognize a situation involving violence as being under their jurisdiction.

“But the police is effective when there seems to be violence on the property being grabbed, arrest the offenders and sometimes the victim too if they have done something wrong.” (Male community member, Focus Group Discussion, Bukerere)

Court officials and prosecutors also do not properly apply the law, often inappropriately mixing the civil and criminal aspects of a given case. For example, both Resident State Attorneys interviewed felt that non-judicial mediation of a criminal matter, like property grabbing, was an acceptable, and often preferred, outcome. Additionally, even at the end of the court process, the court can rule the case to be non-criminal:

“At the end of a rigorous legal process, the court sometimes pronounces the case as civil and it comes out as a civil matter when the prosecutor has all along argued it is a criminal matter and it ends up with a civil judgment.” (Resident State Attorney, Key Informant Interview, Mukono)

Participants in the focus groups similarly reported being turned away by police and prosecutors because they had not yet obtained a Letter of Administration (a document which is not a requirement for lodging a criminal complaint). This often occurred without explanation, creating frustration that caused many of the women to end their interactions with the public justice system altogether.

3.9.5 Justice System Officials Lack Capacity, Training and Resources

In addition to the attitudes, beliefs and knowledge of the first responders, several other key factors played a part in how effectively and efficiently the justice system responds to property grabbing and estate administration. Local Council Leaders reported struggling with their position and felt ill-equipped to help women in property grabbing cases. Of the 17 surveyed, only seven were able to effectively describe the documents needed to assist a widow in estate administration. Local Council Leaders recognized this lack of knowledge and training. They also felt it led to a lack of respect among the communities they served, which made them feel powerless. During a focus group discussion, Local Council Leaders shared:

“For victims we really have no knowledge; nothing much... We need a lot of training.” (Group unanimously agreed)

“We have never received any training on estates management, we are not equipped.”

Local Council Leaders had a variety of opinions about working with the police on cases of property grabbing. While some said they felt comfortable, many described the experience as uncomfortable, citing issues of corruption and being met with incredulity by the police. The police were often described as being indifferent to the plight of the women. Pleas about property grabbing were often dismissed by the police or the women were told to go and solve the matter within their family.

If a woman encountered a Local Council Leader who asked for supplies or money to provide a letter of introduction, and she could not meet these demands, she was unlikely to pursue further action against the property grabber. Without this letter of introduction, her pursuit of justice ended, and she could not move further to the next step of engaging with the police.

Police officers in focus groups were also quick to point out their lack of training and knowledge related to property grabbing cases. Many were not confident in their abilities to help women who came to them with property grabbing cases. Other police officers reported being apprehensive about dealing with cases of property grabbing because they feared for their own safety and retaliation by the property grabbers. This fear of the perpetrators among justice system actors came out in a few widows' story maps as well:

"On my father's land which I'm using now, some people came claiming they had bought it, they came with letters from the president's office of which I has a copy, some letters are stamped or headed, and others are not. They have sent me threatening letters to scare me from struggling for the land. I involved the chairman but he was also threatened."

"This land was given to him by his father he had no other land and he did not write a will. My brothers-in-law wanted me off this land so I had to go back home to Kabarole because of the threats he used to make like destroying my crops. The LCs said they can't handle him but I just forced myself here. Even police did not help me, they fear him in the village."

Justice system officials were quick to point out that there is no charge called "property grabbing" in the legal statutes of Uganda. Even so, when asked to identify criminal charges in a scenario given at a focus group discussion, nearly half of Local Council Leaders and police officers actually listed "property grabbing" or "land grabbing" which are not official charges for sanction. There appeared to be confusion among prosecutors, police, and other justice system officials as to what charges in the penal code address property grabbing. This lack of specific nomenclature in legal statutes seems to be a barrier in appropriate application, as evidenced in these remarks:

"There is nothing like property grabbing. What it is there are the cases such as forging of wills, criminal trespass, assaults and thefts. Those are the ones I know."

Is property grabbing a crime? "Not at all, it's not in the penal code at least. There is nothing called property grabbing."

Are there offenses in property grabbing that are criminal? "I don't know because I told you, we have no term property grabbing under the law."

(Resident State Attorney, Key Informant Interview, Mukono)

The case file review also highlighted the potential lack of proper application of the charges associated with property grabbing crimes. The charges listed in case files reviewed do not match the legal statute. As detailed in Table 24, across 68 cases, a total of 83 charges were made (some cases had multiple charges). "Property grabbing" was listed as a charge in 11.7% of cases. "Malicious damage" was the most commonly cited charge. The low charge rate for offenses commonly associated with property grabbing (intermeddling, eviction, forgery, concealing or stealing a will, concealing or destroying a deed, destroying or damaging a will, damaging or removing survey or boundary marks, malicious injury/damage of property) substantiated the lack of knowledge of police, prosecutors, and courts in application of the law.

"For victims we really have no knowledge; nothing much... We need a lot of training."

—Local Council Leader

Table 24: Charges Listed in Property Grabbing Criminal Prosecution Case Files (N = 68)

Charges Listed in Case File	# of Cases Listing Charge	% of Cases Listing Charge
Property Grabbing	8	11.8%
Stealing	4	5.9%
Stealing of Land Title	4	5.9%
Threatening Violence	13	19.1%
Malicious Damage	21	30.9%
Criminal Trespass	19	27.9%
Forgery	4	5.9%
Intermeddling	3	4.4%
Obtaining Money by False Pretense	2	2.9%
Removing Boundary Marks	1	1.5%
Arson	1	1.5%
Injuring Animal	1	1.5%
No charges listed in file	2	2.9%

Source: Case File Review

Without the ability to identify legal charges in property grabbing cases, cases are often thrown out or charges remain unfiled. If the State Attorney and others in the criminal justice system are unable to identify criminal issues, they cannot appropriately sanction criminal cases.

“In Mukono it is rare, we don’t receive many cases; it’s mainly families fighting for the property.” (Resident State Attorney, Key Informant Interview, Mukono)

From the household survey it is clear that very few widows engaged the system (see Table 25). In the review of property grabbing prosecution case files, the data collection team found an overall lack of property grabbing cases in the criminal record books, which is a key finding in and of itself. Only 68 cases were identified and located for review, even though, as the survey reveals an estimated 1,074 widows would have experienced successful property grabbing between 2010-2013, after extrapolation of findings out to the county-level.

The state of the case files found at the police and the courts exhibits and exacerbates the limited capacity and resource constraints on the justice system. Data collectors reported that the criminal prosecution archive at targeted police stations consisted of exposed files piled on the floor with no systematic filing or order, jeopardizing, at the minimum, the physical integrity and maintenance of the files. In trying to follow-up the police cases that moved on to the courts, the data collection team found mismatched criminal record book and court case file numbers, non-corresponding complainant/suspect specifications, conflicting charges, file duplications, empty files, and completely non-existent files. Thus, the ability to identify, review and then follow-up case files through the system was significantly restricted.

Of those cases that were identified and reviewed in the Case File Review, the actual quality of the content within the files was poor, with many documents missing or incomplete. Table 25 shows that while the majority of case files had victim and witness statements, most other documents that should be enclosed in adjudicated files were not present in the file. For example, 69.1% of cases reviewed did not have a Letter of Introduction from the Local Council Leader, which would demonstrate a referral occurred from the Local Council to the Police.

Table 25: Documents Found in Property Grabbing Criminal Prosecution Case Files (N = 68)

Documents in Police File	% of cases with doc found in file	% of cases with doc not found in file
Letter of Introduction	30.9%	69.1%
Charge Sheet	27.9%	72.1%
Arrest Warrant(s)	2.9%	97.1%
Police Bond Form	10.3%	89.7%
Victim Statement(s)	91.2%	8.8%
Witness Statement(s)	75.0%	25.0%
Suspect Statement(s)	50.0%	50.0%
Brief Facts of the Case	44.1%	55.9%
Exhibit Slip Describing Physical Evidence Collection	30.9%	69.1%
Police Form 3 (Request & Medical Examination Report)	7.4%	92.6%

Source: Case File Review

Additionally, as shown in Table 26, even when victim and witness statements were present, the quality of the statements was low. Witness statements were only found in 82.4% of cases reviewed, with 47.1% scoring either “poor” or “fair” in quality (see Annex D2 for the Quality Criteria Ranking Table which outlines the assessment scores for quality of witness and victim statements.) Approximately 43% of victim statements scored “poor” or “fair” in quality. Moreover, very few of the suspect statements met the “Charge and Caution” format, a quality measure for this type of statement which is internal police procedure.⁹⁷

Table 26: Quality Assessments of Suspect, Victim and Witness Statements of Property Grabbing Cases (N = 68)

Scoring Criteria	Victim Statement	Witness Statement	Scoring Criteria	Suspect Statement
No statement	5.9%	17.6%	No statement	1.5%
Poor	7.4%	11.8%	Met "Charge & Caution" format	5.9%
Fair	35.3%	35.3%	Did not meet "Charge & Caution" format	92.6%
Good	48.5%	35.3%		
Excellent	2.9%	0%		

Source: Case File Review

Only four cases (5.9%) reached a final judgment, and of these, all were dismissed for unidentifiable reasons. Thus, of all property grabbing cases opened between 2005-2009 and closed as of the time of the review (Sept-Nov 2012) that were able to be identified, located, and had sufficient data to review, not one perpetrator was convicted of a property grabbing crime.

Of all property grabbing cases...that could be identified, located and had sufficient data to review, not one perpetrator was convicted of a property grabbing crime.

The key informant interviews with Resident State Attorneys revealed more about when these officials believe a criminal property grabbing case can be dismissed: “One, if there are no witnesses. Two, if the complainant has lost interest in the case and thirdly, if there is no police file.” According to these prosecutors, if the case has been pending for a long time, if there has been no mention for three months, or, if after two months, no witnesses appear, the court can dismiss the case.

Even this small number of prosecution cases that have passed through the system between 2005 and 2012, coupled with widows’ self-reported attempts to bring incidents to the Local Council or other authorities, indicates that justice system actors are sporadically responding to property grabbing. Though it appears very few perpetrators face criminal consequences for their actions, a number of story maps described justice system actors helping to secure widows’ rights to their property:

“After his death the in-laws attacked me, accusing [me] of having hand in the death of their brother. They threatened me and even wanted to throw me out of land. I went to report to the police. Up to now, I live in fear because they told me that I would not live to enjoy their brother’s property. The local council has helped me a lot. I am still battling with the in laws although they have not been successful in their attempts.”

“By then we had settled in Masujju. When he died I remained in my home however... got me some threats by other children of my husband and their mother, but we went to court and I won and the property was given back to me.”

“All the good property in my homestead was taken immediately after husband’s burial by my in-laws. I took the case to court and the court gave me authority to stay in my homestead. ... Those threats took place from 2007 till 2009. The issue was settled and from then no one has ever come again to insult me or chase me away.”

⁷⁶http://www.ubos.org/UNHS0910/chapter2_householdcharacteristics.html

⁷⁷<http://data.worldbank.org/indicator/SE.PRM.NENR>

⁷⁸The Ugandan 2002 Census reports 41.9% Roman Catholic, 42% Protestant (Anglican 35.9%, Pentecostal 4.6%, Seventh-Day Adventist 1.5%), 12.1% Muslim, 3.1% other, and 0.9% none in 2002.

⁷⁹ <http://www.africa.upenn.edu/NEH/u-ethn.html>

⁸⁰ <https://www.cia.gov/library/publications/the-world-factbook/geos/ug.html>

⁸¹http://health.go.ug/docs/UAIS_2011_FACT_SHEET.pdf

⁸²http://www.ubos.org/UNHS0910/chapter4_industryof%20employment%20on%20the%20main%20job.html

⁸³<http://www.ubos.org/UNHS0910/chapter7.Average%20Monthly%20Household%20Income.html>

⁸⁴As noted previously, throughout this study, the word “husband” here refers to the male partner of widows in legally recognized marriages and those in cohabiting relationships that were not officially recognized.

⁸⁵In the kibanja system, the “landlord” is the title owner and the “tenant” is the kibanja owner; both parties have legal rights to the land.

⁸⁶Seventy-six widows, or 31.8% of all widows who had lost two or more husbands (76/239), reported being involuntarily removed from more than one homestead.

⁸⁷In 702 of the 2,068 relationships documented, widows reported owning other land besides the homestead. The survey instrument captured up to three pieces of other land. Thus, a reported total of 877 pieces of land were owned within the 702 relationships. Due to non-response within the survey, widows only provided further information on 802 pieces of land.

⁸⁸Fifty-four widows who had migrated away from sampled villages in the county were included in the 1,806 sample. Nearly all (50) of these who were located and interviewed were still living in Mukono County but in a different village. Roughly 42% of these migrated widows (23/54) had been victims of property grabbing in their lifetime.

⁸⁹Note that documentation of land ownership was self-reported and not verified by the enumerator.

⁹⁰Widows were again grouped into dichotomous groups: those who reported ownership of the land (either by the husband alone, herself alone, or joint ownership) and had the best documentation of that type of land (titled land must have a title; kibanja must have busuulu tickets) and those who reported ownership of the land and did not have the best form of documentation of the particular land type. As shown in Table 15, t-tests revealed that widows

with proper documentation of their land were less vulnerable to losing their homestead or land than those who did not have the proper documents.

⁹¹Widows were grouped into dichotomous groups: those who reported ownership of the land (either by the husband alone, herself alone or joint ownership) and the now deceased husband/partner had a will, and those who reported land ownership and had no will.

⁹²Documentation of marriage formalization was self-reported and not verified by the enumerator. In IJM’s experience, widows often report having the proper documentation of marriage, however, in the end, cannot produce sufficient physical evidence of the marriage formalization.

⁹³Widows were grouped into dichotomous categories: those with legal marriages and those in “non-formalized” relationships. Using this dichotomous variable, t-tests revealed in Table 18 that marriage formalization was protective against successful property grabbing during the period of 2010-2013.

⁹⁴In 2007, Uganda’s Constitutional Court invalidated parts of the Succession Act, including the sections containing the formula for intestate distribution. See Law & Advocacy for Women in Uganda v. Attorney General, Nos. 13/05, 05/06, Const Ct. of Uganda (2007). The Court held that the Succession Act discriminated on the basis of sex because it used sex-specific language in its description of the formula. The position of the Administrator General and of IJM is that, notwithstanding the opinion, the formula represents the most reasonable position to take in dividing property, and divisions inconsistent with this formula are in violation of the “notions of justice” under which the remainder of the Succession Act is to be interpreted.

⁹⁵The “customary heir” is the closest male heir; traditionally, this individual was looked to support the deceased’s other dependents.

⁹⁶While both the Administrator General and the AG Attorneys agreed on four visits, the actual reasons for the visits were different: the first visit is to report death and fill a form (same views); second visit is for the allocation of the file of a state attorney (same views); third visit is for the interview/hold or holding a family meeting (different views); and fourth visit is for holding a family meeting/receive or receiving the CNO (different views).

⁹⁷“Knowledge” on rights around succession and inheritance was gauged through the twelve question series on the household survey. See Table 17 and Table 21 for the exact statements.

⁹⁸To meet the “Charge and Caution” format: an officer of Assistant Inspector rank (or above) must write and sign the statement which includes these two phrases: “accused has been cautioned” and “accused has been informed of the nature and consequences of the charge(s).”

4 Conclusions and Discussion

The conclusions and discussion are divided into five main sections, in line with the objectives of the study.

4.1 Prevalence and Impact of Property Grabbing Among Widows in Mukono County

Land security is a cornerstone for livelihood security for most Ugandans, as over 85% of Uganda's population lives in rural areas and relies on agriculture for their livelihood. Land insecurity, however, is an ordinary phenomenon. Women generally, and widows and orphans specifically, are particularly vulnerable to land insecurity. According to the household survey, 30.3% of widows in Mukono County experienced a loss of land to property grabbing in their lifetime. Oxfam's recent study reported a similar figure for widows living in northern Uganda. Moreover, when both successful and unsuccessful attempts are considered, nearly 40% of widows in Mukono County have experienced property grabbing in their lifetime. The prevalence is also largely unknown among the widows who moved a substantial distance (100 kilometers or more) from their homestead, as well as among those who had passed away or were otherwise unavailable to be interviewed.

30.3% of widows in Mukono County experienced a loss of land to property grabbing in their lifetime.

Justice system actors and Uganda's public at large have largely ignored the destructive impact property grabbing has on the lives of its victims. In its most violent and comprehensive manifestation, it is equivalent to stripping someone of all basic needs for survival. The actual act of property grabbing was shown to be coercive and violent as well, with threats of violence made in 31% of successful property grabbing events and attempted murder in 20% of the events. Widows reported more frequently that perpetrators made attempts on her life over destruction of the land or property. Moreover, criminal case file reviews revealed that 52.9% of property grabbing cases included a charge of some form of violence.

The coercive and violent nature of the crime is particularly disturbing given the identity of the typical perpetrator. According to the household survey, 33.8% of property grabbing events involved the victim's in-laws (the social network traditionally responsible for supporting the widow); 4.9% involved the customary heir (the individual traditionally responsible for caring for the deceased's widow and children); 17.8% involved the widow's step-children; and 3.6% involved her own biological children.

Widows also painted a grim picture of the year following a successful property grabbing event for her and her family. Seventy-five percent of victims reported a decrease in income, 43% had to rely on others for food and 63% missed meals regularly. Nearly a quarter of victims (22.4%) experienced the death of a dependent within that first year after losing her land. While these cannot be concluded as causal in relationship, they are indicative of how valuable and dependent the women are on the land that was grabbed for their livelihood. Also, the trauma experienced as a result of the threats and attempts creates a long-lasting fear that leaves victims unable to approach the perpetrator(s) or pursue a fair mediated solution. As many of the perpetrators were in-laws, a widow often fears social exclusion from a significant support network that she may need even more after her husband passes away.

The lack of a unified or consistent response by community leaders and the justice system to protect vulnerable women and children against a phenomenon that is so common and yet so destructive is deeply troubling. However, this study did identify some hopeful indicators. In analyzing successful property grabbing events linked to deaths in defined time periods, a significant reduction in property grabbing prevalence was discovered for the period of 2010-2013 ($p < 0.001$) for this cohort of widows surveyed. While the average rate for the thirty year period of 1990-2009 was 29.4% (384/1306), that rate dropped to 10.8% (42/388) in the period 2010-2013. The rate of unsuccessful attempts, while not significant, also dropped during this period from an average of 14.1% (184/1306) in 1990-2009 to 11.1% (43/388) in 2010-2013. This drop in prevalence occurred shortly after IJM began engaging in a property grabbing prevention case-work project in Mukono County in 2008.

4.2 Widows' Engagement in Protective and Risk-Increasing Behaviors

Property grabbing has become a norm in Uganda. However, this study revealed that marriage formalization, will writing, and land ownership documentation were all statistically significant protective behaviors that could reduce a widows' susceptibility to property grabbing. There is some awareness of these protective factors. In the household survey, 85.5% of widows identified will writing as a protective factor; 61.5% of widows identified land ownership documentation as a protective factor; and 29.9% of widows identified marriage formalization as a protective factor. These attitudes were echoed in the focus group discussions with community members, in which respondents identified will writing as a strong protective factor, but were more mixed in their perception of the protections from marriage formalization.

However, the widows' expressed perceptions of these protective factors were not reflected in their behaviors. According to the household survey, 65.6% of the marriage relationships were self-reported as formalized; 39.0% of widows self-reported having properly documented their land ownership during their relationship; and only 27.0% of widows self-reported that their late husbands had executed a legally valid will. This disconnect suggests that either widows' perceptions of these protective factors is overstated, or there are barriers to engaging in these protective factors that widows are unable to overcome. Additionally, women believe that producing children with their partner provides them more land security over the property, land and homestead than being formally married. However, the data does not substantiate this belief: While children may solidify the perception of the relationship within the community, it does not solidify security of the homestead or land shared with the spouse/partner.

The household survey also revealed three statistically significant risk-increasing factors for widows in Mukono County: marriage formalized by customary or traditional methods, marriage to a man who had other wives, marriage to a man who had fathered children with other women, and kibanja (as opposed to titled) land ownership. Unfortunately, these risk-increasing factors were common among widows in Mukono County. For example, 71.1% of widows who self-reported as having a formalized marriage also reported that the marriage was customary/traditional; 56.4% of widows self-reported that their husband had other wives; 66.1% of widows self-reported that their husband had children with other women; and 74.9% of widows who reported owning a homestead during the marriage reported that they were kibanja holders rather than title owners. Because widows were not asked about their impressions of the riskiness of these factors, it is unclear whether the high prevalence of these risk factors is a result of lacking knowledge or barriers to avoiding these behaviors or some combination of both.

Overall, existing social structure and power relations already place women in a vulnerable position from which they are susceptible to the loss of their homes and income through property grabbing. The majority of widows interviewed in the survey were not benefitting from the protective factors against property grabbing, but rather were living with circumstances identified as risk-increasing. This further indicates how exposed and unprotected women in Uganda are from losing a foundational part of their livelihood.

4.3 Engagement With and Performance of the Justice System in Estate Administration

According to the household survey, widows engaged in the formal estate administration process in only 1.3% of their relationships, nearly unanimously choosing to forego its significant legal protections. Lacking knowledge of the underlying law certainly contributes to this low engagement rate. According to the household survey, only 29.2% of Mukono's widows recognized that Ugandan law addresses succession related issues and matters related to inheritance at all, and 22.5% did not know that Ugandan law allows women to own land. A misperception on either of these critical and foundational issues would make a widow's engagement in the estate administration process a near impossibility.

In sum, the estate administration system is a failed endeavor with significant consequences for Mukono's widows.

Even if a widow did make the extremely unlikely decision to engage in the formal estate administration process, the complexity of the process itself presents a second, virtually impenetrable barrier. All three data collection methods revealed widespread confusion and frustration around the estate administration process. Both male and female focus group discussion participants reported finding the process cumbersome and confusing, and cited required resources of time and money as significant barriers. Additionally, relevant justice system officials interviewed in key informant interviews and focus group discussions expressed views and gave instructions that circumvented and/or thwarted the letter and spirit of the law. Indeed, fewer than half of Local Council Leaders interviewed were able to effectively describe the documents needed to assist a widow in estate administration. Similarly, 49.1% of widows surveyed were unable to recognize the falsity of the assertion that the administrator appointed by the Administrator General or the Court is entitled to keep a majority of the estate (when, in actuality, the approved administrator receives no property for his/her role as administrator); and 38.4% thought that the customary heir was entitled to keep a majority (when, in actuality, the customary heir receives only 1% of the non-homestead assets). Moreover, in conducting case file reviews in the few cases where estates were properly administered, it was clear that the process was not being consistently followed. Of the Letter of Administration files reviewed, 34.5% of files contained a Certificate of No Objection—a document they are not required to have— while only 0.8% contained an inventory, and none contained an account of the administration.

In sum, the estate administration system is a failed endeavor with significant consequences for Mukono's widows. Without proper estate administration, widows cannot obtain the legal right to their property, or the documentation of that ownership so critical to protecting them against third-part claims. This leaves these widows unprotected from property grabbers who may choose to use the ambiguity to fraudulently obtain or sell the widows' interest and/or otherwise challenge the widow's occupancy. Moreover, focus group discussions revealed that law enforcement officials typically refuse to investigate or otherwise respond to reports of property grabbing-related crime if the victim has not, at the very least, obtained Letters of Administration from the court. This leaves widows outside of the protections of Uganda's criminal law.

4.4 Engagement With and Performance of the Justice System in Criminal Prosecution of Property Grabbing

Even after becoming victims of property grabbing-related crime, widows remain reluctant to engage the public justice system. According to the household survey, over three quarters of property grabbing crimes were not reported to *any* authority; only 7.2% of victims claim to have "attempted to prosecute" the perpetrator; and only 3.1% of victims reported the crime to the police.

These low engagement rates are reflective of the average widow's knowledge and beliefs. According to the household survey, 56.1% of the victims who failed to report the crime did so because they did not know that what had happened to them was a crime; as noted in Section 4.3, only 29.2% of widows were aware that Ugandan law addresses issues of succession and inheritance at all. Widows who are unaware of their inheritance rights are unlikely to pursue redress for the violation of these rights. This reality is reflected in the fact that knowledge of inheritance rights proved to be the only statistically significant factor that increased a victim's likelihood to report a crime.

The end result is an environment of impunity for property grabbing perpetrators.

Moreover, female participants in focus group discussions reported fear of being blamed, stigmatized, jailed or even physically harmed if they were to report a property grabbing event to the police. The surveyed widows reported a fear of being subjected to demands for bribes from police (68.0%), and to a lesser extent from Local Council Leaders (57.4%). Moreover, 28.3% of victims who did not report said it was because they believed that the police classify property grabbing-related crimes as “family matters” and therefore refuse to investigate such allegations. For those who do attempt to report, more often than not, the task of achieving a just outcome is placed heavily on the widow. The process does not favor the widow, nor is her decision to proceed often supported by her community.

The low engagement rates are also reflective of the efficacy of the criminal justice system’s response to property grabbing-related crime. Those courageous enough to report the crime most commonly do so to a Local Council Leader. However, these first responders are not adequately equipped with the knowledge, skills, and resources to effectively advocate and carry the widow’s case forward in accordance with the law. Sometimes the Local Council Leaders’ belief systems uphold the traditional norms; sometimes they are the perpetrators; sometimes they are swayed by bribery or the influence of more powerful perpetrators; and sometimes the Local Council Leaders are the widow’s leading advocate. The response by Local Council Leaders to widows is inconsistent across Mukono County, and as they are the first responders, the fate of women’s livelihoods often lies in their unpredictable hands.

If the widow’s case does succeed beyond the Local Council, the next hurdle to justice is the police, the gatekeepers to criminal prosecution. When it comes to property grabbing, the police currently act more often as a roadblock to justice than a source of protection for this vulnerable population. The study’s findings provide many reasons for this. A lack of understanding of the relevant laws and their application, lack of acknowledgment of property grabbing as criminal, insufficient evidence collection and documentation skills, an indifference to the widow’s vulnerabilities or lack of ability to resource her path through the system, and others all contribute to the lack of effective response by police to property grabbing.

In attempting to conduct a criminal case file review of property grabbing-related cases, the study team members were only able to locate 68 police files reflecting an investigation of property grabbing-related crimes in Mukono County opened during 2005-2009 and closed by the time of the study. Of those 68 files, 72% lacked the charge sheet required to move forward from a criminal investigation to an actual formal charge. Indeed, only four of the 68 files proceeded to final judgment, and all four resulted in a dismissal of the charges. In other words, of all located property grabbing cases files that met study criteria, not one single suspect was found to be convicted of a property grabbing crime.

The end result is an environment of impunity—an environment perfect for the proliferation of opportunistic perpetrators and the victimization of vulnerable widows and orphans.

4.5 Knowledge, Attitudes and Reported Confidence in the Justice System

Property grabbing remains entrenched in the sociocultural and gender norms of Uganda. Widows, community members and leaders, and other key justice system stakeholders are all quite familiar with the concept of property grabbing. However, there is a clear lack of accurate understanding of Uganda’s laws around property grabbing, land ownership, and succession and inheritance-related matters. There is also a lack of understanding of the justice system’s role in preventing property grabbing.

Property grabbing is rarely viewed as a criminal matter.

In viewing estate administration as a mechanism for combatting property grabbing, the Administrator General’s Office has the ability and responsibility to screen applications for estate administration. The current structure and lack of a streamlined, clear and consistent process cripples this institution’s effectiveness in providing helpful, easy-to-access services to widows. Women do not perceive estate administration as being beneficial to them given the multiple barriers,

frustration, extensive resource requirement, and maze-like navigation. The system is therefore widely unused by widows as a means to formally document their rights to the land and thereby reduce vulnerability to property grabbing.

Property grabbing is rarely viewed as a criminal matter. However, across all of the interviewed stakeholders, violence is well understood as criminal in nature. Therefore, in cases in which there is a violent act associated with the grabbing of the property, stakeholders more readily affirm that a crime has been committed.

The view of property grabbing as non-criminal is perpetuated by local cultural and gender norms deep-rooted in both men and women in the community. It is rare to view as criminal, for example, a widow being pressured into taking a much lower sale value for her kibanja, being restricted to a portion of her land instead of having full access, or leaving “willingly” after being told she must by family members or in-laws. The story maps validate this, as many widows who were victims of crimes — according to the law — did not identify themselves or their circumstances as property grabbing.

Widows exhibited the highest accuracy of knowledge around children’s succession rights (concerning all biological children, orphan children, children in relation to other family members), with the main knowledge gap existing among the rights of women in relationship to their husband’s homestead, land, or property. While the majority of widows knew Uganda’s law allows women to own land, when pushed, female focus group discussion participants qualified their answers and even, at times, changed their views. These women expressed doubts as to their legal capacity to inherit property from their husband’s estate. Accordingly, it seems that even widows that express knowledge of their right to own land fail to truly believe it in the real world.

The perceptions and attitudes regarding the government’s response to property grabbing are not optimal. Not only are the perceptions among widows and community members in relation to the justice system actors low, but within the justice system, the actors do not trust one another or understand the other’s role in the process. Widows expressed a high confidence in Local Council Leaders to assist them, and widows perceived police as more likely to request bribes than Local Council Leaders. On the other hand, the Local Council Leaders can also be both the beginning and the end of the widow’s pursuit for justice, if the Local Council Leader requires funds or assistance from the widow to move the case forward. Interestingly, widows report a high confidence in the justice system’s response when asked directly; however, when asked contextual questions, they express doubts and still do not engage in the system.

The Local Council Leaders also expressed mixed feelings about working with police on cases of property grabbing. The Local Council Leaders described police as often being indifferent to the plight of women, often dismissing cases or telling the woman to go home and solve the matter with family. The overall perception of police among widows, Local Council Leaders, and even community leaders regarding the police’s response to property grabbing cases influences each of these actor’s decisions to bring the case to a police officer. To many, a reputation of corruption surrounds the police, which signals to Uganda’s public that attainment of justice requires being able to afford bribes. The system’s overall perceived effectiveness to respond to property grabbing is stunted by this perception of the police. The other side to this coin is that the police themselves were not confident in their own abilities to help women who came to them reporting property grabbing cases. Officers actually expressed the same fears that widows had: retaliation by the property grabbers for taking action against them. Thus, in many cases, the perpetrators hold the power both within the villages and the communities of public protectors.

Interestingly, nearly half of widows interviewed in the survey agreed that “people who grab property are criminally convicted for their actions.” Given that all three data collection methods contradict this, the widows must have a different perception of what has happened in their communities or interpret criminal conviction in another way than that of applying Ugandan law. On the other hand, in nearly three-quarters of crimes where the widow pursued prosecution, she reported being unsatisfied with the outcome.

5 Recommendations

These recommendations are suggested for the larger international community implementing programs, conducting research, formulating policy or funding protocols regarding, related to, or affecting land and populations vulnerable to property grabbing.

5.1 Public Education

There are clearly a number of misperceptions among widows, perpetrators and community members that need to be corrected if widows are to be protected from property grabbing. Tailored messages and awareness campaigns should target women and girls, as potential future victims; men and boys, as future potential perpetrators; and all community leaders, as first responders. Based on the findings in this mixed method study, the key messages to convey on the issue of property grabbing should center on:

- **The existence of a legal framework governing succession:** As a foundational matter, members of the general public must be educated on the fact that Ugandan law does in fact govern succession or inheritance-related matters, and that in instances where traditional norms conflict with custom, the formal law supersedes or overrides the traditions. Without this basic foundation, widows cannot possibly seek the law's protection, perpetrators can act with real or willful ignorance, and community members have no frame of reference from which to influence behaviors.
- **The right of women to inherit and own land:** Without this knowledge, girls are likely to forgo pursuit of their rightful claim to land in their father's estate and widows in their husband's estate; women will acquiesce when property grabbers challenge their ownership and occupancy rights. Moreover, without this knowledge, perpetrators are able to act believing that they are in accordance with the "laws of the land." Accordingly, it must become common knowledge that women are entitled to inherit and own land. That must be demonstrated as common practice in everyday life as well.
- **The proper distribution of estate property:** Many misperceptions exist around inheritance and the proper distribution of an estate's property. To avoid succession-related disputes and isolate criminal land grabbing cases, the public must be educated on (or at least have access to information concerning) the proper distribution of an estate. They must know which relatives are lawful beneficiaries and which relatives are not, they must understand the role of the customary heir and the court-approved administrator, and they must understand the principles of equality enshrined in Uganda's Succession Law.
- **The criminal nature of property grabbing:** Because property grabbing is often not perceived as criminal—a perception often reinforced by misguided public justice system officials—victims acquiesce to the demands of those perpetrating against them. Believing that the criminal law provides them with no protection and that civil redress is far too expensive to pursue, these misinformed victims fail to take advantage of the State's publically available mechanism for protecting victims, restraining perpetrators and deterring future offenders, thus perpetuating the cycle of impunity. It is particularly important that potential perpetrators know and understand that eviction of widows is not merely a "family matter" or a "private civil matter," but rather a criminal matter (i.e., recognized as a public offense) with significant consequences that the justice system will enforce. This message is central to any deterrence-based strategy to reducing the prevalence of property grabbing in Uganda.
- **The importance of and procedures for engaging the public justice system in formal estate administration and/or criminal prosecution:** The formal estate administration and criminal prosecution systems, which are the government's primary property grabbing prevention and deterrence mechanisms, cannot function if people do not engage them. People will only engage them if they know how to engage them and have a belief that the engagement will benefit them in some way. Unfortunately, there is a great deal of confusion and distrust that prevents people from engaging. Accordingly, efforts must be made to educate people on how to engage the public justice system in estate administration and criminal prosecution, and to convince them that such engagement is in their own best interests as well as that of their larger communities.

5.2 Service Provision

In addition to education on the topics above, the general public—and particularly married couples, widows and property grabbing victims—would benefit greatly from service providers who would help them take practical steps to protect themselves and their families from property grabbers. Specifically:

- **Will writing:** Given will writing’s protective nature but its low uptake among community members, service providers—governmental, non-governmental, religious or other—should help overcome this barrier between knowledge and action, protecting potential victims and creating a new norm of behavior in the process.
- **Land rights documentation:** Documentation of land rights was found to be a protective factor against property grabbing; however, possession of the best forms of documentation of ownership remains rare. Service providers should assist men and women in obtaining the best evidence of land ownership, either through officially transferring title or—more easily and more importantly—by securing busuulu receipts to document kibanja holdings.
- **Marriage formalization:** Given the protective nature of marriage formalization and the high levels of reported religiosity, religious or faith-based institutions such as churches and/or mosques could help improve the rate of formalized marriage in their communities by making it a point of emphasis and readily offering those services to couples in non-formalized relationships. In addition, service providers should support couples who get married customarily or traditionally (which is a risk factor in large part because of the lacking documentation) to register that marriage with the government and obtain official documentation of the relationship. Likewise, faith communities and others can play a key role in educating their communities about the risks inherent in not formalizing their relationships.
- **Estate administration:** Given the expressed confusion and frustration over the process, service providers should provide recently widowed women with legal and psychosocial support in lawfully administering the estate of their late husbands. Doing so would provide significant protection for the clients and families served and would also help to create a norm of formal estate administration in the process.
- **Criminal prosecution:** Given low reporting rates to the police and a great mistrust of the actors in the criminal justice system, service providers should support efforts to lawfully restrain perpetrators and provide victims of property grabbing-related crime with legal and psychosocial support in their pursuit of criminal sanctions against the perpetrator. Providing legal assistance could help victims navigate the relationships with the various actors in the system, avoid being coerced into abandoning their rights and stand up to requests for bribes, all while reinforcing values of equal protection expressed in the Constitution and laws of Uganda and eliminating the air of impunity that surrounds these crimes and deterring future property grabbers from engaging in the behavior.

5.3 Public Justice System Improvement

The sustainability and scalability of public education and direct service delivery efforts ultimately relies on the existence of a properly functioning justice system. Accordingly, any of the above efforts must be coupled with investment in improving the service delivery of the institutions that participate in estate administration and criminal prosecution. In addition to general skills enhancement (e.g., forensic skills for police officers, legal analysis for state attorneys, etc.), the study uncovered a number of specific steps that could be taken to prevent and deter property grabbing through improved public justice system performance. Specifically:

- **Educate Local Council Leaders on matters of succession, administration and criminal reporting:** Local Council Leaders are typically a widow’s first point of contact with the public justice system after the death of her husband and/or a property grabbing event. As such, Local Council Leaders wield a great deal of influence in whether widows in their jurisdictions engage the system and whether that engagement is ultimately successful or not. Unfortunately, Local Council Leaders generally lack understanding as to how to guide widows through the administration process, how property is supposed to be divided under the law and what constitutes a property grabbing-related crime that should be reported to the police. Accordingly, investment should be made in educating, training and equipping Local Council Leaders to provide their constituents with proper guidance in matters relating to succession, administration and criminal prosecution.
- **Prioritize criminal prosecution of property grabbing-related cases:** Various studies, including this one, have found that the public justice system in Uganda fails to recognize the criminal implications of core

property grabbing-related crimes, such as wrongful eviction or intermeddling, and also de-prioritizes cases that are based on an underlying motive to steal land. Given the widespread prevalence of property grabbing and its devastating impact on its victims and the public community at large, actors within the criminal justice system must prioritize the prosecution of property grabbing crimes as the public offenses that they are. The prioritization will require shifts in unhelpful practices and mindsets: criminal prosecutions must include all relevant criminal counts for which there is credible evidence, duty-holders must recognize and prosecute property grabbing crimes even in the absence of violence and must not treat the involvement of land as a mitigating factor. Such a mindset shift would likely deter property grabbers and may have the secondary effect of deterring other violent crime, as actors within the justice system consistently note that most violent crime is motivated by a desire to steal land. Accordingly, efforts should be made to train, educate and sensitize actors within the police, the state attorneys' office and the courts on the importance of and methods for prosecuting property grabbing-related crime.

- **Invest in accurate and complete records:** In both estate administration and criminal prosecution, the study uncovered inaccurate, incomplete and poorly maintained records; this poor record keeping thwarts the process of justice. Reviews of case files revealed non-corresponding case file numbers across institutions, missing file contents, duplicated files, empty files, non-existent files, lost files, hand-written and illegible notes, and sub-standard quality of statements. This low level of record-keeping and documentation in matters of such significance is a breeding ground for errors, delays and corruption. Accordingly, investment needs to be made in systems and processes that will ensure the creation of maintenance of accurate, complete and accessible records that are appropriately shared across public justice system institutions. This may include implementing standardized paper file management systems, introducing digital case and evidence management, standardizing the production of an audio-recorded stenographic record and/or other records management systems that are fairly standard in courtrooms in developed nations.
- **Limit transfers of public justice system officials:** The study revealed a great deal of frustration caused by delays in judicial proceedings; these delays may force widows to drop a case, or deter her from pursuing one in the first place. Further exploration of the topic revealed that many of these delays were caused by frequent transfers of public justice system officials, particularly magistrates. While transfers of public justice system officials are commonly accepted as useful both to advance the impact of effective public servants and to prevent unethical officials from abusing their power and creating personal fiefdoms, the frequency and unpredictability of the transfers in Mukono, coupled with the lack of reliable recordkeeping and hand-over protocols, made these transfers a barrier to justice for widows. When magistrates were transferred, cases were frequently lost in the process, completely restarted at a significant burden to the parties, or continued (often without a complete record to update the new magistrate on previous proceedings). These transfer-related issues cause significant delays, decrease the overall accountability for judicial officers and significantly decrease user confidence. Accordingly, efforts should be made to reduce the frequency with which officials in the police, the state's attorney's office and the courts are transferred and continue to invest in improving record-keeping and handover mechanisms for advisable transfers.

5.4 Areas for Further Research

The study results raised a number of questions for further research and exploration.

- **Tracing study for those widows who migrated:** The household study targeted women who were widowed while living in Mukono County. Due to resource and methodological constraints, enumerators were only able to interview widows who were within 100 kilometers of the village they were "listed" in. (See Section 2.1.1) Forty-three percent of the small number of widows who had migrated away from the targeted village in which they were "listed" (23/54) who were captured in the household survey were found to have been property grabbing victims. While this is not representative, it provides enough evidence to warrant further research with these widows who have moved a substantial distance away from their original homestead. Logically, if a widow has experienced property grabbing, she is more likely to not be on the homestead or land originally lived on or grabbed. Thus, additional research tracing migrated widows might illuminate other realities that could enable improved programming around prevention of property grabbing and mitigation of its effects.

- **Cost-benefit analysis of engagement with the estate administration:** The study highlighted issues that bring into question whether the current safeguards in the estate administration system provide value that exceeds the costs imposed on users of that system. The low number of widows that engage in the formal estate administration system strongly suggests that the primary consumer of that system's benefits—widows—believe that the costs outweigh the benefits.

Moreover, the estate administration case file review suggests that statutorily and/or judicially mandated safeguards are regularly ignored. For example, although the law benefits widows by allowing them to bypass the frequently onerous process of obtaining Certificates of No Objection, courts frequently insist that all applicants, including widows, must present this document to proceed. Such insistence is so common that this ostensibly non-required and difficult to obtain documentation was present in a third of the administration case files reviewed. Moreover, nearly all cases reviewed lacked an administrative inventory and all lacked an administrative account, notwithstanding the clearly stated statutory requirement that administrators must provide these documents or face significant penalties. Such rampant non-compliance calls into question the efficacy of these requirements. With rates of participation in the administrative system so low, and only nine administrative case files that could be traced back to the Administrator General's Office from the courts, it is difficult to discern what value, if any, the Administrator General's vetting adds to the safety of the overall estate administration process. Accordingly, the costs and benefits of the various estate administration safeguards require further research.



Annex

Annex A: Comprehensive List of Sampled Parishes and Villages

Sub-County Code	Sub-County	Parish Code	Parish	Village Code	Village
1	NAKISUNGA	1	KIYOOLA	1	Banda Sunga
				2	Buzu
				3	Kisozi
				4	Kiyoola Central
				5	Nantuula
				6	Nassaka
				7	Bumbajja
				8	Nsonga
	NAKISUNGA	2	NAMAIBA	9	Buziranjovu
				10	Kakuba
				11	Lubugumu
				12	Mawa- Katuba Village
				13	Sanga
				14	Luwuule
				15	Namaiba Village
				16	Kityabule
	NAKISUNGA	3	KYETUME	17	Bukasa
				18	Kyetume
				19	Ntale
				20	Lufunve
				21	Kazinga
	NAKISUNGA	4	KYABALOGO	22	Kyandaaza
				23	Lusera
				24	Nakisunga
				25	Namakwa
				26	Ntakafunvu
				27	Bugenderera Ddala
2	NTENJERU	5	SSAAYI	28	Kalagala
				29	Kazo
				30	Luute
				31	Mavunirire
				32	Nakibanga
				33	Ntumusi
				34	Ssaayi

			35	Nakasuku
			36	Kituuza
			37	Maziba
	NTENJERU	6	BUGOYE	
			38	Bugonya
			39	Bugoye
			40	Kabira
			41	Lweteega
			42	Kiwafu Estate
			43	Mirembe
			44	Bunyama
			45	Nsumba
			46	Mugangu
	NTENJERU	7	BUNAKIJJA	
			47	Bunakijja
			48	Kisittu Island
			49	Kulubbi
			50	Lugazi
			51	Lugoba
			52	Golomolo
3	MPATTA	8	NAKALANDA	
			53	Nakalanda
			54	Buyonju
			55	Mawotto
	MPATTA	9	MUBANDA	
			56	Mubanda
			57	Buzindere
			58	Busooke
			59	Kisinsi
			60	Buule
	MPATTA	10	TTABA	
			61	Ttaba
			62	Mpenja
			63	Buwunga
			64	Ttaba-Bwanika
	MPATTA	11	KIYANJA	
			65	Kiyanja
			66	Kawuna
			67	Bulikaasa
			68	Bbanga
4	MPUNGE	12	MPUNGE	
			69	Mpunge
			70	Mengo
			71	Busoke
			72	Kiruddu
			73	Kikeera

			74	Masujju
	MPUNGE	13	NGOMBERE	
			75	Ngombere
			76	Buwujja
			77	Mbale
			78	Kikubo
			79	Kagulu
5	MUKONO TC	14	GGULU WARD	
			80	Kirangira
			81	Kitete
			82	Ngandu
			83	Ssaza
			84	Agip
			85	Colline
			86	Ggulu Ward A
			87	Ham Mukasa
			88	Kasangalabi
			89	Total Village
			90	Kigombya
	MUKONO TC	15	NTAAWO WARD	
			91	Butebe
			92	DFL-
			93	Industrial Area
			94	Lower Kauga
			95	Mulago
			96	Nsambwe - Ntaawo
			97	Ntaawo
			98	Nakabago
			99	Nasuuti
6	KYAMPISI	16	BULIJJO	
			100	Bulijjo
			101	Kalagi
			102	Kasozi - Kanikwa
			103	Kikabya
			104	Naalya
			105	Nabiyagi
			106	Nkonge
			107	Kasozi A
			108	Bunyiri
			109	Nammere
			110	Kitanda
	KYAMPISI	17	DDUNDU	
			111	Buntaba
			112	Kasayi A
			113	Kiryamuli
			114	Kyoga

			115	Misombwa
			116	Nakasajja
			117	Nakoba
			118	Nakumbo
			119	Namulaba
			120	Bamutakudde
			121	Ddundu
			122	Kalagala
			123	Kasaayi B
	KYAMPISI	18	KYABAKADDE	
			124	Bulimu
			125	Kalagi
			126	Kasala
			127	Kyabakadde
			128	Namaganga
			129	Namengo
			130	Nkonge
			131	Kyampisi
			132	Kakoola
7	GOMA	19	BUKERERE	
			133	Bukerere
			134	Mawangala
			135	Kagala
			136	Kiwango Namwezi
			137	Kyesereka
			138	Nakagere
			139	Namasiga
			140	Natonko-Paapati-Buwava
			141	Nyanja
	GOMA	20	NANTABULIRWA	
			142	Kasokoso
			143	Kitale
			144	Kiwanga - Lwanda
			145	Koolo
			146	Mawotto
			147	Namilyango
			148	Degeya-Senyi
			149	Nantabulirwa
	GOMA	21	NYENJE	
			150	Bajjo
			151	Budugala
			152	Kigunga
			153	Nsambwe - Nyenje
			154	Nyenje

8	NAMA	22	NAMAWOJJOLO	155	Buligobe
				156	Bwefulumya
				157	Namawojjolo East
				158	Walusubi
				159	Wanjeyo
				160	Namawojjolo West
	NAMA	23	KASENGE	161	Kapeke
				162	Kasenge A
				163	Kivuvu
				164	Nakapinyi
	NAMA	24	MPOMA	165	Buyuki
				166	Kisowera
				167	Kituba
				168	Lukojo
				169	Luwunga
				170	Mabuye
				171	Nalya
				172	Nama 1
				173	Nsanvu
				174	Kibooba
				175	Mpoma
				176	Kampungu
				177	Nkooki
				178	Nama 11

Annex B: County-wide Household Survey Tool for Widows

We would be happy to share the county-wide household survey tool conducted with widows with you. It is written in English/Luganda format. Please email contact@ijm.org to request a copy of the tool and include in the subject line “Requesting copy of Household Survey for Widows in Mukono County, 2013 Prevalence Study, IJM Uganda”.

Annex C: Informed Consent Form for County-wide Household Survey



2013 Property Grabbing Study, Uganda Informed Consent Form, Household Survey

INTERVIEWER TO READ TO THE PARTICIPANT:

Hi, my name is _____, and I was hired by International Justice Mission (IJM) to help conduct a research study on property grabbing among widows and orphans in Mukono. The overall study will include a large household survey, interviews, focus group discussions, and a review of property grabbing case files, with over 2,000 people participating. We would like you to take part in the survey. The survey will first capture information about you and your family, and then I'll ask questions about property grabbing and the estate administration process. All of the information you provide will be combined with all the other survey participants. All of your responses will be kept confidential, and your name will not be included anywhere in the final research report.

Your participation in this survey and the answers you provide are completely voluntary. That means that you do not have to participate if you do not want to. There is very little risk in taking part in this survey, and you are free to not answer a question or to ask me to explain the question further. It is also fine to tell me that you don't know the answer to a question. Do you have any questions?

Do you agree to participate in the household survey?

NO → Can I ask why you would not like to participate in the household survey?

Write reason(s) for refusal: _____

Thank you for taking time to listen.

YES → Write signature (or thumb print)

(If yes) This study is about land and your possible experience of property grabbing. If you are found to be in need of assistance with your homestead or other pieces of land, IJM would like to follow-up with you and get more information. This would require using your personal information provided in the survey to get in touch with you. This is also voluntary, and you can still participate in the survey and reject the request to follow-up with you.

Would you allow IJM to use your personal information to follow-up with you afterwards if needed?

NO

YES

Signature/Thumbprint of Survey Participant

Date

Signature of Interviewer

Date

TEAR OFF HERE AND GIVE TO SURVEY RESPONDENT

If you have any questions about this survey on land, would like to know more about the findings of the study, or if you ever need assistance in regards to your land, please contact Jesse Rudy, the Field Office Director of International Justice Mission in Uganda at 0414532294 or jrudy@ijm.org.

Annex D: Data Collection Tools for Case File Review

D1: Case File Review Data Collection Tools

We would be happy to share with you any and all of the case file review tools. Please email contact@ijm.org to request a copy of the tools and include in the subject line “Requesting copy of Case File Review Tools, 2013 PJS Performance Study, IJM Uganda.” Specify in the body of the email whether you are interested in the criminal prosecution case file review tool, analyzing property grabbing cases in the police stations and courts, or the administrative cause case file review tool which analyzes cases in the courts and Administrator General’s Office for application to be an estate’s administrator.

D2: Quality Criteria Ranking Table

for assessment of witness/victim statements in Case File Review

<p>1 POOR</p> <p>Statement does not provide even the basic details regarding the about the date and place of occurrence, witnesses (age, sex, relationship to victim), ownership (type of land, how the land was acquired), and/or it is unclear what value this statement can add to the case.</p> <p>Statement fails to paint a picture of what occurred because the appropriate/necessary questions were not asked.</p>	<p>2 FAIR</p> <p>Statement provides basic details regarding relevant facts about the date and place of occurrence, witnesses (age, sex, relationship to victim), ownership (type of land, how the land was acquired), but is generally lacking in specific detail.</p> <p>Statement paints only a very basic picture of what occurred; many specific details are missing because many appropriate/necessary questions were not asked.</p>	<p>3 GOOD</p> <p>Statement is mostly thorough, including all relevant facts regarding the date and place of occurrence, witnesses (age, sex, relationship to victim), ownership (type of land, how the land was acquired), but may lack some details. It appears that several follow-up questions were appropriate, but not asked. Statement names all documented evidence.</p> <p>Statement paints a good picture of what occurred, though some details may be missing; most of the appropriate/necessary questions were asked of the witness/victim.</p>	<p>4 EXCELLENT</p> <p>Statement has excellent detail, including all relevant facts regarding date and place of occurrence, witnesses (age, sex, relationship to victim), ownership (type of land, how the land was acquired). Statement names all documented evidence. There are no missing details.</p> <p>Statement paints a clear picture of everything the witness saw/heard/ knows about the offense and the people involved; all appropriate/necessary questions were asked of the witness/victim.</p>
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Annex E: Focus Group Discussion and Key Informant Interview Tools

We would be happy to share with you any and all of the qualitative research tools used as part of the prevalence and justice system performance studies. Please email contact@ijm.org to request a copy of the tools and include in the subject line “Requesting copy of Focus Group Discussion and Key Informant Interview Guides, 2013 Prevalence and PJS Performance Study, IJM Uganda.”

Annex F: Informed Consent Form for Focus Group Discussions and Key Informant Interviews

F1: Informed Consent Form for Focus Group Discussions



Property Grabbing Study, Uganda Informed Consent Form, Focus Group Discussions

FACILITATOR TO READ TO THE GROUP:

Hi, my name is _____, and I was hired by International Justice Mission to help conduct a research study on property grabbing among widows and orphans in Mukono, Gulu, and Amuru. The overall study will include a large household survey, interviews, focus group discussions, and a review of property grabbing case files, with over 2,000 individuals participating. We would like you to be a part of a ‘focus group discussion’. The discussion will be about the issue of property grabbing in Uganda. Your selection into the group is on purpose – as it is intended for you to speak on behalf of your community or entity you represent – not necessarily your own actions, opinions, or experiences. Your individual contribution to the discussion will be kept confidential. The discussion will be recorded, but your name will not be used in the final research report. The recording will simply help the research study team analyze overall trends and themes that arise across all the focus group discussions in order to better inform IJM’s program to fight property grabbing.

Your participation in this focus group and responses you provide are completely voluntary. That means that you do not have to participate if you do not want to. There is very little risk in taking part in this discussion, and at any time during the focus group, you are free to ask for clarification on a question or not answer.

There are a few rules: 1) Everyone talks and 2) Everyone is respectful of each other’s time by allowing each person the opportunity to contribute.

If you have any questions about this study or would like to know more about the findings of the study, you are free to contact the Field Office Director of International Justice Mission in Uganda (Jesse Rudy, jrudy@ijm.org, +256 (414) 532 294. This information will be provided to you at the end of the session.

Please raise your hand if you agree to participate in this focus group discussion. [*FACILITATOR: Anyone who does not raise their hand should not participate.*]

Does anyone have any questions before we begin?

Let’s begin.

F2: Informed Consent Form for Key Informant Interviews



**Property Grabbing Study, Uganda
Informed Consent Form, Key Informant Interview**

FACILITATOR TO READ TO THE PARTICIPANT:

Hi, my name is _____, and I was hired by International Justice Mission to help conduct a research study on property grabbing among widows and orphans in Mukono, Gulu, and Amuru. The overall study will include a large household survey, interviews, focus group discussions, and a review of property grabbing case files, with over 2,000 individuals participating. We would like you to be a part of a “key informant interview”. This means that we believe your insights are critical to understanding the complexity of property grabbing in Uganda. The interview will include questions about your knowledge about and experiences property grabbing and the estate administration process. Your individual contribution to the discussion will be kept confidential, and your name will not be used in the final research report. The interview will take approximately 60 minutes and will be recorded to ensure all information is communicated just as you said it. At any time during the interview, you are free to ask for clarification on a question or not answer.

Your participation in this interview and responses you provide are completely voluntary. That means that you do not have to participate if you do not want to. There is very little risk in taking part in this discussion, and at any time during the interview, you are free to ask for clarification on a question or not answer.

If you have any questions about this interview or would like to know more about the findings of the study, you are free to contact the Field Office Director of International Justice Mission in Uganda (Jesse Rudy, jrudy@ijm.org, +256 (414) 532 294. This information will be provided to you at the end of the session.

Does anyone have any questions before we begin?

Do you agree to participate in the interview?

NO → Can I ask why you would not like to participate in the interview?

Write reason(s) for refusal: _____

Thank you for taking time to listen.

YES → Write signature (or thumb print)

Signature/Thumbprint of Participant

Date

Signature of Interviewer

Date

Annex G: IJM's System Reform Program in Mukono, Uganda

To prevent property grabbing through legal documentation, the Project engages:

- **Local Council (LC) Leaders**,^{99,100} through training on how to support their constituents in writing wills, lawfully administering estates and documenting land ownership;
- the **Administrator General** through innovations designed to simplify and streamline the estate administration process.

To deter property grabbing through criminal prosecution, the Project engages:

- the **Police** through strategic training and mentoring modules designed to improve the identification and investigation of property grabbing-related crimes and equipping specialized units to respond to these crimes;
- **State Attorneys** by partnering on prosecutions of model cases and providing professional enrichment opportunities that allow the State to successfully prosecute land related criminal cases.

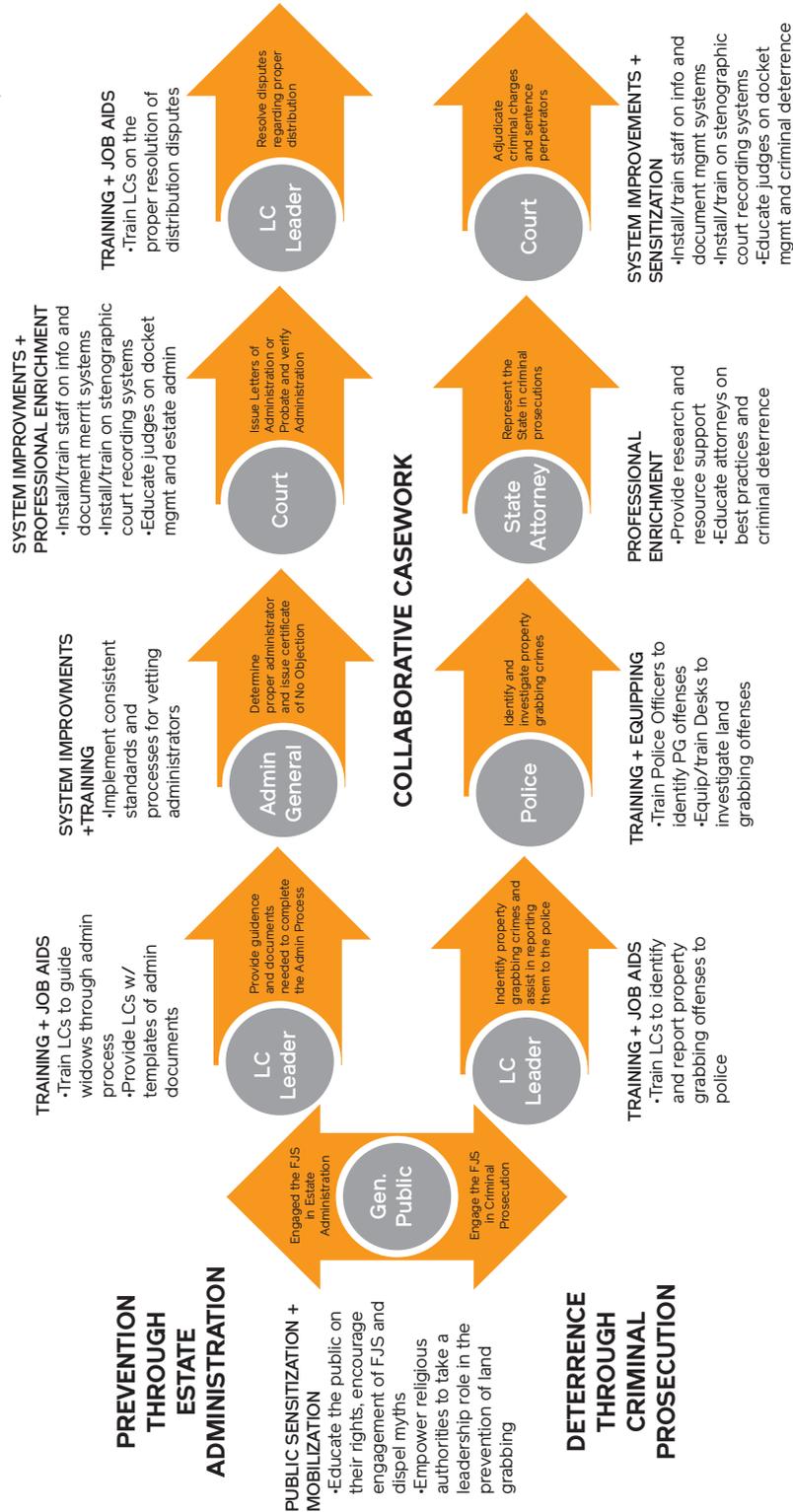
To achieve both prevention and deterrence, the Project engages:

- the **Judiciary** by partnering to develop model courthouses with the technology, training and administrative infrastructure to process estate administration cases and criminal prosecutions with transparency, efficiency and accuracy.

To ensure the effectiveness of its comprehensive program approach, the Project recognizes the valuable role of legal education and empowers the **General Public** to take steps to prevent property grabbing by engaging the public justice system and to report property grabbing offenses to government officials.

The project involves a continued collaborative casework component, which allows IJM to identify and challenge practices and precedents that expose widows to further abuse, recognize and reinforce behaviors of public justice officials that encourage effective estate administration and result in successful prosecution of perpetrators, and create feedback loops informed by real-world situations that will help to test and refine the Project's more-systemic strategies.

Figure 12: Project Strategies



⁹⁹LC Leaders are elected officials at the village (“LC1”), parish (“LC2”), sub-county (“LC3”), and district (“LC5”) level LC1 and LC2 Leaders are influential in their communities, serving as the first point of contact when someone

must interact with the justice system, a mediator when a conflict arises in the community and a witness to any real estate is transferred within their jurisdiction.



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INTERNATIONAL JUSTICE MISSION is a global organization that protects the poor from violence throughout the developing world. IJM partners with local authorities to rescue victims of violence, bring criminals to justice, restore survivors, and strengthen justice systems.

Highlighted as one of 10 non-profits "making a difference" by *U.S. News and World Report*, IJM's effective model has been recognized by the U.S. State Department, the World Economic Forum and leaders around the globe, as well as featured by *Forbes*, *Foreign Affairs*, *The Guardian*, *The New York Times*, *The Phnom Penh Post*, *The Times of India*, National Public Radio and CNN, among many other outlets.

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