

1 introduction

Background

Women and children's insecure rights to property and inheritance in many countries in sub-Saharan Africa is not a new issue.¹ The extended family support systems that used to function as social safety nets for widows and orphaned children have weakened as a consequence of societal changes such as economic development, migration and urbanization. This situation has clearly been exacerbated by the AIDS epidemic. Though prevalence is starting to level off, or even decline, in several high prevalence countries, this comes after years of increasing prevalence. In Mozambique, HIV prevalence rose from 10.3 percent in 2001 to 12.5 percent in 2007². Increasing mortality due to HIV³ leads to growing numbers of widows (and widowers) and orphans⁴ and can amplify the challenges women and children already face in securing their rights to property and inheritance.

A study by Seuane⁵ looks at these dynamics, comparing the pre-HIV scenario with the current situation in Mozambique. In the former scenario, children were generally old enough to inherit and could therefore ensure theirs and their mother's access to the land and property. In the current situation, however, adults are dying younger, when children are still under age, which can weaken their rights to property and inheritance. Though substantive data measuring this phenomenon are lacking (existing evidence tends to be more anecdotal in nature), some studies that have been conducted in the region provide evidence that property grabbing from widows and children is occurring. For example, in Zambia it was found that on average, widow-headed households controlled 35 percent less land following their husband's death⁶. A study conducted in Namibia reported that 44 percent of widows and orphans lost cattle, while 39 percent lost farm equipment⁷. These are but a few examples that speak to the issue of property grabbing from widows and children.

Despite encouraging levels of economic growth,⁸ Mozambique is still one of the poorest countries in the world, and is ranked the fifth least developed country in terms of human development.⁹ It has been severely affected by the AIDS epidemic. This has grave consequences for the socio-economic development of a country where more than half of the population already live below the poverty line.¹⁰ Given this bleak scenario, children and

¹ Available data from Agricultural censuses and FAOSTAT show that, for example, female ownership of agricultural land is 3 percent in Mali (2003), 9 percent in Senegal (1998/1999), 15 percent in Madagascar (2004/2005) and 20 percent in Tanzania (2002/2003). In Mozambique, female land ownership is 23 percent (1999/2000); while only 20 percent own more than two hectares (Swedish International Development Cooperation Agency, 2000).

² UNAIDS, 2008.

³ AIDS deaths in Mozambique increased by roughly 72 percent from 2001 to 2007 (UNAIDS, 2008).

⁴ Orphans due to AIDS in Mozambique increased more than three-fold between 2001 and 2007 (UNAIDS, 2008).

⁵ Seuane, 2005.

⁶ Chapoto *et al.*, 2007.

⁷ FAO/IP, 2003.

⁸ Mozambique's gross domestic product (GDP) grew on average 8.7 percent annually, 2001-2006 (UNDP, 2007).

⁹ According to UNDP's Human Development Report (2008 Statistical update), Mozambique is ranked 175 out of 179 countries worldwide in the Human Development Index with a score of 0.366.

¹⁰ UNICEF, 2006.

women's inheritance rights are increasingly important for their survival and wellbeing. When women and children's inheritance is taken away, this can mean losing valuable resources such as land, housing, money, cattle, agricultural implements, household furniture and clothing. This leaves the widows and their children without access to a means to sustain their livelihoods, and can make them vulnerable to further hardship and exploitation.

In order to investigate the nature and scale of the problem of property grabbing in Mozambique, in 2006-07 Save the Children conducted a comprehensive study in four provinces of the country: Gaza, Manica, Zambézia and Nampula. The aim was to improve understanding of the main constraints facing widows and orphaned and vulnerable children in securing their inheritance rights, as well as the principal effects of disinheritance. The results of this study, published in a report called *Denied Our Rights: Children, women and inheritance in Mozambique*, indicate that widows and orphaned children tend to suffer some kind of material loss after the death of their husband or father¹¹. Testimonies from widows recounted how they had been evicted from their house or land by their late husband's relatives or how the relatives had taken all assets of value, such as cattle or bicycles from the household. Orphaned children who lost both parents reported that not only had much of their parents' property been taken from them, but they also faced discrimination in the families who were supposed to take care of them. They were less likely to be well-nourished than their peers who still had both their parents, and more likely to drop out of school. Property grabbing was found to directly affect the livelihoods of women and children, making it necessary for them to find other coping strategies that made them vulnerable to exploitation and abuse.

Aim of the study

One of the main recommendations of the *Denied Our Rights* report was to design cultural and contextually relevant strategies to improve protection of children and women's property and inheritance rights. Following on from this, Save the Children, with support from FAO, undertook the current project to develop key elements of an effective intervention strategy based on good practice at community as well as organizational level. This paper is based on three main types of research: a background literature review; community fieldwork; and consultation with representatives from various organizations working on children and women's rights in Mozambique. Its main objective is to propose possible entry points for interventions, key messages and activities to lay down the basis for a strategy to secure women and children's rights to inheritance and property. Its intended audience are government institutions, national and international NGOs and community-based organizations that could intervene in different areas of work, based on their specific mandates and capacities.

Structure of the report

The next chapter aims to increase understanding of the cultural norms, values and practices that guide families' behaviour on property and inheritance issues. It specifically aims to identify positive norms and values that exist within the system of social and kinship relations, and those related to spiritual and religious beliefs, that could serve as key messages within behaviour change programming. This chapter is based on anthropological fieldwork undertaken in Gaza, Manica, Zambézia and Nampula provinces to complement the information gathered for the *Denied Our Rights* report, as well as on secondary sources. For an overview of the socio-economic background of the study sites as well as the methodology used, see Appendices two and three.

The third chapter identifies good practices within activities carried out to date by various organizations concerned with safeguarding children and women's inheritance rights. It also looks at where there are gaps and what can be done to fill these gaps. Evidence was gathered through personal interviews with representatives from community-based organizations, national and international NGOs, government institutions and United Nations agencies, and has been complemented by international good practices identified through a literature review (see Appendix four for a list of the people and organizations that took part).

The last chapter gives recommendations on the main elements for a strategy to secure women and children's rights to inheritance and property in Mozambique.

¹¹ Save the Children, 2007a.

2 traditional and cultural norms and values

Understanding traditional and cultural norms and values and how they translate into practice at local level is a significant step towards finding appropriate ways of protecting children and women's property and inheritance rights. Identifying positive norms that can be reinforced, as well as actions already being undertaken by community members to protect widows and orphaned children against property grabbing, can be essential towards building a framework. This chapter is divided into two parts. The first part explores kinship relations and social structures within traditional and contemporary Mozambican society and how these affect women and children's rights to property and inheritance. The second part explores how beliefs and practices related to spiritualism, religion and witchcraft influence inheritance practices.

Property and inheritance within the traditional extended family

Norms and practices of succession and inheritance cannot be viewed separately from the kinship and social structures of the society in which they operate. Whether grouped around lines of paternal or maternal relatives, the extended family is traditionally the building block of Mozambican society. The organization of the extended family defines control and inheritance of property – land, houses, cattle and other assets – along either patrilineal or matrilineal lines. The patterns of residence of married couples also play a role – either a woman joining her husband and his family in patrilocal/virilocal communities or a man joining his wife and her family in matrilocal communities. Patrilineal and patrilocal or matrilineal and matrilocal, however, are not necessarily related, which can create a complex mosaic of residential patterns.¹² This system creates a sense of collective rather than private control over property, with property being controlled by the extended family instead of a nuclear family unit. Most customary inheritance laws are therefore designed to ensure that land and other assets remain within the lineage.

Traditionally, in patrilineal communities dominant in the southern and central regions of the country below the Zambezi valley, control of property by the elder males of the family was considered the most adequate manner to manage communal property. Since the extended family was formed around male members, girls and women were considered temporary members. Girls born into the family would, upon marriage and receipt of the *lobolo* (bridewealth), leave to become part of their husband's extended family. Allowing women in the family – daughters or widows – to own or inherit property would therefore mean that upon marriage or remarriage their assets would be transferred to their new families, thus transferring property outside of their father or husband's extended family. Hence, property is traditionally passed on along the male line, the sons of the deceased being the first in line to inherit, followed by male ascendants (father or uncles) and male siblings and their descendants. Only if none of these categories exist, or all refuse to accept the inheritance, will the widow have a right to inherit. Daughters' rights come only after those of the widow.

¹² For example, in some countries, matrilineality combined with patrilocality has been associated with women having difficulty in sustaining their control over land, even though their rights are equal under customary law (see Dondeyne et al., 2003). Also, in matrilineal/matrilocal systems, both the wife and husband depend on the woman's maternal uncle for land. In this case a husband is disadvantaged and needs to relinquish assets if the marriage dissolves. (see Chalimba and Pinder, 2002; Tango International Inc., 2004).

Customary law does not actually differ much from the succession laws established in the Succession Book of the 1966 Civil Code (Section 2133). The main difference is that the Civil Code grants equal rights to female and male heirs in each category. According to the Civil Code, descendants are first to inherit and the estate is divided in equal parts between the children of the deceased, with the exception of illegitimate children who receive half the quota assigned to legitimate children. If none of the children accept, grandchildren are approached. In their absence or if they refuse to accept, ascendants are the subsequent class of heirs. If there are no surviving ascendants, the estate is divided in equal parts among the siblings of the deceased and any descendants of a deceased sibling are jointly entitled to his or her quota. Only if none of the previous categories exist, or all refuse to accept the inheritance, is the spouse of the deceased formally allowed to claim the inheritance. The legal position of male and female spouses is therefore equally disadvantageous under current succession law. However, in practice widows are much more vulnerable than widowers to property grabbing, because the latter are better protected under customary law¹³.

Unless the deceased had written a will, the entire estate would be divided according to these norms. But even where a will was written to dispose of the assets of the deceased in a different way, there is a certain quota of the inheritance, the *legítima*, which cannot be freely disposed of as it has to benefit the legitimate heirs as described above. The size of this quota depends on the composition of the family of the deceased and the number of possible heirs, but ranges from one-third to two-thirds of the estate. The recognition of legal inheritance rights for the surviving spouse, either male or female, is thus one of the main changes proposed for the revision of succession law.

In matrilineal families in the northern part of the country, control over resources is generally also in the hands of men but property inheritance occurs from mother to daughter. Combined with a residence pattern in which women predominantly continue to live alongside their families, this gave women increased influence over access to lineage property and land. However, in recent decades patrilineal norms have begun to replace customary practice in matrilineal societies on a large scale and women have lost considerable power to their brothers, sons and uncles, who are nowadays commonly identified as the head of the family and owner of the land. Also, according to the research conducted, most families now seem to choose the location of their residence either according to patrilocal patterns, or in a totally new area such as the provincial capital (neolocal). This alienates women from their relatives and diminishes the control they would traditionally have had over assets in their families' land and other property. Where a widow's male family members – her brothers and uncles – would have normally decided on the division and management of assets, this role has been increasingly taken over by the husband's relatives, reflecting norms of a patrilineal society. Therefore, in practical terms, the fieldwork for this study found little difference between the patrilineal communities in Gaza, Manica and Zambézia and the matrilineal communities in Nampula.¹⁴

Norms that favour women's access to property

Although men have traditionally held property in the name of the family, it is important to remember that wives, daughters and under-age sons have always been allowed to benefit from this property to guarantee their survival and wellbeing. As women were not allowed to own or inherit property themselves, this implied an obligation on the part of male members of the family. Sons who inherited from their parents were supposed to take care of their sisters and allow them to use some of the land to secure their livelihood until they got married. Widows who were still of child-bearing age would remain in the family through the practice of widow inheritance (see box 1). Elderly widows who were not expected to marry again were allowed life-time usage of the land that passed on to male heirs so that they could stay in their marital homes. Relatives would take care of a widow so that she in turn would be able to take care of her children. For this reason, some African scholars have argued that when dealing with inheritance one should focus more on access to property rather than on direct ownership of property.¹⁵

¹³ Except in matrilineal systems where the reverse is the case.

¹⁴ From a more anthropological point of view, additional research would be necessary to determine whether the findings are indeed representative of all matrilineal communities in Mozambique, especially more rural communities. See also Osório (2006) for the results of a study carried out by Women and Law in Southern Africa (WLSA) on the changing power and influence of women in matrilineal communities in Mozambique.

¹⁵ Gordon, 2005.

Box 1: Widow inheritance

According to tradition, after her husband's death, a widow would be married to another man from her deceased husband's family (usually one of his brothers) to ensure she still belonged to that family. This practice is related to the payment of *lobolo* (bridewealth) by the family of the groom to the family of the bride, which marks her passage to her husband's family as well as the fruits of her labour and her offspring. One could argue that this practice prevents a woman from becoming destitute and her needing to inherit property, and indeed, not all women oppose it. Many Mozambicans, men as well as women, consider marriage a social contract that is agreed to after careful consideration of the advantages and disadvantages it offers – quite different to the romantic act of love it now represents in some Western cultures. Many widows have therefore happily accepted this chance of securing their and their children's livelihoods, rather than considering it an obligation forced upon them.

Women's rights organizations in Mozambique have, however, actively opposed the practice because it is considered a violation of the rights of both men and women. It denies them the free choice of a life partner. It can relegate a widow to the status of second wife in a polygamous marriage. It also implies a serious health risk for both the widow and the brother-in-law in the era of HIV. Where these practices are still followed, widows are more likely to give up their home and property 'voluntarily' to prevent being 'inherited'. In addition, her deceased husband's family can use her refusal to be inherited as a reason to evict her from her home and land. Support for this practice is declining slowly, both because widows refuse to be inherited and because brothers of the deceased refuse to accept his widow as their wife.

Finding a middle way between refusal and complete acceptance, there is anecdotal evidence from women who have found a way to turn this practice to their advantage, with the cooperation of the man selected to inherit her and her in-laws. Some widows nominally agree to 'marry' their brother-in-law, which allows them to continue to live in their marital homes and work the family land, but without having to assume other marital obligations. Other widows have temporarily accepted the practice so as not to break the family relations, but thereafter end the relationship amicably.* Other families have allowed widows continued access to the house and land, as long as she remains unmarried. These are just a few examples of how cultural practices can be negotiated, while still respecting the norm.

Calling for respect for the traditional norm to take care of widows and their children as a duty intrinsically related to the right to inherit property is a strategy that could be very effective. Property grabbing from widows and orphaned children clearly breaks the tradition of solidarity within the extended family. Reinforcing the original value could therefore restore a widow's access to property and secure a basic livelihood for herself and her children. However, taking this pragmatic stand carries the risk of reinforcing existing gender relations, instead of empowering women by advocating their right to actual control over their house, land or other assets. Hence, it could also be argued that a focus on mere access to property will prolong the structural vulnerability of women and their dependence on male relatives, vulnerabilities that are evident across the lifecycle.

Commercialization of land seems to play an important role in this regard as relatives may take the view that selling the land in question will be more beneficial for the family as a whole than its continued cultivation.¹⁶ Also, the fact that extended families are now less likely to inhabit the same geographical area, which allowed for sharing the profits of communal property, makes it harder for widows to access any benefits from their late husband's property unless they receive unalienable rights over the assets.

¹⁶ In a study on women's access to land in Mozambique, Seuane (2005) concluded that most separated or widowed women did not have difficulties in accessing land for their survival, either through male members of their own family or by requesting use of a plot of community-owned land. However, the study suggests that this could be inherently related to the fact that land was not a scarce resource in any of the communities studied. The hypothesis was that where commercial agriculture or urbanisation would increase competition over available land, women would have more difficulty accessing land.

* See also WLSA, 1996.

Irrespective of the broader issues raised, it can be concluded that women's rights to inheritance and property is not contrary to Mozambican tradition or culture as such. Allowing widows access to land and property to secure their own livelihoods and those of their children is the norm. What remains to be negotiated is how to put this norm into practice under changing circumstances. As will be shown in the following examples, communities may come to the conclusion that individual control over family assets by women is indeed a feasible option.

There have been cases of widows that have been able to ensure continued access to their household's property by managing their children's inheritance until they reach adulthood. Traditionally, male relatives of the children would be considered the most appropriate persons for this task, having a duty to use the benefits of the inheritance to provide for the widow and her children; but on some occasions widows have been allowed to take on this responsibility themselves. Administering the estate for her children once again means mere access to rather than control of property, and in the long run it will put her in a position of dependency vis-à-vis her (male) children. Theoretically, however, this would offer more security than a widow having to depend on the goodwill of non-blood relatives.

Changing circumstances that favour women's ownership of property

The 2004 Family Law¹⁷ establishes that where couples (whether married in a church, before the state, or de facto marriages¹⁸) have not made any provisions regarding the division of their property, a system of community property (*regime de comunhão de adquiridos*) is applicable. This means that all assets acquired by a couple over the duration of their relationship are joint property and therefore in cases of divorce or separation, each spouse has a right to whatever property they brought into the relationship individually, plus half the assets the couple acquired over the duration of the relationship. Although the Family Law does not specifically refer to succession or inheritance, it has set a precedent that can be used by lawyers to argue for a widow's rightful control over property following the death of her husband. Thus, before assets are distributed among the rightful heirs, the widow should receive her half of the couple's assets or she should be compensated accordingly.

Although the existence of this legal norm is largely unknown at community level, the principle behind it is more often recognised and has been used to some extent to decide on the allocation of property following one's death. The argument that all family assets belonged to the man because he was the one generating income for the family is still common. For example, although women and their children are frequently the main labourers on family land, the commercialisation of agricultural products is typically the domain of men and the income generated is therefore seen as brought in by the husband. However, when asked to explain why some women do have access to property or inheritance after their husband dies, community members would often refer to the contribution she had made to the household, which entitled her to have control over at least part of the communal household property. This shows that appreciation for women's economic contribution to the household could enhance the perceived right for them to have control over property.

Evidence of successful women-headed households, as well as women participating in credit and saving schemes or income-generating projects, seems to be contributing to this changing perception as well. Even the fact that in polygamous marriages wives are often dispersed over the village, each inhabiting their own house – contrary to the traditional ideal of all co-wives living together in one compound – seems to open up opportunities for women to be more economically independent and carry the responsibility of managing the household and its property. Economic independence not only empowers women individually but also serves as an example for other men and women.

¹⁷ Lei Nº 10/2004 de 25 de Agosto

¹⁸ A de facto marriage (*união de facto*) is defined as a monogamous lasting relationship (minimum one year without interruptions) between a man and a woman who are legally entitled to get married but have chosen not to do so (article 202). The large majority of Mozambican couples, especially in rural areas, have never formalized their traditional wedding and the inclusion of the concept of the de facto marriage in Family Law has therefore greatly improved the legal position of women.

Women's knowledge and participation

In recent decades, many organizations have been actively promoting women's human rights and condemning gender-based violence in Mozambique. However, this knowledge has not been sufficiently internalized by society, not even by women themselves. This is particularly the case in rural areas of the country. One of the findings of the fieldwork was that widows who have lost belongings or access to their marital house and land after their husband's death do not always consider this as a violation of their rights because they are largely unaware of their rights or interpret them in a different way. Women are both sisters and wives and as such are often present on both sides of inheritance disputes. Widowed women can be victims but female siblings of the deceased can be among the victimizers.

Because of the gender role attributed to women, those widows who do perceive the treatment by their husband's relatives as unfair often feel they are not in a position to oppose these relatives or to ask outsiders for help. Since inheritance issues are considered a private, family matter, they are normally dealt with by a family council, where the elder males play an important role. Upon the death of a father and husband, a family council consisting of his relatives would be convened to decide on the division of assets and guardianship of children. The widow and children would generally not have a say in these proceedings. However, sometimes – more commonly in Nampula province than in the other regions – representatives from both families come together to make these decisions.

A widow who has been expelled from her home would normally go first to the elder males in her family for advice and support. If they agree to help her, they would contact her deceased husband's family to discuss the details of the succession arrangements made. Traditional leaders would only be involved if the two families could not reach agreement. In cases where the widow's family live in a different area, her only option would be to go to a community leader directly. In many places, however, this is not common behaviour for a woman and therefore it takes a lot of courage. During the study, women reported that if they knew a local leader had been sensitized on the issue of women's inheritance rights, this would make it easier for them to approach this person directly and ask for his help.

Children's inheritance rights

Contrary to a widow's disadvantageous position, children are recognized as the first in line to inherit from their parents under both customary and formal succession law. The main difference is that formal law grants equal inheritance rights to female and male descendants, while under patrilineal customary law the sons of the deceased often are the direct heirs¹⁹, with the implicit duty to provide for their female siblings until they marry. In Nampula province, likely due to the influence of matrilineal norms, equal inheritance rights for boys and girls appeared to be more widely accepted as customary practice.

Children's inheritance rights are often considered to be realizable only when they reach adulthood. They would then directly own and decide over the property left to them by their deceased parents. Until this time, the family members that would assume care for them would also manage their assets.

From a human rights perspective, the definition of a child is unambiguous. Article 1 of the UN Convention on the Rights of the Child states that, "a child means every human being below the age of 18 years [...]".²⁰ However, the social and cultural understanding of what defines a child in any given community is more complex than the issue of legal majority alone. A previous study undertaken by Save the Children²¹ found that criteria based upon biological, cultural and behavioural characteristics are in fact far more relevant to communities' understanding of what defines "a child" than physical age alone. Children's access to their inheritance is therefore unlikely to be linked to their legal coming-of-age.

¹⁹ It is important to remember that although customary law is formally recognized in Mozambique, this is only as long as it does not contradict the basic principles of the 2004 Constitution. The equal rights of men and women is a constitutional principle and therefore any decision made based on customary law that discriminates against women because of their sex can be legally appealed.

²⁰ The term used under Mozambican law is "minor" – applicable to any individual under 21 years of age.

²¹ Save the Children UK, 2007c.

Boys will often claim the assets that previously belonged to their parents when they decide to start their own family. The house, land or other durable assets that were administered for them during their childhood will allow them, where necessary, to pay their bride's *lobolo* (bridewealth) and to start building their own household.

On the contrary, when orphaned girls are considered mature enough to start a family of their own, this often decreases their chances of realizing their inheritance rights. A girl's first menstruation is often seen as an indication that she has reached womanhood. Thus girls as young as 13 or 14 can be perceived as ready for marriage and for having children of their own. But as young women, they are traditionally not allowed to have control of property because upon marriage they would extract these assets from their family and pass them on to their husbands' family. In addition, as discussed earlier in this chapter, women face several other challenges in securing their property and inheritance rights related to common gender roles and perceptions. These do not only affect widows but also orphaned young women who will often be regarded as less capable of managing property than their male siblings.

Hence, orphaned girls suffer from a double disadvantage when defending their rights to inheritance. First they are considered too young to inherit. Yet when they reach adulthood and could theoretically claim their inheritance rights, they are likely to have these denied because they are women. In particular, orphaned girls who do not have male siblings run high risks of losing all their parents' property because of gender discrimination in the division of assets.

Property grabbing from orphaned children

One of the characteristics of the AIDS epidemic is that in comparison to other causes of death, it creates a disproportionate number of orphans. Children may lose both their father and their mother, often within a short space of time. Property grabbing affects paternal orphans when their mother is denied her right to inheritance. But it also affects children directly when both their parents die and the assets that belonged to them are seized by family members. This may occur in a relatively open way when, following the death of the surviving parent, relatives divide the items belonging to the household among themselves, including the house and the land. Alternatively, it may be done in a more covert way by assuming guardianship of the orphans and, under the pretext of administering their assets until they reach adulthood, disposing of the property and using the benefits for personal gain.

Guardianship of orphaned children

Traditionally, orphans would be taken in and raised by individuals from their extended family, usually their grandparents or aunts and uncles.²² In matrilineal communities in the north of the country, children, upon dissolution of their parents' marriage either through divorce or death, are expected to be taken care of by their maternal family. In patrilineal communities, through the act of *lobolo* (bridewealth), the couple's children in principle belong to the parental family. Where *lobolo* had not been paid, both paternal and maternal relatives would demand their 'share' of the offspring and children would be divided between the two families.

An important assumption in this societal logic was the value of children for families and communities. Traditionally, children were regarded as a blessing for a couple and their extended families. Not only would they continue the family's name but they were also an important socio-economic resource, providing useful additional labour and income for the family in the present as well as a safety net for their parents' future. Having many children would also earn a man respect. Sustaining large families was relatively easy because the cost of an extra child would be no more than the amount of food needed to feed him or her, which would come from the family lands. More recently though, caring for many children has become increasingly difficult for

²² Family Law establishes a framework for the appointment of legal guardians that is implemented through the Ministry of Women and Social Action (MMAS). However, as acknowledged by provincial MMAS representatives, the procedures to establish legal guardianship over children are normally followed only in cases where parents have been convicted to a jail sentence or have otherwise been declared unfit to raise their children, but not in cases of death. So far, the only cases where MMAS actively promotes the establishment of legal guardianship for double orphans seem to be those where one of the parents was a public servant and the children need a legal guardian to be able to apply for the state subsistence pension they are entitled to.

families struggling to survive because of the increased cost of food and other costs such as education. Also, the geographical spread of extended families means that often, orphaned children find themselves far away from relatives that would normally have provided for them. The growing number of children orphaned by AIDS²³ who are in need of care is adding fuel to an existing problem. Children who used to be seen as a blessing are now often regarded as a burden on their families and communities. This has resulted in relatives trying to avoid their traditional responsibility of caring for orphans. This seems to be especially true for paternal relatives, showing a tendency towards increased responsibilities of the maternal family when it comes to the care of orphans who have lost one or both of their parents. Even when their father is still alive, maternal orphans are often 'returned' to their deceased mother's family. This is also the case in patrilineal communities.

Problems arise when paternal relatives (in patrilineal systems) evoke their traditional right to administer assets left by the deceased, but are unwilling to accept the duties that traditionally come with it. This is leading to a situation where paternal relatives take control over property while children are raised by maternal relatives, without benefiting from the property left by their deceased parents and with little chance of accessing it when they reach adulthood. Although this behaviour seems to be all too common nowadays, there is no cultural or traditional reason why this should be accepted.

This tendency also means that the family from the maternal side who have taken in the children often do not have access to the additional means of livelihood that the inheritance could have provided, and as a result they may find it difficult to cope financially. In addition, if these families were already having difficulties providing for their own children, this could make them more likely to perceive the orphaned children as a burden to the household and could lead to discrimination. For instance, it is common for orphaned children to be made to work harder or given less to eat because the family may be struggling to cope²⁴. Ensuring that the management of children's inheritance stays in the hands of those relatives responsible for their upbringing, as traditional norms prescribe, would therefore be a step towards guaranteeing children's inheritance rights.

However, where relatives who agree to take care of orphaned children are also responsible for administering their inheritance, they often appear to abuse their position by selling part of the assets or obtaining personal benefit from their management – for example, by renting out the house or leasing the land. However, given the financial difficulty many households face when they have to provide for more children in the household, it is not unreasonable for these families to be allowed to reap some of the benefits of the orphans' inheritance in order to provide for them. The problem lies in defining what is acceptable use of the inheritance and how to stop those who are clearly abusing their position.

Community monitoring systems could be a solution. In some communities, traditional leaders have started to play an active part in monitoring the wellbeing of orphaned children, making regular home visits to families caring for them. These leaders have the power to reproach families that have taken in orphans and clearly overstepping the boundaries regarding the benefit they are obtaining from the orphans' property, or if they are otherwise not protecting the children's best interest. Committees formed to support orphaned and vulnerable children at community level have also taken up this monitoring task. Where these community committees form part of a wider network linked to formal institutions, cases of property grabbing that cannot be solved through mediation by local leaders could also be referred to other institutions such as the Ministry of Women and Social Action (MMAS) or the police department responsible for women and children (*Gabinete*). However, this approach can only be successful when communities agree that inheritance issues are not merely domestic problems and allow for them to pass into the public sphere, legitimizing interventions by community groups and leaders that do not belong to either of the families involved.

²³ The number of orphans due to AIDS in Mozambique more than tripled from 2001 to 2007 (UNAIDS, 2008). Children orphaned due to AIDS account for nearly 30 percent of children orphaned due to all causes (UNICEF, 2008).

²⁴ Save the Children, 2007a.

Child-headed households

The difficulty faced by communities in coping with the increasing numbers of orphaned children (largely due to the AIDS) has led to an increase in the number of child-headed households in Mozambique. Although legally a sibling has to be at least 25 years old to assume guardianship over his or her brothers and sisters,²⁵ this does not correspond to the harsh reality whereby households headed by children have arisen out of bare necessity. Under certain circumstances, child-headed households might be in the best interests of a child – for example, when growing up in an institution would be the only other option, or if siblings would otherwise have to be separated. However, child-headed households place huge responsibilities on the oldest siblings who, while still children themselves, have to take the responsibility of providing and caring for their younger brothers and sisters. Also, one of the consequences of the AIDS epidemic is that parents die at an increasingly younger age, and their children are therefore likely to be younger than children who have been orphaned by other causes. This means they are less likely to be old enough to take care of themselves.

In this regard, careful consideration should be given to recommendations to enable children to achieve “active legal capacity” to be able to protect their property rights against relatives who abuse their guardianship.²⁶ Young children should not be expected to assume these types of responsibilities themselves and although the capacities of older children may be greater in individual cases, child rights organizations should not promote the general transfer of adult responsibilities to children.

Child participation

A significant cultural factor allowing guardians to deny children their rights to their inheritance is that adults often do not see the need to account for their actions towards children. It is still uncommon for Mozambican adults to ask children’s opinions on issues affecting them and to take their opinions into account. Children and young people spoken to during the study mostly agreed that their family members, such as uncles and aunts, were the most appropriate persons to take care of them. They generally trust them to take the right decisions and to act in their best interest, including in the administration of their inheritance. What they requested, however, was to be informed about what happened to their parents’ property and to know why certain decisions were taken – for example, when a decision was taken to sell property. They also asked for their opinions to be taken into account.

There is also a need to take children’s views more seriously, particularly when they are unhappy with the way they or their assets are being treated by relatives. Too often, outsiders such as traditional or religious leaders disregard these issues because they are unwilling to listen to a child, especially over what they consider to be internal family matters. Children who are members of orphaned and vulnerable children (OVC) committees, youth organizations or the Child Parliament²⁷ have been known to stand up for children in their communities on several issues, but they also often feel they are not listened to²⁸. Children deserve special protection, and if family members responsible for their care abuse their position, communities should take action. Local leaders and other key stakeholders in the community should be encouraged to listen to children and young people and supportive so that they feel they can speak out and be taken seriously.

Traditional weddings, polygamy and other complicating factors

The particular attitudes of Mozambican society towards relationships and the existence of different types of marriages further increase women and children’s vulnerability to abuses of their inheritance rights.

Most married Mozambicans, especially in rural areas, have celebrated a traditional community wedding that has never been formalized according to legal norms. The new family law has greatly improved the legal position of Mozambican women by recognizing *de facto* relationships (*união de facto*). Couples involved in a

²⁵ Family Law, article 344.

²⁶ Rose, 2007.

²⁷ Launched by the Government and the Parliament of Mozambique in 2001, the National Child Parliament represents different groups of children across the country – girls and boys, orphaned and non-orphaned children, children in school and out-of-school as well as children with and without disabilities.

²⁸ See Save the Children UK (2007b) for an account of the experiences of Child Parliamentarians in Mozambique.

monogamous and lasting relationship but who never legally registered their commitment now have the same rights as men and women married before the church or state. As mentioned earlier, this means that women who are in such a relationship now have the same rights as legal spouses to marital property upon separation or divorce. However, with the reform of succession law still pending, women involved in a de facto relationship are not yet legally allowed to inherit as a spouse²⁹.

Polygamous marriages have a long tradition in Mozambique and the fact that the new family law does not legally acknowledge their existence does not change the reality in which many men and women live. Practical reasons, such as the increased cost of sustaining large families, have led to a decline in the number of new polygamous marriages. The rise of evangelical Christian churches that condemn polygamy, especially in the central provinces, has also had some impact. But even these churches have seen the need to adapt their message to the reality of their congregations and often do not turn away believers involved in a polygamous marriage. In the eyes of many, men as well as women, polygamy is an accepted practice. And for some, it continues to be an ideal that conveys considerable status on a man within his community. The existence of polygamous marriages is thus an undeniable fact, especially in rural areas, and needs to be taken into account when looking at inheritance practices.

One aspect of polygamous marriages that influences succession and inheritance practices is the hierarchy that exists among wives. The first wife, also called the great wife, is regarded as the woman with most power and privileges in the family. According to the data gathered during the fieldwork, in the central provinces of Manica and Zambézia this means that the first son of the first wife would be considered the principal heir of his father's possessions the children of other wives dependent on his willingness to share. In Gaza province in the south, however, the power of the first wife and her offspring seems to be more symbolical. It was reported that inheritance would be divided equally according to the number of children per wife.

Another problem is that since polygamous marriages are not officially recognized under family law, co-wives cannot all have equal legal rights as spouses. Normally, if all marriages have been celebrated in the same way, this would mean the first marriage would be considered to have legal validity and therefore the first wife would be regarded as the legal spouse. However, it could also happen that the commitment to a first spouse is celebrated in a traditional wedding while the commitment to a second spouse is officialized through a church or state wedding. In this case the first wife could find herself without legal rights when her husband dies. This has created a difficult situation for women's rights organizations. On the one hand, they define polygamy as a violation of women's human rights and would not want to promote its existence. On the other hand, they have had to admit that not making special provisions for women involved in polygamous marriages leaves these women highly unprotected and vulnerable.

Besides the traditional acceptance of polygamous marriages, it is not uncommon for men to be involved in extra-marital relationships. Where children have been born from these relationships, conflicts are likely to arise over who is rightfully entitled to parts of his inheritance when a man dies. Inheritance disputes may therefore not only arise between the deceased man's relatives and his widow and children, but can also involve first wives, second and third wives or girlfriends, as well as children born from previous marriages, children born out of wedlock and orphaned children adopted into the family. The number of scenarios that could arise makes it a complex situation; what might be considered unacceptable property grabbing by one person could be defended by another as simply securing their rights. In these complicated cases, both women and children can be victims as well as victimizers and there may be no straightforward solution that is satisfactory for all, even less so when strictly adhering to formal succession law. Case-by-case negotiation based on a mixture of customary law, formal law and common sense may be the only solution.

²⁹ As mentioned earlier, the legal position of male and female spouses is equally disadvantageous under current succession law. However, since in practice widows are much more vulnerable to property grabbing than widowers, the revision of succession law is especially relevant for women.

Religion, spiritualism and witchcraft

In addition to norms and practices related to family life and kinship structures, spiritual and religious beliefs can also affect inheritance practices.

Spiritualism and animist beliefs

Although animist beliefs and practices vary across different parts of the country, belief in the existence of ancestors' spirits who provide strong links between the past, present and future and who thus continue to play an important role in family and community life is omnipresent. These beliefs are tied to succession and inheritance practices in several ways.

First, in order for the deceased to successfully complete the journey to the spirit world, funeral and mourning rituals, as well as rituals to honour ancestors' spirits, are often considered necessary. These extensive rituals offer spiritual and emotional consolation, but can sometimes put a great strain on the surviving family members because they can continue until all food items present in the house are consumed and animals might also be slaughtered for the occasion. The deceased's personal belongings – for example, clothes and personal items – are often buried with him or her, sold or burnt. This gives peace to the deceased and prevents his or her spirit from haunting surviving family members. In extreme cases, evident for example in Zambézia province, this practice can extend to the burning of houses, the selling of all furniture and household items and the family having to move off their land – especially when both spouses die. These practices can make widows and orphaned children more vulnerable.

However, when looking at the reasons why this happens, it is clear that these practices are not meant to disadvantage women and children to the benefit of other family members. They are purely based on a perceived need to appease and pacify the spirit of the deceased and other ancestors to guarantee a balance between the earthly and spiritual worlds. This means that if those people with real influence in spiritual matters can offer, and actively promote, acceptable alternatives to these practices – alternatives that do not harm the surviving spouse and children – there is no reason why change would be opposed. And indeed, there is evidence at local level that these practices are changing.

The rapid growth of evangelical churches³⁰, which are strongly opposed to several features of traditional rituals, has started to change funeral ceremonies in central and southern parts of the country, making them more austere and thereby less of a burden to the family of the deceased. The role of traditional healers is also important. A representative from the Mozambican Association of Traditional Healers (AMETRAMO) in Manica province explained that, in the interests of orphaned children, the association has started performing harmless purification rituals that eliminate the need to get rid of the deceased's belongings or avoid certain living spaces. This allows the widow and her children to continue to use these items and live in their house without fear of retaliation from the spiritual world. These harmless purification rituals that protect widows' and orphaned children's rights should be strongly promoted at community level.

Purification rituals are very important within the framework of spiritual beliefs. A much-criticized ritual has been that of widow cleansing, also called *pita-kufa* or *kutxinga*. According to this ritual, a widow is considered to be contaminated after the death of her husband and in order to prevent the spread of bad luck caused by repercussions from the spiritual world, a purification ritual has to take place. This is traditionally accomplished through sexual intercourse with one of her late husband's male relatives. This ritual has been linked to the practice of widow inheritance discussed earlier. Women have been protesting against this practice for many years as it clearly violates their rights; moreover, it puts them at greater risk of contracting HIV.

One of the most successful interventions with regard to widow cleansing has been the collaboration with *curandeiros* (traditional healers) to come up with a viable alternative to this harmful practice. This does not necessarily entail asking people to change their beliefs but rather to change the way they are put into practice.

³⁰ For example, membership in the Evangelical Lutheran Church in Mozambique alone grew nearly five-fold in 2004 and by around another 24 percent in 2005 (Eunice, 2005; CEPE, 2007).

In both Gaza and Manica provinces, traditional healers mentioned the existence of purification rituals based on baths with herbs and other ingredients that could replace the *pita-kufa* ceremony. Since refusing to participate in the *pita-kufa* ceremony has also been used as an argument to dispossess a widow of her belongings, this alternative ritual should be strongly promoted at community level. *Curandeiros* who carry out these alternative ceremonies should be engaged to convince their colleagues and followers of the spiritual acceptability of these practices.

At the same time, some aspects of the deeply rooted belief in a balance between the spiritual and earthly worlds and obligations to the deceased could potentially be advantageous in protecting children and women's rights to inheritance. For example, many people emphasized the fact that from a spiritual point of view, a dying person's last wishes should always be respected – including with regard to the inheritance of property – otherwise the spirit of the deceased would not be able to rest and the person(s) who took possessions that were not rightfully theirs would suffer from misfortune, illness or even death. This means that if, during life or on their deathbed, people could be convinced to express their wishes regarding how their possessions should be divided after their death, there would be a very strong spiritual imperative to comply with these wishes. However, the main obstacle here seems to be that people are afraid to express their wishes as this could be interpreted (by either the living or spirits of the dead) as them saying they are ready to die. People also expressed their distrust of those family members who would benefit from their death, fearing they would do something to hasten it. Also, those excluded from the provisions of the (oral or written) will could try and harm the intended beneficiaries. Considering this level of mistrust, people often prefer to say nothing on the issue of inheritance, hoping that sensible decisions will be made after their death.

In the case of disputes between extended family members over the division of land, houses or other assets, a *curandeiro* can be hired to evoke the spirit of the deceased to clarify what he or she considers a fair division. The outcome of this ceremony would be irrevocable and not open for discussion. Since the *curandeiro* is a clairvoyant and depends on the spirits, it is not possible to anticipate which way the ruling will go. However, prior to the ceremony, the *curandeiro* talks to the deceased's family to find out more about: the circumstances of the death; the nature of the relationship between him and his wife and between them and the rest of the family; the relationship with his children; who his friends were; who spent most time at his deathbed taking care of him, etc. Whether this is done to help the *curandeiro* establish contact with the spirit or because *curandeiros*, as with other traditional leaders, try and make their decisions based on knowledge of the family, is not clear.

However, one major difference between the power of worldly traditional leaders and that of the *curandeiros* is that the latter are not accountable. Therefore, there is little chance of contesting the outcome of any ceremony because the will expressed is seen to be that of the ancestors' spirits, the *curandeiro* simply being the messenger. The decision of a *curandeiro* can normally only be contested by another, more powerful, *curandeiro* but even then there is no guarantee regarding the outcome, nor are there standards available to measure compliance. Some community members also referred to the possibility of a *curandeiro* siding with either party in an inheritance dispute depending on the reward promised to him or her if a certain outcome were secured.

Witchcraft

Linked to the belief in ancestral spirits is the belief in *feitico* (witchcraft or sorcery), which is deeply embedded in all levels of Mozambican society, and in rural as well as urban areas. As in other parts of Africa, witchcraft is typically used to explain adverse events such as illnesses, the loss of a job, or other misfortune. The threat of witchcraft is a powerful tool to impose fear, both willingly and unwillingly, and the accusation of having used witchcraft can lead to individuals being disgraced and ostracized from their communities.

Traditional leaders such as *régulos* report that many of the conflicts they resolve in their communities are related to witchcraft. However, when talking about development issues, the role of *feitico* is not always taken seriously. Since it is hard to relate to (let alone deal with) from an outsider's point of view, and maybe even harder to confront from an insider's point of view, it is an issue that often remains unaddressed. Matsinhe, in his exhaustive analysis of the Mozambican response to HIV, argues that the hegemonic discourse on the epidemic has persistently refused to engage with traditional beliefs and practices related to magic, witchcraft

and the power of ancestors.³¹ A recent Save the Children study on community attitudes towards child sexual abuse in rural Mozambique also revealed that one of the main reasons why children and their families do not report what has happened is the fear of revenge by the perpetrator or his family, specifically through witchcraft.³² In the case of property grabbing from widows and orphaned children, fear of witchcraft is all too present and should not be ignored.

One of the most commonly used arguments to justify taking away all possessions from a recently widowed woman is the accusation that she killed her husband through witchcraft, either for no particular reason or precisely in order to take control of his possessions. This seems to be most common when the husband died from AIDS-related diseases. Being accused of witchcraft, the widow is judged unfit to benefit in any way from the couple's shared possessions or to deserve the support of her husband's family. This in turn justifies the deceased's family taking control of his possessions.

In the case of people living with HIV, accusations of witchcraft are widely interpreted as an excuse not to have to face the stigma still attached to the disease. It was suggested that some people living with HIV might have started the rumours that sorcery is the cause of their illness since at community level being attacked by spirits as a consequence of witchcraft is a more acceptable explanation for disease and death than being infected by HIV and developing AIDS. However, the fact that the same accusations are also used against widows whose husbands die under other circumstances seems to point towards a more general pattern, where witchcraft is being used as an excuse to justify personal gain from property grabbing.

These occurrences, however, should not be dismissed as merely story-telling because at community level people might genuinely feel they have a moral right to take all possessions away from a woman accused of witchcraft and send her, with or without her children, back to her family. Thus, without convincing arguments to refute the accusation, women are unlikely to see their rights re-established after having been accused of being responsible for their husband's death. Individuals and organizations that have defended women accused of witchcraft have used arguments pertaining to both the belief system that generates these accusations as well as scientific or physical evidence.

Traditionally, only *curandeiros* are believed to have the power to decide whether a person is guilty of witchcraft or not. The ceremonies held to prove or refute accusations range from seemingly harmless rituals that involve the use of herbs and the throwing of bones and stones whose pattern reveal whether magical activities have taken place, to more violent ceremonies that personally involve the accused woman.³³ The main problem with encouraging *curandeiros* to perform non-harmful rituals that can clear women of witchcraft accusations is that there is no way of predicting the outcome of the ceremony. Even when *curandeiros* are sensitized on women's rights, there is no guarantee that all women will be cleared of the charges since the *curandeiro* is only the messenger. Encouraging people to accept the judgement of a *curandeiro* when he says a certain woman is innocent of witchcraft implies they should also believe him when he states that another woman is guilty. The promotion of non-harmful rituals could therefore reinforce a belief system where women can find themselves at the mercy of an authority that cannot be controlled and is rarely questioned or corrected. Although less common than consulting a *curandeiro*, there have been cases of people and organizations fighting witchcraft accusations through science or the power of traditional leaders.

Many scholars argue that tensions and conflicts between people or families are often at the root of witchcraft accusations.³⁴ The present research suggests that women who did not get along well with their husband's family or their neighbours were more likely to be accused of witchcraft and to be disinherited.

³¹ Matsinhe, 2006.

³² Save the Children UK, 2007c.

³³ For example, a ritual that *curandeiros* in both Manica and Gaza seem to perform involves the accused women having to swallow a potion of unknown, but likely to be insalubrious, substances. If it induces vomiting, it is believed to prove that the woman is indeed a witch. If she does not vomit, she is declared innocent. It was reported, however, that the health consequences of keeping the potion down could be substantial. These types of ceremonies clearly constitute a violation of women's human rights.

³⁴ See, for example, West (2005) on sorcery in northern Mozambique or Save the Children UK (2006) on child witches in the Democratic Republic of Congo.

One approach mentioned by several organizations that help widows to counter witchcraft accusations is to establish the husband's exact cause of death (and getting scientific proof where possible) to convince the deceased's relatives that there was a genuine reason for his death. Even though technically this does not answer the question as to why that particular person had to die instead of someone else, according to these organizations, this has proved to be an effective argument to clear a widow of witchcraft. An important aspect of this is obtaining an official death certificate, which could have financial implications. It is, however, necessary in order to obtain legal access to the inheritance and because it states the cause of death. At community level, there are an increasing number of cases in which the credibility of witchcraft accusations in cases of property grabbing from widows is being questioned, which could be a sign that this practice is open to being discussed and even questioned. The fact that community members and leaders have already started to challenge witchcraft allegations against widows, even on a small scale, is highly encouraging.

Aside from facing accusations of being a witch, the fear of witchcraft can also prevent a widow from denouncing her deceased husband's relatives for taking the possessions to which she is entitled. For example, in a case in Nampula a woman brought her case before the provincial tribunal, however after the judge ruled as to what was lawfully hers, she refused to go back to her husband's community and claim the house and land because she feared witchcraft would be used by her in-laws.

Where community monitoring and the threat of legal action may be used to prevent property grabbing or even threats of physical violence, witchcraft and the fear of it are harder to handle since it can be inflicted from a distance, without the victim even noticing. In situations in which there is a strong belief in – and fear of – witchcraft, an alternative response could be promoting protective anti-sorcery rituals, which might make widows more inclined to claim their rights without fear. However, it should not be forgotten that for *curandeiros*, their ability to relate to the spirit world is also their source of income, and ceremonies are often costly, especially for women who risk losing (or have already lost) everything they own.

From the discussion in this section, it is clear that the situation in communities is complex and that different belief systems exist. Therefore, in many communities the scientific causes of death or the legal aspects of property and inheritance cannot be seen as mutually exclusive from witchcraft. Thus, it is important to address these issues with a two-track approach, taking into consideration the specific local context.

Monothestic religion

In Mozambique, many different beliefs co-exist: Catholicism, Islam and traditional Protestantism as well as Evangelical and Zionist churches that are also often mixed with traditional animist beliefs. The scope of this report does not allow for a detailed description of how each of these different churches or belief systems deal with inheritance issues. This section, however, attempts to address some of the related norms and practices that emerged during the research.

As already mentioned, the rapid increase in the number of evangelical Christian churches in the central provinces has influenced practices related to property and inheritance in several ways: their rejection of exuberant offerings to traditional deities or spirits has influenced funeral ceremonies; and their disapproval of polygamous marriages is supporting the position taken by women's rights organizations. Their opposition to the power of *curandeiros*, not in their role as traditional healers but as a link to the spirit world and an authority in issues related to witchcraft, is also provoking changes. Although these different values are not promoted with the specific interest of enhancing children and women's rights, they are examples of how behaviour change can occur for reasons that are unrelated to the pursuit of rights. The growing influence of Evangelical churches is not so much based on their specific interpretations of the Bible in general or of passages related to succession and inheritance, but has more to do with their increasingly important role in society.

The breakdown of the extended family structure is leading to an increased importance of the church congregation in systems of mutual help and support, as well as in the celebration of important life events such as births, weddings and funerals. Through their involvement in funeral proceedings and other ceremonies, churches are in a strong position to influence norms and practices, including the process of designating heirs and the division of assets. Also, since churches of all religions have been recognised as important community actors in caring for widows and orphaned children, they could help improve and strengthen protection mechanisms

within the community. The involvement of religious leaders in advising grieving families on ways of fulfilling their duty to care for widows and orphaned children through access to the marital home and land could be a possible role, though so far few such have been observed. Churches have been more involved in offering direct assistance to orphaned and vulnerable children through education, health or nutrition, as well as supporting their mothers, than with acting upon the causes of their vulnerability, such as lack of access to property. According to one Christian leader in Manica, this is because of their reluctance to get involved in family disputes, a reluctance echoed by many traditional leaders.

The influence of the Muslim faith was very clear in Nampula province where the majority of the population adhere to Islam. Mozambican Muslims are said to practice a hybrid form of Islam that mixes traditional Islamic practices with local customs; a practice that is driven more by the knowledge and interpretations of local Islamic leaders than by formal religious doctrine. This mixture of Islamic and traditional practices is very noticeable in the area of inheritance. Although the Qur'an provides for specific succession standards, dictating a system of specific shares that govern every conceivable familial situation following death and in which the widow is included, these standards are in practice often unknown or disregarded in favour of customary practices.

Nonetheless, as a religious leader from the African Muslims Agency noted, some verses of the Qur'an could offer excellent awareness-raising messages to discourage property grabbing from widows and orphaned children. For example, Surat 4:2 says: *"You shall hand over to the orphans their rightful properties. Do not substitute the (your) bad things for the (their) good ones, and do not consume their properties by combining them with yours. For this is indeed a great sin."* Then 4:6 adds: *"You shall test the orphans when they reach puberty. As soon as you find them mature enough, give them their property. Do not consume it extravagantly in a hurry, before they grow up."* Women are also entitled to a definite share of what their parents and relatives leave behind, even though not necessarily in the same proportion as men. Notable was the higher prevalence and acceptance of oral or written wills in Nampula compared to the other three provinces, possibly also due to the centrality of inheritance laws in the Qur'an that specifically allows for one-third of an estate to be designated in a will.

Although lay organizations might not be willing to directly use messages from religious texts – the Qur'an, the Bible or others – to support their work, these can form a good starting point for dialogue with religious leaders and faith-based organizations.

Issues around poverty

Although poverty might be an influencing factor in some cases³⁵, it is unlikely to be a determining factor for property grabbing. Property grabbing happens both among poor families and better-off families, and in rural as well as urban areas. None of the community respondents cited poverty or the need to survive as an explanation for property grabbing. Rather, property grabbing seems to be linked more to the breakdown of the traditional extended family and the weakening of a sense of duty towards widows and orphaned children, than the economic need of the relatives involved.

³⁵ More than half the Mozambican population live below the poverty line.