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HIV/AIDS: GENDER AND PROPERTY RIGHTS

While HIV/AIDS and property rights impact both men and women in the developing world—particularly in sub-Saharan Africa where prevalence rates are highest—it is the property rights of women and children that are disproportionately stressed when a household is affected by AIDS.

Typically, men with AIDS do not lose land as frequently as women. And, when men die from the disease, their brothers or other male family members often assume much of the family's property.

In many countries, women are significantly less likely to own property than men. Without property rights, women are much more likely to contract HIV/AIDS and a household is much less likely to be able to cope with the costs of HIV/AIDS.



Photo: DAVID BLEDSOE

Women and children are disproportionately stressed when a household is affected by AIDS.



When a woman...

...does not own property, she is less economically secure, and more reliant on males for survival.

In many countries, a woman's land tenure is dependent on the male head of household. When a woman loses her husband or male relative, she can also lose all rights to her family's land. She may feel compelled to engage in risky behavior to provide for her family's basic needs. This can make the whole family vulnerable to HIV/AIDS and sexual violence.

...does not have rights to own land, she is less likely to mitigate the costs of HIV/AIDS on the household.

Land, housing, and other property constitute a resource base from which a household can draw to cover HIV/AIDS related costs like medical treatment, provision of care, and costs related to deaths. Property (including land) may be rented, used as collateral for credit, or sold in order to sustain livelihoods. However, many women never become aware of these options and can be cheated of their rights by unscrupulous parties.

...is widowed by AIDS and she does not inherit land, she may become impoverished and destitute.

Without legal rights to land, a widow's land and other property can be taken by relatives of her deceased spouse. Because of the stigma associated with HIV/AIDS, a widowed woman may lose her children or job, be shunned by customers, or forced to surrender property or assets to her husband's relatives. Too often, women are forced to relocate as they search for acceptance and stability among extended family. In addition, as a woman and her household face property loss, she may exploit common pool resources and community property, accelerating natural resource abuse and increasing threats to biodiversity.

PROGRAM IDEAS

Empowered access and protected formal and informal rights to land and other assets can:

- help women avoid the types of high-risk behavior that can lead to contraction and spreading of HIV/AIDS, and
- help infected/affected women better focus on treatment and survival strategies for themselves and members of their households.

These program ideas should be combined to secure maximum benefits for women and children who are affected by HIV/AIDS.

Photo: PETER HETZ



Mobilization and Economic Empowerment. Provide targeted micro-credit assistance, agricultural or cottage industry extension and training in support of women's production cooperatives that focus on land, land rentals, or other assets (including natural resources property rights to fish, pasture, water, livestock, and non-timber forest products).

Priority Beneficiary Status. Give HIV/AIDS infected/affected women priority access to state benefits. These could include grants or use rights to state land and/or communal lands. This can be extended to individuals or groups of women.

Legal Aid. Establish a legal aid service and/or train female paralegals to assist women and children with asset-related dispute resolution and to act as advocates on their behalf. Even if legal protections exist, widows may lack the ability to enforce their rights to property, engage in transactions such as renting out land, or bequeath property to their children.

HIV/AIDS Sensitive Legal Drafting. Review and amend land, family, and inheritance laws, as well as other relevant legislation that precludes women from benefits and protections of asset ownership. Train local legislative drafters on legal issues related to HIV/AIDS and property rights.

Legal Literacy and Awareness-raising. Develop public awareness campaigns addressing women's legal and customary rights to land and property. Women are often less educated than men and isolated from information that is considered men's "domain." Without information on their rights and how to claim them, women are left with few choices for survival and are more likely to engage in risky survival activities. Awareness-raising campaigns can also be directed toward customary and government authorities.

Organization for Social Change. Organize and train women to influence and gain the support of local leaders who, in turn, shape the beliefs of the larger community. Organization and collective action can help women support and advocate for one another in times of crisis. In addition, supporting local leaders who champion women's property rights can be an effective way to combat traditional prejudices and gender bias among other leaders. Advocacy by informed community members and peers is more apt to yield social change than advocacy from outsiders.

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