

Information Note

The Technical Consultation on Gender, Property Rights and Livelihoods in the Era of AIDS 28-30 November 2007 FAO, Rome

Organized by the Gender, Equity and Rural Employment Division (ESW),
under the Programme Cooperation Agreement funded by the Government of Norway

Key messages

1. There is a close and proven relationship between **gender inequality and food insecurity, and risky sexual behavior** which reproduces and exacerbates the spread of HIV and AIDS. For example, one study in Botswana and Swaziland has shown that women who cannot find sufficient food have a 80% higher rate of engaging in intergenerational sex, and a 70% higher rate of having unprotected sex.
2. **Secure land access and property rights and sustainable livelihoods are important conditions of food security** and improved livelihoods for women and children. Thus there is a direct link between securing the land and property rights of women and children, and HIV and AIDS prevention. This implies that food security and gender equality, through promoting stronger and more secure property rights for women and children, could be an important measure for HIV prevention.
3. **A behavior change** is critical in order to achieve real progress at community level. There is a need to understand the complex issue of culture and tradition to identify appropriate messages to communities for effective intervention.
4. **Emergency support** is urgently needed (shelter, food, clothes, ARVs, clean water) for women and children who have been stripped off their property and evicted from their homes. Many women die and many children end up on the street or as migrants to other countries before they can receive support.

Background

Property rights to land, livestock and other agrarian resources are critical for the livelihoods of rural men, women and children. Insecure property rights perpetuate gender inequalities, livelihood insecurity and poverty. Thus, secure property rights are central to any effort to address gender inequalities, poverty, vulnerability and sustainable development in general. In the past FAO has been extensively involved in research and programming for property rights of women and children, but the battle to secure their property rights is far from being won. Although more is known about the problem today, linking this knowledge to improving the real lives of women and children has remained problematic despite the collective efforts of many governmental, non-governmental and UN agencies.

In this context FAO convened the technical meeting to discuss more fully issues pertaining to gender, property rights, and livelihoods in the era of AIDS, inviting a small group of partners from the UN, NGOs and research institutions. The meeting covered the following areas:

- Understanding property rights in the era of AIDS, with some key research findings on regional and country case studies;
- Gender, property rights and livelihoods;
- Legislation, training of the judiciary and traditional leaders, and para-legal training programmes;
- Advocacy, mobilization of grassroots groups/networks;
- Political dialogue.



Context

- Official foreign investment in the agricultural sector has declined by 57% over the past 30 years. Africa has been the worst hit with overall negative GDP growth of 1.1% between 1980 and 2000, and poverty increasing between 1990 and 2000. Although some countries – and even the continent as a whole – are now showing signs of growth, there is a long way to go to recover lost ground
- Meanwhile specific vulnerable groups and in particular rural women and children affected by HIV are still experiencing deepening poverty, and are at risk from the double threat of rising demand for land and the HIV pandemic undermining social safety nets in rural areas, contributing to a rising incidence of women and children, especially those affected by HIV, suffering property confiscation and eviction.
- Many countries have underdone legal reforms for land, property and inheritance rights, but their implementation on the ground has proven to be a major problem, with government commitment, and institutional capacity and conservatism obstructing progress

Key discussion

- While customary norms and practices often appear to conflict with statutory laws, it is evident that there is good on both sides and the challenge is to blend these positive aspects together into single, effective national strategies to combat the issue of women and children losing their rights.
- Women, children and community members remain ignorant of the law, and lack knowledge about the legal and Constitutional rights of women and children over land and property that can be called into play if customary norms (or the breakdown in these norms) are threatening their rights.
- Gendered power relations have been and still are difficult to change. There is a strong resistance from both men and women to challenging entrenched norms and values, especially when this places women and those men who support them, outside mainstream society. Little progress in securing women's land and property rights is the result of persisting unequal gender relations.
- The HIV and AIDS pandemic has further weakened the land and property rights of women and children due to stigma attached to being affected, with stigmatized people more likely to be abused and less capable of defending their rights.
- Legal education and advocacy at local level has to be implemented with care – evidence shows that where this simply condemns tradition and local culture, it may not be effective as a tool to stop the confiscation of property from women and children, because it underestimates the difficulties they face in challenging or stepping outside tradition and culture.
- There are a number of inspiring initiatives (such as Community Watchdog) in several local communities to prevent and mitigate confiscation of property from women and children. Their impact has been limited, but these offer important new strategies for new programmes being implemented in many countries.
- MDGs to halve world poverty and hunger by 2015 will not be achieved unless the issue of secure property rights and livelihoods for women is appropriately and effectively addressed.
- Many HIV positive women who are stripped of their assets and evicted from rural homes die before they reach places where emergency support is provided. There are very few



shelters that accommodate destitute HIV positive women and children who need food aid, clean water, clothes and ARVs.

- Limited work has been conducted on children's property rights and HIV and AIDS, i.e. FAO study on Zimbabwe and Save the Children UK in Mozambique. There is an urgent need to conduct extensive research on children's property rights and livelihoods in the context of HIV and AIDS.

Warning by UN Special Envoy on HIV and AIDS for Africa



The UN Special Envoy for AIDS in Africa, Elizabeth Mataka, said "In my country of Zambia, between 2001 and 2004, thirty percent of widows lost more than 50 percent of their land after their husbands died. Women have the power to change the direction of the AIDS epidemic but unless they can claim their right to land, property and other resources, it could be a losing battle". She warned that *"We can not talk about HIV prevention without talking about poverty and economic independence of women."*

Government representatives express concerns

Government representatives from Zimbabwe, Kenya, Uganda, Norway, Japan, Canada, Sweden and, the United States, United Kingdom, European Commission participated in the meeting. Many expressed their deep concerns on the situation on property rights of women and children and their livelihoods in the era of AIDS.

Grace Waithira – an orphan who came from Kenya to address the workshop in Rome

"When my mother died of AIDS, me and my sisters and brothers, we were evicted from home by my grandfather. A 'watchdog group' of women advocating for women and orphans against property grabbing helped us to take the case to Court. The District Commissioner was able to call all the paternal relatives and ask why we had been evicted from our home. As a result, the keys of the house were returned to us though the case is still in court to ascertain that we get the succession rights and a property title. I hope that next year, the case will be closed. But I want to say that we orphans, don't know how to seek legal intervention and the Court is a scary place and experience to us kids".



"We were supported by FAO to map property and disinheritance among orphans in Kenya. According to the mapping, 57% of orphans have never inherited what belonged to their parents. We need those things that could support us in future: food and somewhere you can lay your head and sleep, medication and education so that we orphans could be treated like people."

Recommendations

- Investment in smallholder agriculture and rural development should be increased, with a focus on providing resources to support the registration of rights of women and children using innovative and accessible techniques that are being pioneered in some countries
- Long term investment in developing new norms and practices that build upon the good aspects of custom while integrating strong legal and Constitutional safeguards is vital to prevent confiscation of property from women and children
- Institutional structures for land administration, both formal and informal, require significant investment and capacity building to change attitudes, introduce new systems, and become sensitive to the issue of the property rights of women and children, and especially those affected by HIV and AIDS



- Emergency support is urgently needed (shelter, food, clothes, ARVs, clean water) for women and children who have been stripped off their property and evicted from their. Many women die before they could receive any support
- Scaling up of various initiatives taken up by local communities and women's groups (watchdog groups, memory book, will writing, paralegal training, community sensitisation) is necessary to make an impact
- Quantitative data are essential to understand and document the scale of property grabbing from women and children in the context of HIV and AIDS

Priority Areas of Intervention

Priority Area 1:

- Formulate a field programme on prevention and mitigation of property confiscation from women and children and the loss of their livelihoods, in the context of HIV and AIDS in southern and east Africa.

Priority Area 2:

- Establish a database on organizations, inspiring initiatives, training materials on prevention and mitigation of property grabbing from women and children.

Priority Area 3:

- Promote a) quantitative research and surveys on property confiscation from women and children in southern and east Africa; and b) qualitative research on deeper understanding of culture/traditions that perpetuate property grabbing.

Priority Area 4:

- Develop measures to provide joint UN emergency livelihoods support to women and children who have lost property, evicted from homes and victims of gender based violence (including food aid, clothes, shelter, ARVs, credit and training to restart new lives).

For further information contact

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Economic Social Development Department
Food and Agriculture Organisation (FAO), Rome
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PHOTOS

<ftp://ext-ftp.fao.org/GI/Data/PhotoLibrary/GroupPhoto>

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AUDIO CLIP

Interview to Flavia Kyomukama

Duration: 2min.21sec.

In mp3 format: <ftp://ext-ftp.fao.org/Radio/MP3/2007/HIV-AIDS-Kyomukama-e.mp3>



Gender, Property Rights and Livelihoods in the Era of AIDS

List of Presentations of the Technical Consultation held 28-30 November 2007 in the Philippines Room (C277/281), FAO, Rome

Organized by the Gender, Equity and Rural Employment Division (ESW),
under the Programme Cooperation Agreement funded by the Government of Norway

Day 1: Wednesday 28 November

Session I: Opening of the Meeting

- | | |
|---|---|
| Hafez Ghanem
ADG, ES
FAO | Secure Property Rights for Women: The Short Cut to Rural Development
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO_Women&SecurePropertyRights.ppt |
| Paul Mathieu
Senior Officer
FAO | Gendered property rights are important for livelihoods for equity and for development: some introductory remarks
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO_GenderedPropertyRights&Livelihoods.ppt |
| Kaori Izumi
HIV/Rural
Development
Officer
FAO | The roadmap to secure property rights and livelihoods - From gender perspective
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO_RoadmapToSecureWomenPropertyRights&Livelihoods.ppt |

Session II: Understanding Property Rights in the Era of AIDS: Some Key Research Findings

Regional studies

- | | |
|--|---|
| Nata Duvvury
Director, Gender,
Violence and Rights
ICRW | AIDS and women's inheritance rights in South Asia and Africa
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/ICRW_WomenPropertyRights&HIV-AIDS&DomesticViolence.ppt |
| Birte Scholz
Officer
COHRE/WLLA | Linkage between HIV/AIDS and human rights to housing, land and inheritance for women within urban and rural contexts
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/COHRE-WLLA_HIV-AIDS&HumanRightsHousingForWomen_UrbanRuralContext.ppt |

Country case studies

- | | |
|---|--|
| Chris McIvor
Country Director,
Mozambique
SAVE THE
CHILDREN, UK | Property grabbing from women and vulnerable children in Mozambique – some cultural and political factors (power point presentation)
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/SaveTheChildren_ChildrenWomen&Inheritance_Mozambique.ppt |
|---|--|



“Denied our Rights – Children, women and inheritance in Mozambique”,
Save the Children (pdf document)

<https://www.savethechildren.org.uk/en/docs/denied-our-rights.pdf>

Laurel Rose
Carnegie Mellon
University

Children’s property and inheritance rights in Zimbabwe

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/Rose_ChildrenPropertyRights_Zimbabwe.ppt)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/Rose_ChildrenPropertyRights_Zimbabwe.ppt](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/Rose_ChildrenPropertyRights_Zimbabwe.ppt)

Antony Chapoto,
T.S Jayne and N
Mason,

Michigan State
University

(presented by
Chitra Deshpande,
FAO)

Security of widows’ access to land in the era of HIV/AIDS: panel survey
evidence from Zambia (power point presentation)

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/MichiganStateUniversity_Chapoto&Jayne&Mason_WidowsAccessLand_Zambia.ppt)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/MichiganStateUniversity_Chapoto&Jayne&Mason_WidowsAccessLand_Zambia.ppt](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/MichiganStateUniversity_Chapoto&Jayne&Mason_WidowsAccessLand_Zambia.ppt)

“Policy Synthesis – Food security research project – Zambia” (pdf
document)

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/MichiganStateUniversity_Chapoto&Jayne&Mason_WidowsAccessLand_PolicySynthesis_Zambia.pdf)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/MichiganStateUniversity_Chapoto&Jayne&Mason_WidowsAccessLand_PolicySynthesis_Zambia.pdf](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/MichiganStateUniversity_Chapoto&Jayne&Mason_WidowsAccessLand_PolicySynthesis_Zambia.pdf)

Session III: Legislation, Training of the Judiciary/Traditional Leaders /Para-Legal Training Programmes

Chris Tanner
Senior Technical
Advisor
FAO Mozambique

Lessons learned from Training of the Mozambican Judiciary on new land
law and its application to women’s land and property rights

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO_WomenLandRights&Customary&FormalLaws_Mozambique.ppt)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO_WomenLandRights&Customary&FormalLaws_Mozambique.ppt](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO_WomenLandRights&Customary&FormalLaws_Mozambique.ppt)

Alison Symington
Policy Analyst
CANADIAN
HIV/AIDS LEGAL
NETWORK

Model legislation on women’s property rights in Africa (power point
presentation)

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/CanadianHIV-AIDSLegalNetwork_LegislatingWomenRights&HIV-AIDS.ppt)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/CanadianHIV-AIDSLegalNetwork_LegislatingWomenRights&HIV-AIDS.ppt](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/CanadianHIV-AIDSLegalNetwork_LegislatingWomenRights&HIV-AIDS.ppt)

“Legislation for women’s rights in the context of the HIV/AIDS pandemic –
Draft legislation project description” (pdf document)

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/CanadianHIV-AIDSLegalNetwork_LegislatingWomenRights&HIV-AIDS.pdf)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/CanadianHIV-AIDSLegalNetwork_LegislatingWomenRights&HIV-AIDS.pdf](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/CanadianHIV-AIDSLegalNetwork_LegislatingWomenRights&HIV-AIDS.pdf)

Nadia Rasheed
Policy Specialist
UNDP

Regional court on women’s property rights and AIDS: The South Asian
Experience

[ftp://ext-](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/UNDP_AsiaPacificCourtOfWomen&HIV&Inheritance&PropertyRights.ppt)

[ftp.fao.org/ES/data/ESW/Property_rights_consultation/UNDP_AsiaPacificCourtOfWomen&HIV&Inheritance&PropertyRights.ppt](ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/UNDP_AsiaPacificCourtOfWomen&HIV&Inheritance&PropertyRights.ppt)



Day 2: Thursday, 29 November

Special Guest Speakers

Elizabeth Makata
UN Special Envoy
for HIV and AIDS
for Africa

Empowerment of women, food security and secure property rights in the era of AIDS in Africa
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/UNSpecialEnvoyOnAIDS_Makata_Gender&PropertyRights&Livelihoods.pdf

Presentations by the women living with HIV who have survived property confiscation and evictions:

Edvina Kyoheirwe
Uganda

My story – from domestic violence and eviction to the independence with a piece of land of my own
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/Kyoheirwe_HIV-AIDS&DomesticViolence&Eviction_Uganda.pdf

Flavia Kyomukama
Uganda

Our perspective - the way forward to ending property grabbing and providing legal and livelihoods support to women
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/Kyomukama_WayForwardEndingPropertyGrabbing_Uganda.pdf

Section IV: Advocacy, Mobilization of Grassroots Groups/Networks

Everjoyce Win
Head, Women's
Rights
ACTION AID
INTERNATIONAL

International Global Campaign for Women's Land Rights – lessons on advocacy strategies on women's land rights
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/ActionAidInternational_WomenLandRights.ppt

Jan Petersen
Chair - Secretariat
HUIROU
COMMISSION

Grassroots women's initiatives to secure women's property rights
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/HuairouCommission_Women&Homes&Communities.ppt

Grace Waitira
Ikumbu
Social worker
GROOTSKENYA /
HUIROU
COMMISSION

Response by grassroots women's groups on AIDS and children's property rights
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/GROOTSKenya_GrassrootsWomenOrganizations&AIDS-ChildrenPropertyRights.ppt

Session V: Political Dialogue

Åsa Jonsson
Human Settlements
Officer
UN-HABITAT

Global Land Tool Network- gendered land tools
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/GLTN-UNHabitat_GenderedLandTools&AIDS&WomenPropertyRights.ppt

Joan Kagwanji
Focal Person, AU-
ECA-AfDB Land
Policy Initiative
ECA

AU/ECA/ADG Project on Land Policies in Africa
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/AU-ECA-AfDB_LandPolicy.ppt



Session VI: Gender, Property Rights and Livelihoods

Craig Castro
Regional Livelihoods
Advisor
OXFAM GB

Linking women's property rights to livelihoods in southern Africa (power point presentation)
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/OXFAM_WomenPropertyRights&Livelihoods_SouthernAfrica.ppt

"Enough is enough – collaboration, coordination, cooperation, partnerships: How to support and build on women's struggle for better lives and livelihoods?" (pdf document)

ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/OXFAM_WomenPropertyRights&Livelihoods_SouthernAfrica.pdf

Maria Hartl
Gender Technical
Adviser;
Harold Liversage
Land Tenure
Adviser;
IFAD

IFAD response to HIV and AIDS and secure rural livelihoods in Africa (power point presentation)
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/IFAD_ResponseToHIV-AIDSImpactOnRuralWomenLivelihoods.ppt

"IFAD Response to the Impact of HIV/AIDS on Rural Women's Livelihoods" (pdf document)

ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/IFAD_ResponseToHIV-AIDSImpactOnRuralWomenLivelihoods.pdf

OTHER DOCUMENTATION:

Shoandagne Belete
National Expert -
Health, Nutrition,
HIV/AIDS
FAO Ethiopia

A brief overview on HIV and AIDS, gender and property rights in Ethiopia
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/FAO-BSF_HIV-AIDS&WomenPropertyRights_Ethiopia.ppt

AUDIO CLIP

Speech of Ms. Elisabeth Makata, UN Special Envoy for AIDS in Africa, for the World Aids Day 2007

Duration: 3min.10sec.

In mp3 format: <ftp://ext-ftp.fao.org/Radio/MP3/2007/HIV-AIDS-Mataka-e.mp3>

