

Gender, Property Rights and Livelihoods in the Era of AIDS

FAO Technical Consultation - Rome, 28-30 November 2007

Proceedings Report





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Glossary of Acronyms

AfDB	African Development Bank
AIDS	Acquired Immunodeficiency Syndrome
ARV	Antiretroviral
AU	African Union
AUC	African Union Commission
AWHRC	Asian Women Human Rights Council
AWID	Association for Women's Rights in Development
CAADP	Comprehensive Africa Agriculture Development Programme
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFJJ	Centre for Legal and Judicial Training of the Ministry of Justice (Mozambique)
COHRE	Centre on Housing Rights and Evictions
CRC	Convention of the Rights of the Child
CRS	Catholic Relief Services
CSD	Commission on Sustainable Development
CSOs	Civil Society Organizations
CSW	Commission on the Status of Women
DECOP	Development Education and Community Project
DRC	Democratic Republic of the Congo
DUAT	'Land use and benefit right'
EASSI	East African Sub-regional Support Initiative for the Advancement of Women
ECA	Economic Commission for Africa
ESW	Gender, Equity and Rural Employment Division (FAO)
FAO	Food and Agriculture Organization of the United Nations
FIDA	Federation of Women Lawyers – Kenya
FWLD	Forum for Women, Law and Development
GLTN	Global Land Tool Network
GRAIN	Global Rights and AIDS Information Network
HIV	Human Immunodeficiency Virus
ICAAP	International Congress on AIDS in Asia and the Pacific
ICAARD	International Conference on Agrarian Reform and Rural Development
ICRW	International Center for Research on Women
ICW	International Community of Women Living with HIV/AIDS
IDP	Internally Displaced Person
IFAD	International Fund for Agricultural Development
IFI	International Financial Institution
ILC	International Law Commission

ILC ¹	International Land Coalition
JEP	Jurisprudence of Equality Programme
JFFLS	Junior Farmer Field and Life Schools
KI	Key Informants
LC	Local Council
MDGs	Millennium Development Goals
NEPAD	New Partnership for Africa's Development
NGOs	Non-governmental Organizations
NPAs	National Plans of Action
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
ORAM	Organização Rural de Ajuda Mútua (Rural Organisation for Self Help)
OVC	Orphaned and Vulnerable Children
PLWHA	People Living with HIV and AIDS
PWN+	Positive Women Network
SARPN	Southern African Regional Poverty Network
SAT	Southern Africa Trust
SSA	Sub-Saharan Africa
TASO	The AIDS Support Organization
UN	United Nations
UNAIDS	Joint UN Programme on HIV and AIDS
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNGASS	United Nations General Assembly Special Session
UNICEF	United Nations Children's Fund
WFP	World Food Programme
WHRP	Women's Housing Rights Programme
WLLA	Women's Land Link Africa (project)
WLSA	Women and Law in Southern Africa (Research Trust)
WPIR	Women's Property and Inheritance Rights

1. Preface

Official foreign investment in the agricultural sector has declined by 57 percent over the past 30 years. Africa has been hit the hardest with an overall negative GDP growth of 1.1 percent between 1980 and 2000 and an increase in poverty between 1990 and 2000. Although some countries – and even the continent as a whole – are now showing signs of growth, great efforts will be required to recover lost ground.

Meanwhile, vulnerable groups – and in particular rural women and children affected by HIV – continue to experience deepening poverty and are particularly at risk as they face the double threat of increasing demand for land and the HIV pandemic, which are undermining social safety nets in rural areas. This condition is contributing to the rising incidence of women and children – especially those affected by HIV – experiencing property confiscation and eviction. Many countries have undertaken legal reforms on land, property and inheritance rights, yet implementation on the ground has proven to be a significant problem. Awareness and commitment on behalf of governments, institutional and financial capacity, and the willingness to change are key requisites to foster progress.

Property rights to land, livestock and other agrarian resources are critical to 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. Securing the rights of men and women to land is essential for ensuring sustainable rural development, social equity and economic growth, and crucial for the full achievement of the Millennium Development Goals (MDGs).

In some countries highly affected by HIV and AIDS, the premature death of a male head of household can mean that surviving widows and children are at risk of losing their land, houses and other assets as family members ‘grab’ property. Forced off the land – often their only source of income and livelihood – women and children are at risk of becoming homeless, acute food insecurity and poverty. In some cases, women engage in high-risk sexual behaviour in exchange for food or money in order to survive, which increases their vulnerability to HIV infection.

In the past decade the international community has come together and concentrated its efforts on research and programming for women’s and children’s property rights. FAO has been extensively involved in research and programmes on the property rights of women and children, but the battle to secure their property rights is far from being won. Although a better understanding of the relationships between gender, property rights and HIV and AIDS exists today – and despite the collective efforts of committed governmental, non-governmental and UN agencies – linking this knowledge to actual improvements in the lives of women and children has remained problematic.

Against this background, FAO convened this 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 to address the following areas:

- Understanding property rights in the era of AIDS, with some key research findings from 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; and
- Political dialogue.

The consultation also served as a wake-up call, capturing the real lives of those who have faced property grabbing in the context of HIV and AIDS. In recognition of the strength and determination of the many women who have been dispossessed of their land, the following are personal testimonies from survivors of property confiscation and eviction (for full testimonies refer to Annex 2).

Flavia Kyomukama, Uganda – A Personal Experience with Laws and Rights

I am aged 38 now and I have three children. I married when I was 19 years old and was diagnosed with HIV in 1994. I lived positively with my husband and for some time we seemed to cope. In 2000 I found out he had already registered all our property in the names of himself, my two older sons and his mother. My daughter and I were nowhere in the memorandum.



After 12 years of marriage my husband took me to his village and declared he never wanted me and he was asked by the elders to take me home to my parents... he had hidden my children. I lost access and custody of my children... he picked a few items from the house, which he took to a police station where I got them after about four months.

During this time I joined a positive women's group, and other support groups, and through them I was able to get a job. Meanwhile my family, parents, sisters and brothers gave me emergency support in the form of treatment, food and nutrition, shelter, social support, energy, water and the actual money to run in and out of court.

I visited women lawyers in two advocate chambers but I was disappointed that they were intimidated by him (my husband) and they pulled out. I left and went to a male lawyer who followed the case effectively but when I asked him to put HIV as my strong point he felt it would make me lose the case. After two years of running to and from court I abandoned the case. The reason was that the court was frustrating and my immunity – what we call the T cells- CD4 cell count – fell and I feared I could have died.

I did not challenge the property we had accumulated over the 12 years of marriage as child custody alone had drained me of all the immunity and strength and confidence to seek justice.

I got a job and later on my assignment was out of the country. I worked diligently until my son – then 15 years old, now 17 years old – also ran away from his father to my sister. He started falling sick and later on we discovered he was HIV positive. I resigned from my job in the Diaspora and returned home despite the fact that it meant I would have to be without a job for some time. I often get consultancies and live on them. I have since returned to school and hope to finally complete my masters in June 2008. Then my dream will be fulfilled.

One of my children is currently in Senior five, the other completed Primary seven this year and the other is in Primary three. Up to now I only meet them at school and I am praying that one day they can run away and come to me just like their brother did.

Testimony

Edvina Kyoheirwe, Uganda – A Personal Experience of Violence Against Women and a Way Through to Independence



My name is Edvina Kyoheirwe and I am from Uganda. I was married for 18 years. The marriage was abusive but I persevered because of my kids. When my husband lost his job he started saying that he was going to sell off our property. In 1999 my daughter discovered my husband's Positive Living card... she told me that it meant my husband was HIV positive. I was shocked and devastated. When my husband returned from the village the following day, I confronted him about the "positive living" card and that is when all hell broke loose.

My husband accused me of having infected him... he immediately started battering and physically abusing me. He asked me to leave his house and take my two sons. I thought he was joking, but day after day he chased us and we spent sleepless nights in the cold. This went on for a period until I reported it to the Local Council (LC). He told the councillors that he did not want my sons and me because I had infected him with HIV. When the councillors asked me if I had anywhere to go and I told them I did not, they advised me to stay with my husband. Then one evening in 2000, he came back from work and asked why I was still in his house. He rushed outside, got a log to hit me but narrowly missed my head and hit the doorframe. This saved me from instant death when it blocked his access to me as I ran outside.

I reported the matter to a legal NGO and they summoned him. He told them that he had no problem with me, denied having ever mistreated me and agreed to me returning home. When we went out of the NGO premises, as he took me home he told me that nothing had changed and that he would continue exactly where he had left off.

When he returned home that evening, he was furious about the fact that I was still in his house. He got a machete to tear me to pieces so I ran off with my youngest child, a boy who was then about 6 years old.

I ran to a friend... I stayed with her for about a week until one evening when she came home at five and told me to leave her house. Apparently, my sister-in-law had told her that my husband and I were very sick and the disease would kill us soon. She therefore wanted me to leave immediately. She could not even allow me to stay that night; I had nothing and nowhere to go.

...I went to seek accommodation from the neighbours. There were some vacant shacks in the neighbourhood... the property owner allowed me to stay on the condition I keep the place tidy and weed the plantation. For me this was a miracle. I did not have anything but the old woman gave me a mat to sleep on.

Meanwhile, I had a friend who advised me to go for an HIV test and seek services if I was found HIV positive. I went to The AIDS Support Organization (TASO¹) and enrolled after testing HIV positive. I was taught about how to live positively with HIV and the tips have kept me going to date. I also joined a charismatic, spiritual, support group where I am a member of the choir and prayer and support groups.

While at TASO, I got to meet some other women from around my home area who were HIV positive. We would meet and share challenges and advise each other on how to move on. We formed a small community support group... We had a donation of 30 000 Ugandan shillings (equivalent of \$US15 then) each... We all started some small income generating activities such as market vending, selling charcoal, hiring a sewing machine, selling second-hand clothes, etc. I was in the business of moving from house to house doing domestic chores: I dug in the gardens, washed clothes and cleaned houses in order to make ends meet.

Testimony

¹ <http://www.tasouganda.org>

Testimony

Later on in 2004 I received a call from The Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI²) to participate in a meeting about HIV-positive Women's Livelihood Support and HIV... there was an offer of land to 50 destitute women (by the Buganda King) and two of us in our support group received an acre each around 50 km from Kampala. They retained the land title, afraid that we would sell off the land but currently they are considering giving each one of us a land title for one acre so we can develop the land. We have been growing food but there is no shelter.

After about seven years my benefactor, the one who had given me the shack, asked me to find somewhere else to stay so I decided to try this land offered in Kayunga. I went and rented a room for 2000 shillings (approximately US\$1) and stayed there for eight months. The problem I faced while in Kayunga was that I was alone and the area is poorly served in terms of social services and the infrastructure is poor. I had no access to ARVs and therefore had to travel frequently to Kampala to get them. I could not raise enough money to transport me to Kampala twice in three months to get the routine bleeding done and again to receive my ARVs.

I often plant crops here and sell the surplus to earn a living. I would love to remain in this place, but I have no money to build a house here. I believe that if I have a house and piece of land of my own I will have a stable life.

My friend called me back from Kayunga where I had gone. I told her about my challenges and she arranged with someone to house me so that I can remain near service amenities. I have returned to Kampala but my wish is to have a house of my own in Kayunga so that I can settle and maybe the place will gradually grow and acquire services. I would like to have a house of my own so my grown up children can come and stay with me at my own home.

² <http://www.eassi.org>

2. Technical Consultation – Overview and Objectives

The Food and Agriculture Organization of the United Nations (FAO) held a technical consultation on *Gender, Property Rights and Livelihoods in the Era of AIDS* in Rome, Italy, from 28 to 30 November 2007. The consultation was hosted by the Gender, Equity and Rural Employment Division (ESW).

The meeting – opened by the Director of ESW, Marcela Villarreal – was attended by a select group of partners from UN agencies, NGOs and research institutions who have been actively involved in this important area of work, of which twenty experts gave presentations. Special guest speakers included Elizabeth Mataka, UN Special Envoy for AIDS in Africa, and Grace Waithira (Kenya), Flavia Kyomukama, (Uganda) and Edvina Kyoheirwe (Uganda) who shared their personal testimonies of surviving HIV and property confiscation.

The specific objectives of the consultation were:

1. To review available knowledge on the linkages between gender, property rights, rural livelihoods and HIV and AIDS;
2. To explore promising approaches and responses to this issue;
3. To develop a consensus on the 'way forward' for research, programming and advocacy.

Issues and case studies presented by experts served as a background for discussions during plenary sessions and working groups. Working group sessions further served as a platform to discuss strategic themes.

Plenary sessions addressed the following topics:

1. Regional and country research findings on property rights in the era of AIDS;
2. Legislation, training of the judiciary/traditional leaders and para-legal training programmes;
3. Advocacy and mobilization of grassroots groups and networks;
4. Political dialogue;
5. Linkages between gender, property rights and livelihoods.

The following thematic areas were examined in the working group sessions:

1. Legal Frameworks and Customary Practices;
2. Livelihoods and Food Security.

A briefing session was held for Permanent Representatives to FAO in order to share the meeting's substantive outcomes and discuss priorities for further research and policy action by FAO and its partners. Government representatives from Zimbabwe, Kenya, Uganda, Norway, Japan, Canada, Sweden, the United States, United Kingdom and European Commission participated in the meeting.

Many representatives expressed their deep concern for issues surrounding the insecure property rights – and accordingly the livelihoods – of women and children, particularly in the context of HIV and AIDS. There was a general consensus of interest towards efforts focused on the prevention and mitigation of property confiscation, including emergency support for victims of property grabbing. Meeting proceedings culminated in a clear request by several donors for follow-up to the consultation.

3. Setting the Scene³

3.1 Contextualizing Poverty

The world is still facing a situation in which 1.2 billion people are extremely poor: 75 percent of which live in rural areas, deriving their livelihoods from agriculture (Anriquez and Stamoulis, 2007).

Poverty and food insecurity are inherently linked. Of the 852 million people who are under-nourished, 815 million live in developing countries. The highest incidence of under-nourishment is found in sub-Saharan Africa – 33 percent of the total population in the region (Pingali *et al.*, 2006). It is estimated that nearly half the world's poor will be found in sub-Saharan Africa by 2015. The average annual growth in GDP in sub-Saharan Africa between 1980

Facts and Figures
 In May 2006 39 countries experienced serious food emergencies, 25 of these countries are found in Africa (Pingali *et al.*, 2006).

and 2000 was negative 1.1 percent, while poverty increased between 1990 and 1999 (Pingali *et al.*, 2006).

Organization
The Food and Agriculture Organization of the United Nations⁴ leads international efforts to defeat hunger. Serving both developed and developing countries, FAO acts as a neutral forum where all nations meet as equals to negotiate agreements and debate policy. FAO is also a source of knowledge and information and helps developing countries and countries in transition modernize and improve agriculture, forestry and fisheries practices and to ensure good nutrition for all.

Yet, investment in the agricultural sector has seen a decline: official development assistance (ODA) has dropped by 57 percent in the past 30 years – from US\$5.14 billion in 1983-1987 to US\$2.22 billion in 1998-2000. The total volume of lending for agriculture from International Finance Institutions (IFIs) declined by 40 percent in real terms between 1990 and 1999 (Pingali *et al.*, 2006).

3.2 Causes of Poverty

The causes of poverty are complex and multi-faceted. Negative macro-economic conditions, especially in sub-Saharan Africa, may result from a number of interrelated and interlinked factors, such as the reduced role of the state; declining investment in the agricultural sector; a lack of public investment in social services (e.g. education and health); low level of agricultural productivity and resource degradation in Southern and East Africa; conflicts; droughts; climate change; insecure land tenure and property rights; and the spread of the HIV and AIDS pandemic. A comprehensive discussion on the causes of poverty is beyond the scope of this report. We will therefore focus on property rights and HIV and AIDS and their linkages to gender and vulnerable groups.

3.2.1 HIV and AIDS – Some Figures

In 2007, it was estimated that 33.2 million people were living with HIV globally: 30.8 million adults, of which 15.4 million were women (UNAIDS, 2007). It was also estimated that every day, over 6 800 people become infected with HIV and over 5 700 die from AIDS.

³ This chapter is based on the presentations of Hafez Ghanem, FAO; Paul Mathieu, FAO; and Kaori Izumi, FAO.

⁴ www.fao.org

Sub-Saharan Africa remains the region most seriously affected, with AIDS being the main cause of death. Nearly 70 percent of adults and 90 percent of children infected with HIV live in the region – where more than 76 percent of AIDS deaths occurred in 2007. Nearly 61 percent of adults living with HIV in the region are women (UNAIDS, 2007).

Asia Pacific has the world's second largest number of people living with HIV and AIDS and the largest number of new HIV cases. In 2006, it was estimated that 5.9 million people were infected with HIV, of which 470 000 were new cases. The region also has one of the fastest growing infection rates in the world (UNAIDS data in ICRW, 2007).

Facts and Figures

In Swaziland, AIDS reduces potential life expectancy by more than half.

In Botswana, Central African Republic, Namibia, South Africa and Zimbabwe, the decline in life expectancy is 30-40 percent (Velkoff and Kowal, 2006).

3.2.2 Property Rights

Definitions

Property is a bundle of rights entailing a set of entitlements as well as a set of obligations. In order for these rights to be secure they need to be enforced by an authority.

Property and land tenure are relations between people regarding things. What a specific person can do with these rights depends on the real property rights he/she has.

Source: Presentation by Paul Mathieu, FAO.

Property rights and relations can be the subject of negotiation and compromise and/or confrontation and struggles, and these struggles can be violent in various ways. Legal rights may exist in principle but are not always respected in practice. The reality of one's rights depends on if and how one uses that right on the one hand – the generally more conservative role of custom – and the response of local and other respected authorities (e.g. the State, local authorities, customary leaders, etc.) on the other. At the local level, several different 'authorities' (e.g. customary, State administrations, judiciary) often interact, determining the actual application of legal rights in real situations and with real social consequences.

So, why is land tenure important? Land is essential for livelihoods, for equity and prevention of conflicts as well as for investment and development. Insecure or poorly defined property rights are one of the most salient issues hindering developing countries. Secure property rights are essential to promote investment-led development; access to finance; ensure shelter; and are a key component to livelihoods and family life.

But secure access to land, the primary means of securing livelihoods in rural areas of the developing world, is inadequate in many countries. In sub-Saharan Africa, women in most communities do not have land rights of their own. Women's property rights are especially insecure due to traditional social norms, customary laws and practices, and unequal gender power relations. It is an unfortunate and unacceptable paradox that while rural women produce between 60 and 80 percent of food in developing countries, it is estimated that they only own between 1 and 2 percent of all titled land worldwide, and comprise 70 percent of the world's hungry.

Recently, the increasing competition for land in sub-Saharan Africa – which has at times resulted in conflict – has in many cases lead to property grabbing. This may be due to the absence of or weak formal institutions with regulations and procedures that are unclear, not user-friendly and not accessible to the poor. At the same time, land administration institutions

are not easily accessible, under-staffed and in some instances corrupt. Access to justice is moreover difficult and costly.

To improve the security of contested and unclear land rights, there is a need for a pragmatic (decentralised) process to formalise land rights, which could include conventional land registration, as was done in Niger and Ethiopia⁵. The processes and methods used to formalize land rights need to be diversified and adapted to specific contexts. The effective use of rights by local people also formalises them in a *de facto* way, which can later be documented when resources or administrative systems are in place (the Mozambican case exemplifies this process⁶). Such a form of formalization, however, needs to be simplified, with inexpensive procedures, enhanced accessibility and accountability and needs to be supported by “legal empowerment” – social, legal and political processes driven by national willingness and bottom-up local changes.

3.3 Links between Gender, HIV and AIDS, Poverty and Property Grabbing

“Women are property; how can property own property?”

- Cultural perception (sub-Saharan Africa)⁷

Women have an essential role in fighting poverty – particularly in developing countries, where assistance directed towards women leads to positive impacts for the whole family. Women also play a crucial role in agriculture as they contribute significantly to the agricultural labour force.⁸

Meanwhile, women and girls are the largest growing group living with HIV and AIDS: young women account for 76 percent of all new cases in sub-Saharan Africa (UNAIDS, 2006).

Two Scenarios: “Pre HIV and AIDS” and “HIV and AIDS”

Research Findings

- In the pre HIV and AIDS situation, the death of a husband occurred when children were already grown up and were able to inherit. Widows were cared for by their children.
- In the current HIV and AIDS context, the death of a husband occurs much earlier, leaving a young widow and under-age children. Children fail to inherit and widows lose the land and other assets. Customary safeguards do not come into play and women have to return to their family house and/or remarry.

Source: Fieldwork in Mozambique by Sonia Seuane, FAO Project at the Legal and Judicial Training Centre, with UNAIDS and UNFPA support, cited in presentation by Christopher Tanner, FAO.

The HIV and AIDS epidemic is adding another burden to the already weak position women have in their cultural and economic environment. Gender inequality and stigma are attached to HIV and AIDS: women are blamed by in-laws for having infected their husbands with HIV. Stigmatised people are more likely to be abused, less capable of defending their rights and their social support may be withdrawn.

⁵ See Avella and Younfa, 2007; Adenew and Abdi, 2005; and Haile *et al.*, 2005.

⁶ See Norfolk and Tanner (2007).

⁷ Observed in sub-Saharan Africa during research conducted by ICRW. From the presentation by Nata Duvvury, ICRW.

⁸ Women continue to provide a large proportion of the labour that goes into agriculture. FAO's estimates show that women represent a substantial share of the total agricultural labour force, as individual food producers or as agricultural workers, and that around two-thirds of the female labour force in developing economies is engaged in agricultural work (FAO, 2006).

HIV and AIDS, insecure rights and poverty are causes and consequences of each other. With insecure property rights and people dying in the family, there are more opportunities for people to grab property. This issue particularly affects women: in fact, women with insecure land rights in the context of HIV and AIDS are vulnerable on two fronts. First, they are often 'punished' by in-laws for having brought HIV and AIDS to the family, accused of witchcraft and dispossessed of assets. Second, they face the stigma attached to the disease, a key element which distinguishes HIV and AIDS from other diseases. Stigmatized people are more subject to abuse and are less able to defend their rights.

Dispossessed of their land and other assets – often their only source of income and livelihood – women are at risk of homelessness and poverty. In some cases women may engage in high-risk sexual behaviour in exchange for food or money as a means of survival, which increases their susceptibility to HIV infection.

A recent study carried out in Botswana and Swaziland highlights the linkages between gender equality, food security and HIV infection. Data shows that women with insufficient food have a 70 percent higher probability of lacking control in sexual relationships and an over 50 percent higher risk of engaging in intergenerational sex. There is also an 80 percent higher risk of selling sex for money or resources and a 70 percent increase in unprotected sex (Wieser *et al.*, 2007; Physicians for Human Rights, 2007).

Based on these statistics, one can argue that secure land rights are clearly linked to HIV prevention and mitigation. With stronger rights (and support to secure and defend them), women can avoid high-risk situations and are less likely to contract HIV.

Secure property rights have even greater implications for women's livelihoods and incomes, their economic and social self-reliance, and their bargaining and negotiating capacity within and outside the family (when they are heads of households).

Property Grabbing

Facts and Figures

In **Namibia** 44 percent of widows and orphans lost cattle, 30 percent lost small livestock, and 39 percent lost farm equipment (Ohangwena region, Namibia, FAO and IP, 2003);

In **Uganda** 90 percent of intra-familial conflicts were found to be over women's land rights in one of the district offices, of which 70 percent were cases of threats of eviction from their homes (Nakazibwe, 2003, cited in Tripp, 2004);

In **Zambia** at least 700-900 cases of confiscation of property from women are handled annually by the Police Victim Support Unit (FAO, 2006b); 30 percent of widows experienced more than a 50 percent reduction in land size after their husbands had died (Chapoto *et al.*, 2007).

Speech by Elizabeth Mataka, UN Special Envoy for AIDS in Africa, 29 November 2007⁹



At the Third Conference on Women, 1984, Mwalimu Julius Nyerere said:

“Women in Africa toil all their lives on land that they do not own, to produce what they do not control, and at the end of the marriage, through divorce or death, they can be sent away empty-handed.”

... We are here today because of the intersection of two major issues confronting African countries and African citizens: 1) An AIDS epidemic that is ravaging communities, particularly in Southern Africa; and 2) the serious consequences of gender inequality which denies many women access to economic means and in particular access to land and property on the death of husbands and fathers.

Billions of dollars are spent on poverty reduction, on AIDS, TB, and Malaria, but most of these funds do not focus on empowering women or even on addressing their needs and their realities. Unless we empower women, really empower them by putting resources, building capacities and ensuring legal protection, our efforts to address poverty, nutrition and AIDS will have very limited success.”

... we cannot talk about HIV prevention without talking about addressing issues of poverty and economic independence for women.

...the implementation of these laws [legislations to protect the inheritance rights of women] has not been easy. Many women, and communities, are not aware of the new laws, or of their rights. In some instances where women do know their rights, the law is often inaccessible to regular citizens. Investments must be made to ensure laws become an actual reality for women and communities.

We need to also talk about the cultural traditions that perpetuate land grabbing. There is strong resistance to women’s land and property ownership. There is a fear that this may upset cultural traditions and that for the interest of the family as a whole, it is better if land and property is not registered in the woman’s name.

This must stop. Property grabbing from women must end. We need to support the work of community organizations, talk to women, their husbands, their brothers, sisters and parents in law. We need to listen to what they say and work together to find better solutions for this issue.

Tackling the cultural practices and promoting women’s economic empowerment and independent rights to land and property can only strengthen families – additionally it is a mechanism with which we can start to change the direction of the AIDS epidemic.

...participation of communities is key...civil society must be involved. AIDS is not an academic issue. People must go on the ground and see what people are doing...

...we need to motivate women.

⁹ For full speech refer to Annex 2.

4. Understanding Gender and Property Rights in the Era of AIDS

With the significant increase in the number of women who are widowed due to HIV and AIDS, inheritance is becoming an increasingly important issue. “With the increase in deaths due to HIV/AIDS, the phenomena of property grabbing by in-laws is becoming more and more prevalent.”¹⁰ Women’s property and inheritance rights and HIV and AIDS are inextricably linked, with serious implications.

Research conducted in Uganda and South Africa¹¹ looked at a number of interconnected factors prevailing in these countries, including: the interplay between customary and statutory law; gender imbalances in experiencing HIV and AIDS impacts; the habitual exposure of many women to violence; and on a positive note, commitment on the part of national governments towards gender equality. Findings reveal that women’s level of tenure security (or insecurity) is driven more by family (both marital and natal families) and clan relationships than by formal ownership – or the lack thereof. Upon the death of a husband, property rights may be stripped, often by in-laws. Moreover, one of the findings from research in Mozambique¹² found that widows are regarded as having very few rights to assets left by their husbands and in some cases were forced from their homes.

As victims of disinheritance, widows and orphans may employ various coping strategies in response to their situation. Some adverse knock-on effects of disinheritance are the early marriage of girls, involvement in prostitution, hazardous labour, migration and children dropping out of school. Thus, not only does the grabbing of property strip victims of their assets (and often livelihoods), but it can lead to multiple negative repercussions.

Insecure property rights have been found to exacerbate the impacts of HIV. For example, evidence from research conducted in Amajuba, South Africa¹³ indicates that the opportunity to acquire one’s ‘own place’ can mitigate the social consequences of HIV and AIDS. Though on the flip side, assets may be sold in order to meet related health expenditures and those who are ill may not have the capacity to cultivate land. HIV and AIDS and property insecurity are bi-directionally linked and negatively reinforcing: the epidemic exacerbates the denial of housing and land rights, which further leads to vulnerability to infection. Conversely, the role of property as a factor mitigating the impacts of HIV and AIDS is emerging. The argument can be posited that securing property and inheritance rights for women can enhance women’s economic opportunities and social power. Knock-on effects include a decline in HIV and AIDS impacts and domestic violence and reduced vulnerability.

The problems women face are not new or recent, nor are they unsolvable; they are rooted in history and culture/tradition, reflected in bad policy and practices, and have been exacerbated by the HIV and AIDS pandemic, leading to the concern and crisis of today.

- Craig Castro, Oxfam GB¹⁴

¹⁰ Based on the presentation by Birte Scholz, COHRE. See also Scholz, 2007.

¹¹ Research was conducted by ICRW. Based on the presentation by Nata Duvvury, ICRW.

¹² Research was conducted by Save the Children UK in Gaza, Zambezia and Nampula, Mozambique (Save the Children, 2007).

¹³ Based on the presentation by Nata Duvvury, ICRW.

¹⁴ From the presentation by Craig Castro, Oxfam GB.

4.1 HIV and AIDS, Property and Domestic Violence¹⁵

In a time of AIDS and widespread domestic violence, independent property rights for women who have struggled with abusive or unreliable relationships can hold out advantages for them.

- Nata Duvvury, ICRW¹⁶

Strong associations have not been found between tenure insecurity as such and intimate partner violence or family violence. Nevertheless, there is an evident need for a safe physical space for women in light of violence, which can be facilitated through independent property rights and autonomy. Examples, however, emerged of the correlation between violence and HIV. These linkages were found to be bi-directional. For example, in some cases emotional and economic violence were evident following the disclosure of one's status, whereas the incapacity to negotiate sexual relations could lead to infection or re-infection.

Organization

The **International Center for Research on Women (ICRW)**¹⁷ is a private, non-profit organization. Its mission is to advance gender equality and women's rights, fight poverty, and promote sustainable economic and social development for all.

4.2 Child Disinheritance – A Salient Issue

The grabbing of property from children is a serious issue, which may occur openly following the death of a parent (or even before, when the parent is sick) or covertly, under the pretence that property will be kept in trust for the child. Research conducted in Mozambique exhibits both scenarios.¹⁹ Findings show that upon the death of a father or both parents, family of the deceased took assets from children who were heading households, leaving them to fend for themselves. In other cases, property was found to be only "nominally" handed over, while family guardians appropriated much of the goods, leaving nothing for the children to inherit when they are of legal age. Despite legislation in many countries related to children's rights²⁰, these rights are often not upheld, namely by relatives. There also tends to be a divergence regarding boys versus girls' inheritance rights. In Zimbabwe, for instance, customary law dictates preferential treatment for sons over daughters.

Organization

Save the Children UK¹⁸ is a leading independent organization creating lasting change in the lives of children in need around the world. Recognized for its commitment to accountability, innovation and collaboration, its work takes it into the heart of communities, where it helps children and families help themselves.

"In our cultures children have no say; even in matters affecting them."

"We want to see orphans treated like people."

- Grace Waithira Ikumbu, GROOTS Kenya

Property grabbing is more than simply the loss of assets. It can leave children extremely vulnerable. Beyond having assets seized, children are often left to the care of relatives, who may not consider their well-being a priority. Research reveals incidences (as highlighted by

¹⁵ Based on the presentation by Nata Duvvury, ICRW.

¹⁶ From the presentation by Nata Duvvury, ICRW.

¹⁷ <http://www.icrw.org>

¹⁸ <http://www.savethechildren.org.uk>

¹⁹ Research was conducted by Save the Children UK in Gaza, Manica, Zambezia and Nampula, Mozambique (Save the Children UK, 2007).

²⁰ May include specific legislation explicitly pertaining to property rights or to legislation relevant to children's rights and interests.

children) of abuse by aunts and uncles, excessive labour requirements, food deprivation and discriminatory treatment (Save the Children UK, 2007). Further related effects include an inability to pay school fees and meet basic needs (e.g. food and shelter) and a loss of a symbolic connection to deceased parents (FAO, 2007).

Research Findings	Methods of Grabbing Orphans' Parental Property	
	<ul style="list-style-type: none"> ✦ Take moveable property when parents are sick ✦ Take moveable property as specified by council during bereavement rituals ✦ Assume guardianship of orphans and dispose of property 	<ul style="list-style-type: none"> ✦ Take moveable property after death of parents ✦ Obtain burial order and death certificate and gain access to property ✦ Assume guardianship and use property
	Source: Presentation by Laurel Rose.	

4.3 Linking Land and Assets to Livelihoods

There is sound awareness of the impacts of HIV and AIDS on men's and women's lives and livelihoods and in particular rural livelihoods. It is clear that HIV and AIDS affect the livelihoods of rural women, confronting them with multiple burdens ranging from discrimination, vulnerability to infection, stigma, the responsibility of caring for people affected by HIV and AIDS, reduced agricultural production, and managing household food security and poverty.

Secure assets and property can reduce the vulnerability of poor women and men, safeguarding them with key instruments upon which livelihoods can be built. In order to sustain livelihoods, particularly in the context of HIV and AIDS, there are several components making up the parcel of women's needs: food security, secure access to resources (e.g. land, water and credit), education and training, equal rights, health care, a voice, and social and economic development.²¹ Property and inheritance are enabling conditions for the attainment of the aforementioned. Thus, it is clear that secure access to land is an essential prerequisite for the achievement of diverse land-based livelihoods; sustainable agriculture; economic growth; poverty elimination; sustainable management of natural resources; and the preservation of people's cultures.²²

4.4 Right to Housing – A Human Rights Issue²³

Approaching the issue of property rights through a human rights discourse sets a positive framework for tackling issues of housing, land and HIV and AIDS. Based on International Human Rights law, the human right to adequate housing can serve as a blueprint for establishing land rights obligations. All people are endowed with certain rights; it is an enabling framework which establishes a set of obligations and a system of accountability for state and non-state actors. Albeit clear obligations, the actual attainment

Organization	<p>The Centre on Housing Rights and Evictions (COHRE)²⁴ is an independent, non-governmental, not-for-profit human rights organisation. COHRE is the leading international human rights organisation campaigning for the protection of housing rights and the prevention of forced evictions.</p>
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²¹ Based on the presentation by Maria Hartl and Harold Liversade, IFAD.

²² Based on the presentation by Craig Castro, Oxfam GB.

²³ Based on the presentation by Birte Scholz, COHRE.

²⁴ <http://www.cohre.org>

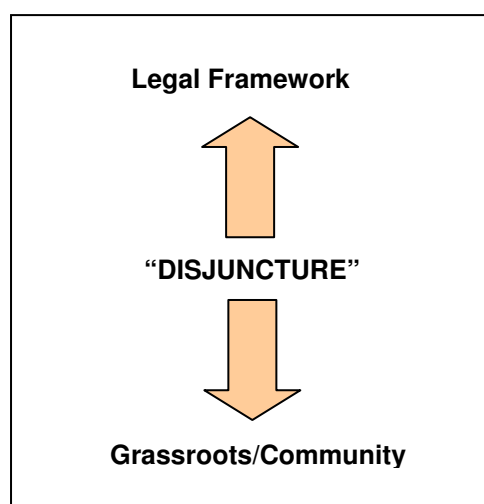
of housing and land rights faces numerous obstacles, encompassing (among others): discrimination against women (to which HIV and AIDS adds another layer); weak national laws and policies; community-level stigma and beliefs; and traditional systems which do not recognize these rights. Human rights can be used as a basis to help overcome these barriers at international, regional, national and local levels through (among others) the strengthening of human rights instruments; the domestication of these instruments; the promotion of legal and land reform; and awareness raising and training at the local level.

4.5 Legal Pluralism and Awareness

From a legislative perspective a progressive framework is necessary to lay the legal foundation – within legislative and constitutional law – upon which property rights can be claimed. Elements include a constitutional guarantee of equal protection; equal inheritance; land and tenure reform; marital and property law; and divorce and spousal inheritance or succession. On the other hand, it is through customary avenues that access and control over land is often mediated at the local level and thus discriminatory practices accordingly need to be addressed. For example, in research conducted in South Africa and Kenya, it was revealed that property traditionally passes to a male family member upon the death of a father or husband; carried on in traditional systems, this precedent has eventually become customary law.²⁵

There is often a disjuncture between legislative and customary frameworks (see boxes below²⁶). These two systems need to be harmonized to ensure that women and children can claim their rights by bringing rights down to the local level in line with changing norms and customs. Thus, a comprehensive approach – with reinforcing interventions – is needed to ensure property rights can be secured at all levels.

Research findings	Formal and Customary Disjuncture – Some Characteristics
	➤ Customary law is often more prevalent and accessible in rural areas
	➤ There may be a low level of awareness about formal laws
	➤ Community leaders may not be aware of and/or enforce formal law, or may be hostile towards it
	➤ Family sanction may fall on those who use formal law to challenge disinheritance
	Source: Adapted from the presentation by Chris Mclvor, Save the Children UK.



“Different systems simultaneously, and often conflictingly, regulate inheritance.”

-Source: PlusNews, 2007

In many contexts it is common place to orally declare who should take care of assets following one’s death. Oral accounts, however, lack legal standing and may be discounted by other family members. Recognizing the importance of preparing a written will is necessary to

²⁵ Based on the presentation by Birte Scholz, COHRE. See also Scholz, 2007.

²⁶ The box on the right is based on plenary discussions.

ensure that inheritance wishes are upheld. Equally important is full awareness of one's rights, as a first step to enable the claiming of these rights, as with knowledge comes power.²⁷ Disquieting figures emerged from research in Mozambique, where it was found that less than 20 and 37 percent of respondents in Zambezia and Nacala, respectively, were aware of formal laws pertaining to the rights of widows and children to inherit property.

4.6 The Urban Context

Urbanization is an increasing trend. Estimates indicated that by 2007 the world's urban population would have exceeded the rural population and in the next twenty years, 95 percent of the world's urban growth is estimated to be found in cities in the developing world. Of this increasing number of city inhabitants, one out of three live in slums (UN-HABITAT, 2006). HIV and AIDS motivated evictions from rural dwellings are contributing to this increasing trend. In these urban environments, a lack of land and housing rights can further drive women into prostitution in order to meet rent and housing costs and earn income. This risky behaviour augments women's vulnerability to HIV, thus driving the cyclical relationship between HIV and AIDS, insecure property rights, eviction, destitution, poverty, urbanization and infection.²⁸ These issues are particularly salient in urban contexts as many women are forced to live in slum areas, which are characterised by highly precarious land tenure. Property insecurity can be triggered both before and after the death of a husband. For example, in the former, women may be evicted due to the burden of taking care of large numbers of HIV orphans or for bringing the disease into the home. In the latter, financial insecurity may lead to women having to sell off assets to cover medical expenses and debts or they may be evicted by in-laws. HIV-positive women, moreover, may be denied housing and land under the presumption that they will not be able to pay housing costs. Similar to rural counterparts, legal systems in urban areas are equally inadequate, discriminatory and inaccessible.

4.7 Some Cultural Practices and Stigma

In many rural areas, property grabbing is widespread following the death of a husband (particularly as a result of AIDS), and HIV-related stigma is particularly salient. In this context, widows may be subject to different cultural practices in order to avert eviction and preserve housing.

Some such cultural practices include widow inheritance, in which a widow marries a male relative of her deceased husband, or sexual cleansing, which generally involves the widow having to have sex with a male relative of the deceased.²⁹ The former is practiced as a means by which to keep property in the patrilineal family while the latter is a way of 'purifying' the widow following her husband's death. If the widow objects to these practices, the ensuing harassment may force her to ultimately leave her property in order to escape the situation. Women who refuse to 'voluntarily' give up their assets may nevertheless be forced to leave their property.

These cultural practices consequently leave widows with two main options: risk becoming infected or re-infected with HIV as a result of 'cleansing' or inheritance, or eviction and

²⁷ It must be recognized, however, that even when women and children are informed, they may be reluctant to exercise their rights.

²⁸ More research and statistics are needed to study this cyclical relationship and the correlation between HIV, loss of property in rural areas and rural-urban migration patterns.

²⁹ Based on the presentation by Chris McIvor, Save the Children UK.

destitution after refusing to partake in these practices. There is also the possibility that the widow may infect her brother-in-law if she is HIV positive.

Other cultural practices were found to include the burning of the deceased's house, irrespective of the fact that surviving family members still live there.³⁰ This practice is believed to rid the area of bad spirits which may be present and could otherwise disturb the living. Despite the justification for this tradition, the end result remains the same: assets that have been taken away and can no longer be used by surviving family members.

Community-level stigma and beliefs related to women's property rights are two-fold, including both those held by women and those about women. Many women do not claim their rightful inheritance because they fear the dangers of being 'bewitched'. On the other hand, women are often not seen as worthy or capable of land ownership or, in the context of AIDS, may be held responsible for having brought the disease into the home. Often seen as the cause of death if their husband passes away, women are frequently evicted or those who stay are harassed and threatened until they "voluntarily" leave. Despite the degree of sensitization efforts at community level, they may be met with little impact because of the use of ineffective and incorrect messages that condemn tradition and culture.

"Women face severe and multi-layered stigma from being a women, a widow and HIV-positive."

- Nata Duvvury, ICRW³¹

Family structure can also play a role in determining one's property security. Polygamy can be a complicating factor, which is sometimes referred to as a "pyramid of hierarchy among the different wives."³² Accordingly, research has shown that in some cases, it is often the first wife who is knowledgeable about the property and goods of the deceased, which could result in the remaining wives and their children being left without support. Virilocal marriages³³ furthermore have a propensity to reinforce women's limited direct access to and ownership over land.³⁴

³⁰ This practice was found to take place in Morrumbala, Mozambique. Based on the presentation by Chris Mclvor, Save the Children UK.

³¹ From the presentation by Nata Duvvury, ICRW.

³² Based on the presentation by Chris Mclvor, Save the Children UK.

³³ Virilocal and uxorilocal refer to residential patterns. Virilocal is when women move into their husband's kinship, while uxorilocal refers to men moving into the wife's kin group or clan. These residential patterns are important as it seems that in uxorilocal marriages there is less incidence of property grabbing from women.

³⁴ Such findings emerged from research conducted in Zambia (Chapoto *et al.*, 2007). Based on the presentation by Chapoto, Jayne and Mason, Michigan State University.

5. Legislation, Training and Capacity Development

This section highlights how legislation and judiciary training should address issues of gender, HIV and AIDS and property rights. It also offers some concrete examples of legislation currently in place and outcomes of training programmes undertaken at regional and country levels.

5.1 Legislation

5.1.1 Legislating for Women's Rights in the Context of HIV and AIDS – A Draft Legislation Project³⁵

Legislation can be instrumental in promoting or impeding initiatives to address the HIV and AIDS pandemic. Almost without exception, general HIV and AIDS laws ignore crucial women's rights and gender equality issues. Non-AIDS specific legislation (e.g. criminal law, property law, family law, inheritance and succession laws), which has tangible impacts on the lives of those affected by the virus, continues to discriminate against women and fails to protect women's rights.

Organization

The **Canadian HIV/AIDS Legal Network**³⁶ promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization.

The women's rights draft legislation project of the Canadian HIV/AIDS Legal Network draws together international human rights law and examples of "best practice" national legislation as the basis for developing a draft legal framework to respect, protect and fulfil women's rights in the context of HIV and AIDS. The project is being carried out in strategic partnership with African-based civil society organizations.

The package of research and draft legislative provisions is intended as an advocacy resource for developing countries and countries in transition. It will be adapted and revised for use in specific law reform advocacy initiatives. Four key areas of law will be addressed by this project: rape and sexual assault; domestic violence; property law and inheritance rights; family law (i.e. marriage and divorce). With specific reference to the Property and Inheritance Module, several possible legislative initiatives will be explored:³⁷

- ✦ A legal framework for will writing;
- ✦ How to create an intestate succession law that incorporates the positive aspects of customary law while at the same time ensuring respect for women's equality and social and economic rights;
- ✦ Maintenance rights in contexts where there are obstacles to providing women with ownership rights;
- ✦ Occupancy rights and prohibitions on forced evictions and "property grabbing";
- ✦ Protecting women's rights to be free from discrimination in buying, selling, mortgaging or otherwise dealing with property; and
- ✦ Marital property and the division of property on the breakdown of a marriage are addressed in the accompanying module on marriage and divorce law.

³⁵ Based on the presentation by Alison Symington, Canadian HIV/AIDS Legal Network.

³⁶ <http://www.aidslaw.ca>

³⁷ Refer to presentation by Alison Symington, Canadian HIV/AIDS Legal Network (Annex 2) for more detailed information.

5.1.2 Securing Land Rights for Mozambican Women – Balancing Customary Norms and Practices with Formal Laws and Guarantees³⁸

The “mission statement” of the current national land policy (September 1995) of Mozambique writes as follows: “Secure the diverse rights of the Mozambican people over land and other natural resources, as well as promoting new investment and the sustainable and equitable use of these resources.” Its main principles are multifold: (1) maintain the Constitutional principle of land as property of the State; (2) guarantee access and use of land for the population as well as for investors; (3) recognise customary rights of access and use, promoting social and economic justice; (4) promote national and international private investment without prejudice to the resident population and ensure benefits for them as well as for the public treasury; (5) ensure active participation of nationals as partners in private enterprises; (6) define basic guidelines for transferring land use rights between citizens or national enterprises; and (7) ensure sustainable use of natural resources, to guarantee the quality of life of future generations.

An important aspect is that *communities must be consulted before a new a ‘Land use and Benefit Right’ (DUAT) is awarded by the State* (see box below). The Land Policy and Land Law therefore recognize customary rights and try to integrate customary and formal law through the local community. Local communities participate in land resource management, assisting with new DUAT allocations; with conflict resolutions; and with establishing their own limits. Communities are internally managed by customary norms and practices, but they are also regulated by the principle of co-titularity, such that all members, men and women, must participate in decisions over the DUAT.

1997 Land Law – Mozambique

Laws and Norms

The main points of the 1997 Land Law are (1) to maintain the Constitutional principle of land as property of the State; and, (2) a ‘Land Use and Benefit Right’ (DUAT) is given to nationals and foreigners. The DUAT is a private and exclusive right, acquired in 3 ways: occupation by individuals or local communities via customary norms and practices; occupation in ‘good faith’ (unopposed squatting for 10 years); and formal request to State for a new DUAT (only route for foreigners). By occupation, the DUAT does not have time limit (for personal subsistence or livelihood use); does not need to be registered (for household use); and *norms and practices must not contradict Constitutional principles*.

Source: Presentation by Christopher Tanner, FAO. See also <http://faolex.fao.org/docs/pdf/moz15369E.pdf>.

As for the rights of women, several articles of the Constitution as well as of the Land Law make specific reference:

- ♣ Men and women are equal before the law in all areas of political, economic and social life;
- ♣ Women obtain *use rights* through men in customary systems, whether patri- or matrilineal;
- ♣ Through Article 12, these rights are legally equivalent to a State DUAT and can be formalised or otherwise defended, especially if other constitutional rights are jeopardised;
- ♣ Women have a full right to participate in the decisions over community assets and resources - they usually have a very different view of the resources being requested and their importance;
- ♣ All documents must be signed by both men and women of the community in question;
- ♣ Very few rural women are aware of these legal provisions that protect their basic rights.

³⁸ Based on the presentation by Christopher Tanner, FAO.

The current situation: In many areas of Mozambique there are extensive existing local rights and, at the same time, competing interests focusing on them. It can therefore be expected that conflict over land and resources may arise, leading to land grabbing and loss of local rights. Albeit at the same time there are opportunities for new markets, diversification and community-private partnerships.

The implications for communities in general may lead to rising pressure for land in all areas. There is already evidence of land grabbing (by elite and investor interests) and land concentration in favourable areas (e.g. the coast, eco-tourism, biofuels, etc.). Communities as a whole are still very vulnerable as their rights are rarely formalised and cadastral services focus on 'fast-tracking' private sector access to land and registering these new rights. At the same time, development opportunities are being lost as consultations are seen as being 'no-objection', 'tick in a box', poorly carried out and rushed. Local participation is generally weak if there is not enough support.

For women in particular, some of the implications include:

- Minimal real participation in consultations and other land management issues in the Land Law context (e.g. relations with the outside world, negotiations);
- Commercial opportunities and 'land deals' dominated by community leaders (men);
- Relative land scarcity exacerbating these trends, with women losing out;
- Customary norms and rights of women increasingly under threat due to HIV and AIDS impacts, with new economic land values stimulating the seizing of property by (male) in-laws and others.

5.2 Training

5.2.1 Training of Judges – General Characteristics³⁹

Training conducted through the Jurisprudence of Equality Programme (JEP) examines the interrelationships between discrimination and violence against women and girls (see box). Increasingly, and especially in sub-Saharan Africa, these interrelationships are shaped by the realities of HIV and AIDS. JEP-trained jurists have established a track record of issuing judgments striking down discriminatory laws and practices involving inheritance, custody, marital property, sexual assault and domestic violence. These types of decisions expand the rights of women to inherit property, share equally in the assets of marriage and decide with whom to have sex and whether to use protection.

Organization

The **International Association of Women Judges (IAWJ)**⁴⁰ is a non-governmental membership organization of more than 4 000 jurists in 90 countries. It works to promote women judges' associations worldwide, and to provide training for members of the judiciary (female and male) on discrimination and violence against women. Its flagship training program is called the **Jurisprudence of Equality Program (JEP)**. The IAWJ has trained over 1 300 judges through JEP since 1997.

The International Association of Women Judges (IAWJ) has drawn on the empirical research of several organizations, in particular ICRW. Recognizing that the issues are complex and vary according to the context, the IAWJ nevertheless believes that (1) decreasing violence against women or (2) increasing protection of women's property rights affords at least some

³⁹ Based on the presentation by Anne Goldstein, IAWJ.

⁴⁰ <http://www.iawj.org>

protection against infection and/or mitigates the impact of HIV and AIDS on those already infected.

There are three main points related to the role of courts, the training of judges, and the relevance of HIV and AIDS to on-going legal debates on property rights:

1. **The role courts play in protecting women's property rights is both crucial and largely overlooked.** When a widow whose husband's family has evicted her from the marital home, taken her children and left her destitute comes to a court seeking help, it is a judge who will decide whether any filing fees or procedural obstacles will prevent her case from being heard. It is a judge who will decide what law applies, whether customary, statutory or treaty. And it is a judge who will decide how that law should be interpreted.

Facing the cultural patterns that entrench discrimination, judges may – without being aware they are doing so – find reasons (substantive or procedural) to apply these stipulations less than fully. These reasons need to be made visible and addressed.

Jurists Failing to Apply the Statutes Fully – Examples from the Field

Initiative

At a 2006 consultation in Zambia on the links between property rights, violence against women and the HIV and AIDS pandemic, magistrates voiced regret at not being able to do more for women victims of property grabbing. Although Zambia had enacted a statute against property grabbing, and although women were coming to the court, they encountered two problems once they got there. First, because the evicted women were now destitute, they often could not afford to pay the court-filing fee, so the magistrates could not hear the case at all. Second, when women whose husbands had died of AIDS were able to pay the court filing fees, the families of the deceased would hire lawyers who would seek to delay the case in the hopes that the widow would die before it could be heard. The facilitator asked if the Zambian court rules allowed magistrates to waive fees for indigents in these cases; approximately half the magistrates answered “yes” and approximately half answered “no.” (The answer turned out to be “yes”. The chief magistrate agreed to send a letter to all magistrates clarifying that the fees could be waived). The discussion then turned to magistrates’ ability to expedite property grabbing or other cases when there is reason to believe one party may be ill.

Source: Presentation by Anne Goldstein, IAWJ.

2. **“Judging” is never automatic; it inevitably involves decisions, and not merely calculations.** Judicial training and consultation can improve the quality of decision-making. Training that simply explains a statute or human rights treaty, or simply appeals to judges’ sympathy for victims, will fall short. Good judicial training, on the other hand, allows judges to look at both substantive and procedural issues at the same time, rendering visible the barriers women face in accessing courts. Finally, good training explores what judges can do to ensure actual justice in practice, not merely in theory.
3. **Judicial training needs to be culturally responsive.** Like other professional groups, judges hold widely divergent attitudes on women's rights issues in general, and property rights in particular. Even those who express commitment to women’s rights in other contexts may find land rights threatening. A well-crafted judicial training program draws on this kind of ambivalence by asking judges to consider their respective cultures in their totality. In concrete terms, this may entail a consideration of pre-colonial land tenure rules, or the extension of property rights to women in the Qur'an or Bible.

Judicial training can help dispel the myth that international human rights treaties or statutes designed to protect women’s rights are neo-colonialist impositions. It can ground

women's rights in local sources as well – sources that are likely to be more emotionally resonant and acceptable to judges with traditional views.

Judicial training is effective both in practical and financial terms. While helping judges and magistrates protect women's rights (self-reporting), training leads to concrete rulings and the application of post-training decisions that protect women's rights. In financial terms, since judges and magistrates are already ruling on cases concerning property rights and violence in courts around the world, training programs incur only marginal costs.

5.2.2 Training of Judiciary – An Example from Mozambique⁴¹

One of the main recognized issues in Mozambique is that both women and men leaders need to be educated on the rights of women in the customary and formal context, and about how these rights can be defended – especially in HIV and AIDS cases where rights are particularly vulnerable. There is the need for legal empowerment as well as practical support in order to confirm the rights of women; to formalise these rights; and to defend these rights in court if necessary.

In order to deal with these issues, FAO and the Legal and Judicial Training Centre (CFJJ) of the Ministry of Justice have put in place various projects (see box)⁴² since 2001. In addition, a new three-year Women's Rights Project will begin in 2008 (funded by Norway), with three main components: (1) a reinforced women's rights and gender component in the CFJJ paralegal training programme, district officer seminars, and professional training for new judges; (2) a fund managed by a national NGO to provide support at local level (women who want to register their rights, women who want to defend their rights with legal support, etc.); and (3) an advocacy and public information component (materials produced, collaboration with media and other organisations, publications and normative material, and contributions to the debate on policy and legislative change).

⁴¹ Based on the presentation by Christopher Tanner, FAO.

⁴² Some outputs include the training of 199 provincial and district judges and prosecutors (2001-2004); the training of 160 paralegals, of which 25-30 percent women (2005-2008); over 30 communities visited and supported by courses (2005-2008). For more information please refer to 'Lessons learned from Training of the Mozambican Judiciary on new land law and its application to women's land and property rights' (link to presentation in Annex 2).

FAO and the Judicial Training Centre Project (Netherlands support)

2001-2004

- ✦ Judicial training in land and natural resources laws
- ✦ Legal texts and training material published
- ✦ Cooperation programme with Brazilian judicial institutions established (role of Public Ministry; Mediation techniques; Improved court procedures)
- ✦ Conflict case research (led on to current project).

2005-2008

- ✦ Paralegal training (NGO and public sector field officers)
 - Interactive seminars for District officers (District Administrators, Judges, Public Prosecutors, Police Chiefs, Directors of Economic Affairs)
 - State and citizens rights; principles of land and resources laws; gender and women's rights; role of each branch of State in development and conflict resolution;
 - Interface between customary norms and formal legal system;
- ✦ Focused training for key sectors (National Park and Conservation managers);
- ✦ Conflict database and case study research;
- ✦ Cooperation with Brazilian judiciary (environmental law, diffuse rights, role of Public Ministry upholding the law and rights of the citizen)

2009-2011 – New Decentralised Legal Support and Empowerment Project

Developed and evolving from the current programme:

- ✦ Integrated programme for land and other natural resources laws
- ✦ Paralegal programme continued and strengthened
- ✦ Expanded district officer seminar programme with stronger gender element
 - Training for national police in land and natural resources laws
 - Travelling judges and prosecutors' trial programme (community level)
 - Database on conflicts and role of judiciary
 - Exchange programme with Brazilian judicial institutions continues

Source: Presentation by Christopher Tanner, FAO.

6. Advocacy, Mobilisation and Networking – Various Initiatives

6.1 A Network of Grassroots Organizations – An Example from GROOTS Kenya

With more than two million orphans – 55 percent due to HIV and AIDS – orphans’ property inheritance is a salient issue in Kenya.⁴⁴ A mapping exercise conducted in Kenya in 2005⁴⁵ revealed that 57 percent of interviewed OVCs never inherited their parents’ property and for those who had, the property was later seized by close relatives (FAO, 2008). Despite the clear indication that property grabbing occurs, limited support is provided to orphans by tradition and formal institutions. Cases of property grabbing may also be compounded by physical and sexual abuse, increased vulnerability to HIV infection, the inability to access basic education, compulsion into child labour, malnutrition due to inadequate food as well as psychological and emotional problems.

Organization

Grassroots Organizations Operating Together in Sisterhood in Kenya (GROOTS Kenya)⁴³ is a network of women self-help groups and community organizations in Kenya. It formed as a response to inadequate visibility of grassroots women in development and decision-making forums that directly impact them and their communities. GROOTS Kenya bridges this gap through initiatives that are community-centred and women-led.

GROOTS Kenya is actively working to tackle this situation. Mitigation strategies employed involve the formation of watch dog groups to guard against and monitor property grabbing and serve as a dispute resolution body in communities; ombudsperson committees to challenge decisions made by provincial administrations on property-related cases; and the training of paralegals.

Grace Waithira – An Orphan Who Came from Kenya to Address the Workshop in Rome

Testimony

"When my mother died of AIDS, me and my sisters and brothers were evicted from our 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 to the house were returned to us though the case is still in court to ascertain whether 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 for us kids."



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

⁴³ <http://www.groots.org/members/kenya.htm>

⁴⁴ Based on the presentation by Grace Waithira Ikumbu, Groots Kenya.

⁴⁵ Data was collected by GROOTS Kenya (for a study commissioned by FAO: FAO, 2008) in three regions in Kenya: Gatundu, Limuru and Kakamega. Forty OVCs were involved in the study.

6.2 A Coalition of Grassroots Networks – The Experience of the Huairou Commission

As a catalyst to foster grassroots women's groups participation in decision-making processes, effective coalitions of networks have the potential to promote defined agendas among key bilateral and multilateral institutions. While it is the groups themselves that are responsible for the community-based work and success stories, the Huairou Commission forges collaboration between networks and pushes for their voices to be heard through its promotion of a pro-poor, women-centred development agenda. Allowing grassroots women's organizations to maintain their priorities and autonomy, the coalition facilitates a link to partners locally, nationally and globally for knowledge exchange and advocacy.

Organization

The **Huairou Commission**⁴⁶ is a global coalition of networks, institutions and individual professionals that links grassroots women's community development organizations to partners. The networks seek access to resources, information sharing and political space. At the same time, it links development professionals to on-the-ground practice.

The identification and highlighting of innovative, on-the-ground strategies is the first step in building the capacity of grassroots women's groups through peer learning processes. Listed below are some examples of these initiatives:

Community mapping – documenting access to land and property, knowledge of land rights and identifying and strengthening strategies to fight for rights.

Watch-dog groups – enhancing and building communities' ability to protect grassroots women from land and property disinheritance.

Peer exchanges – strengthening grassroots women's organizations and enhancing solidarity within the movement through the sharing of effective approaches and strategies.

Local-to-local dialogues – giving women's groups power to negotiate with local authorities to address problems collectively and influence social, economic and political policies, plans and programmes to address their priorities.

Community paralegal training – training of groups of grassroots women as community paralegals to assist poor women by filing cases in customary courts, representing them as legal aids, negotiating with authorities on their behalf, will-writing and community conflict mediation.

Initiatives

Women's Land Link Africa (WLLA)⁴⁷

WLLA supports and strengthens linkages between regional stakeholders focusing on improving poor women's access to, control over and ownership of land and housing in Africa. WLLA aims to directly involve grassroots women in guaranteeing gender equality and women's empowerment in local, national, regional and global policy arenas focused on land, housing and property rights in Africa.

The Huairou Commission and COHRE are core partners of this initiative, with active leadership by grassroots partners in ten African countries.

Grassroots Women's International Academies

Since 2003, Academies in Africa have been used to highlight on-going organising, showcase grassroots-led initiatives, build relationships within the Huairou Commission network, and consolidate relationships with partners. Participants produce a wide and comprehensive list of innovative empowerment strategies, within the context of HIV and AIDS, asset-stripping and land and property grabbing.

Source: Presentation by Jan Peterson, Huairou Commission.

⁴⁶ <http://www.huairou.org>

⁴⁷ <http://www.wllaweb.org>

6.3 Regional and International Networking

6.3.1 UN Technical Advisers' Group on Gender and Human Rights⁴⁸

The UN Technical Advisers' Group on Gender and Human Rights in southern and east Africa is composed of UNDP, UNICEF, WFP and OCHA. The group aims to provide technical support to regional offices to address gender issues, largely by strengthening mechanisms already in place. It anticipates a gender architecture to look at gender issues in new ways. The proposed work plan focuses on strengthening responses to the issues of gender, property rights and HIV, addressing the challenge of gender inequality while at the same time looking at land concerns: land in fact may be one way of getting at the gender dimension.

Organization

The **United Nations Children's Fund** (UNICEF)⁴⁹ is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. With its strong presence in 190 countries, UNICEF is the world's leading advocate for children.

There is the need to look at gender issues with a more practical perspective in order to bring about results. Correspondingly, HIV programmes need to focus more on gender. There are many places where these issues can be addressed and thus participation in different fora to continually discuss these issues and develop concrete actions is important.

6.3.2 Global Land Tool Network Experience⁵⁰

There is a need to focus on pro-poor land tool development in both urban and rural areas. Urbanization is occurring rapidly; over 90 percent of future urban population growth will occur in cities in Asia and Africa. In urban areas, land policy, tenure, administration, management, taxes and re-distribution/reform are inter-linked as they relate to urban planning and slums. Slum development and upgrading existing slums requires a systematic approach with innovative, affordable and gender-sensitive tools. In rural areas, land rights, reform, affordable tenure and administration systems are critical issues with regard to food security and agricultural productivity.

Organization

The **Global Land Tool Network** (GLTN)⁵¹ is an international network created by UN-HABITAT that aims to establish a continuum of land rights and develop pro-poor land management and land tenure tools.

Within this context, the GLTN network aims to:

- ✦ Improve and develop pro-poor gendered land management and land tenure tools;
- ✦ Unblock existing initiatives;
- ✦ Assist in strengthening existing land networks;
- ✦ Improve global coordination on land;
- ✦ Assist in the development of gendered tools which are affordable and useful at the grassroots level;
- ✦ Strengthen capacity in selected countries to apply pro-poor and gender-sensitive tools to improve the security of tenure of the poor.

⁴⁸ Based on the presentation by Sarah Norton-Staal, UNICEF.

⁴⁹ <http://www.unicef.org>

⁵⁰ Based on the presentation by Åsa Jonsson, UN-Habitat.

⁵¹ <http://www.glttn.net>

Women are disproportionately affected by gender-blind and 'neutral' approaches. Therefore it is necessary to make land tools gender sensitive. Governments, civil society, land professionals and analysts have identified the lack of effective and scalable gender-sensitive land tools as a hindrance to the realisation of land rights. The GLTN Gender Mechanism uses a multi-stakeholder approach and a systematic methodology for making land tools gender sensitive. It focuses on scalable tools currently developed by partners through a women-led process that ensures every tool is gender sensitive.

Possible Characteristics and Criteria for a Gendered Land Tool⁵²

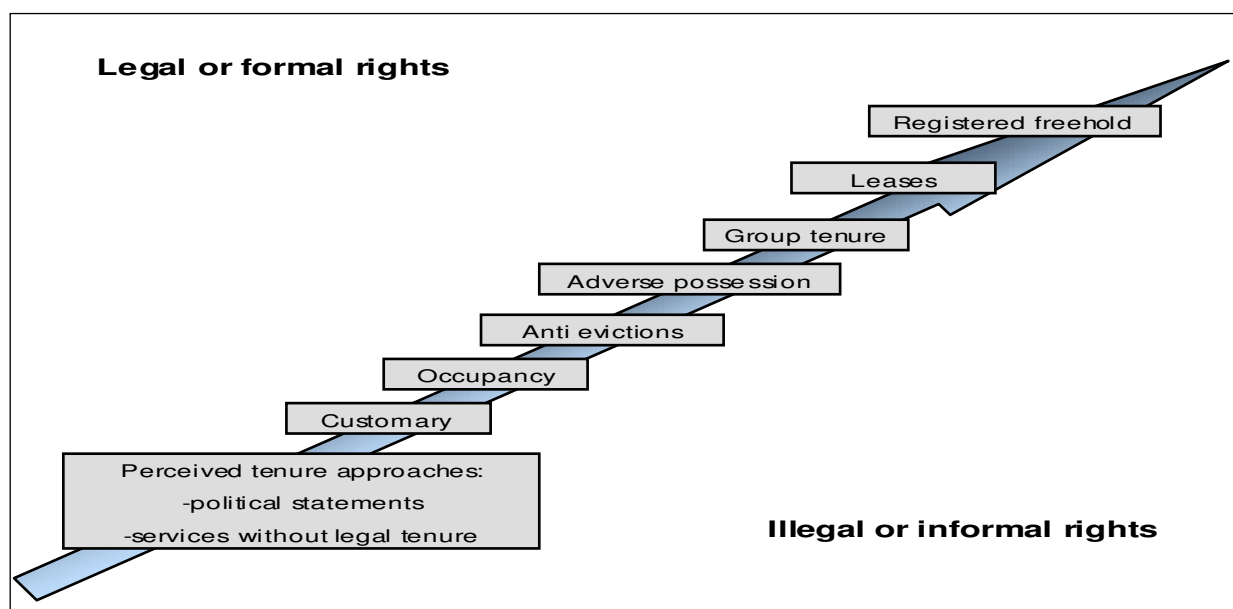
Concepts and Criteria

- ✦ Addresses land needs of all women and men in a given context by analysing inequities, inequalities and resources
- ✦ Based on an understanding of gender relations;
- ✦ Promotes participation of women in land governance and decision making
- ✦ Recognizes the bundle of legal land rights of women
- ✦ Includes empowering strategies for all women
- ✦ Provides long-term solutions for land tenure rather than short-term, piecemeal ones
- ✦ Works with local government authorities and land professionals

Source: Presentation by Åsa Jonsson, UN-HABITAT.

The general principles for gendering land tools are:

- ✦ Prioritising women's participation in tool development;
- ✦ Catalysing a multi-stakeholder approach;
- ✦ A continuum of rights which offers innovation and flexibility;
- ✦ Land governance as a critical issue for women's land rights.



Source: Presentation by Åsa Jonsson, UN-HABITAT.

⁵² These characteristics and criteria have been discussed (and are to be further refined) at the GLTN Gender Workshop held in October 2007. Workshop objectives were to (1) devise criteria for assessing gender responsiveness of large-scale land tools; (2) develop criteria and process steps for scaling-up existing gendered land tools from the community level to a national framework; (3) define strategies, activities and criteria for developing new large-scale gendered land tools including pilot projects (where appropriate); and (4) define next steps for implementation.

Organization	<p>ActionAid International⁵³ is an international anti-poverty agency whose aim is to fight poverty worldwide. Formed in 1972, for over 30 years they have been growing and expanding to where they are today - helping over 13 million of the world's poorest and most disadvantaged people in 42 countries worldwide.</p>
Initiatives	<p>Campaigning for Women's Rights to Land and Natural Resources</p> <p>It's about power... Women's lack of rights to land is not an accident, exclusion of women is deliberate, failure to change is a choice. Women's rights to land relate to dynamics of sustaining patriarchy; capitalist/neoliberal models of growth; the relative weakness of civil society to rally to champion women's rights; junctures between class, caste, gender and ethnicity; and problems of land reform. Land represents POWER and change will only come from challenging power and building alternative power.</p> <p>ActionAid International is working to secure women's rights to land and natural resources as part of its Hunger Free Campaign (2007-2011). Key objectives include:</p> <ul style="list-style-type: none"> ☛ Quantitatively secure more land for women; ☛ Policy, legal and institutional frameworks; ☛ Strengthen rural and other women's movements; ☛ Stop corporate abuse, challenge neoliberal land reform and related policies,⁵⁴ <p>Source: Presentation by Everjoice Win, ActionAid International.</p>

⁵³ <http://www.actionaid.org>

⁵⁴ Neoliberalism favours a land policy that emphasizes free markets and security of property rights. An active and free land market is seen to result in the allocation of land to the most able producers as security of tenure would stimulate long-term investment. Individual property rights are also favoured over collective or communal systems, as they are seen to lead to greater efficiency and market transparency. Governments are thus encouraged to introduce measures to facilitate the privatization of the communally held land of indigenous peasant communities as well as the breakup of the collective reformed sector (Bretón, 1997 and Zoomers, 1997, cited in Kay, 1998).

7. Political Dialogue

7.1 Asia Pacific Court of Women on HIV, Inheritance and Property Rights⁵⁵

The Asia Pacific Court of Women on HIV, Inheritance and Property Rights⁵⁷ is a forum to provide alternative political space in order to seek to redefine rights and other notions of justice from the lives and life visions of women.

The objectives of the court are to:

- Provide a forum for women from different countries in the region to share, reflect and have a deeper understanding of linkages between property rights and AIDS;
- Recognize and build upon the strengths, achievements and success stories of women who have been successful in securing their sources of security and survival;
- Identify coping and resistance strategies of women affected by customary practices and laws that do not allow them equal access to security, shelter, property and inheritance;
- Formulate concrete and relevant follow-up actions and campaigns at the regional, national and international levels.

The first regional summit was held in conjunction with the 8th International Congress on AIDS in Asia and the Pacific (ICAAP)⁵⁸ and brought together over 450 women and men from across the region. It created a strong regional platform for women living with HIV to share testimonies of their struggles and successes. It was the outcome of a set of meetings and consultations held in the region, with testifiers sharing personal testimonies and experiences; expert witnesses providing analysis of the broader context in which dispossession is taking place; and jury members formulating visionary policy responses.

Organization

The **United Nations Development Programme (UNDP)**⁵⁶ is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. UNDP is on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and its wide range of partners.

Testimonies

Princey Mangalika, Sri Lanka – Testifier

“Once word got around that my husband had the virus, our children were not allowed to go to school. People laid siege on our home.”

“To reclaim my home, I would need to go to Court, I would need legal support. Who is there to advise me? Who is there to take up my case? Who is there to deliver justice for me?”

Quote from Elisabeth Reid – Expert Witnesses

“A woman’s understanding of the epidemic would not dwell on women’s ‘vulnerability’ for such language strips us of agency. It disempowers us, rendering women passive victims. We would find other ways of describing the workings of power in our lives.”

Source: Quote from the first regional summit of the Asia Pacific Court of Women on HIV, Inheritance and Property Rights, 2007.

⁵⁵ Based on the presentation by Nadia Rasheed, UNDP.

⁵⁶ <http://www.undp.org/>

⁵⁷ The partners of this Court are UNDP, the Asian Women Human Rights Council (AWHRC), UNAIDS, UNIFEM, ICRW, INFORM, Forum for Women, Law and Development (FWLD), Positive Women Network (PWN+), Lanka+ and Lawyers’ Collective.

⁵⁸ <http://www.icaap8.lk/>

Four sessions were held to discuss:

1. Dispossession and Destruction: Poverty, Violence and HIV;
2. Disinheritance and Discrimination: Culture, Marginalization and HIV;
3. Human Rights and Inhuman Wrongs: Evaluating State Responses, HIV, Property and Inheritance Rights;
4. Reclaiming Survival and Security: Celebrating Voices of Resistance of Hope.

Below are some excerpts from the Jury Declaration produced at the end of the Summit:

- ✦ All forms of discrimination against HIV positive women and their needs are to be urgently addressed;
- ✦ All legislative, judicial and human rights actors are to take a proactive role in protecting women living with HIV;
- ✦ All civil society is to play the role of monitoring to prevent all kinds of dispossessions;
- ✦ All governments and the administration of justice are to prioritize needs of women living with HIV through efficient and meaningful action.

Testimony

Quote from Miloon Kothari, UN Special Rapporteur on Adequate Housing

“Given the fact that we are also living in a context today where essential human rights, the right to housing, the right to land, the right to food, and the right to healthcare are increasingly treated as commodities and no longer rights in our responses it is essential to recognise and work upon the human rights framework”.

Source: Quote from the first regional summit of the Asia Pacific Court of Women on HIV, Inheritance and Property Rights, 2007.

Outcomes of the summit included: widespread media attention and analysis on the issue; enhanced visibility for gender inequality in the context of AIDS; a strengthened regional platform for action; the establishment of a major partnership and links; and an influence on the outcomes of ICAAP (policy research). Defined follow-up actions included:

- ✦ Regional scan of laws related to women’s inheritance and property rights in the South and South East Asia region;
- ✦ Specially tailored leadership programme in Nepal;
- ✦ Strengthening support mechanism for HIV-positive women (economic empowerment; addressing links between trafficking and AIDS);
- ✦ South East Asia Court on trafficking.

Initiative	Talking Saree
	✦ The unique expression of collective voices, prepared by testifiers and other participants of the Court and woven together into an over ten meter long saree
	✦ Unveiled by testifiers and jury members at the closing ceremony, carrying messages on HIV, gender inequality, human rights, hope and solidarity in many colours and designs
	✦ Transferred to the ICAAP Community Dialogue Space after the Court where it continued to grow and will travel to the International AIDS Conference in Mexico next year
	✦ Analysis of issues related to HIV, Inheritance and Property Rights in Asia Pacific region
	✦ A publication and film on the Asia Pacific Court of Women on HIV, Inheritance and Property Rights
	Source: Presentation by Nadia Rasheed, UNDP.

7.2 The African Union/Economic Commission for Africa/African Development Bank Land Policy Initiative – Addressing Gender-Related Concerns⁵⁹

Most land in Africa is governed under customary tenure, by traditional authority, with women acquiring land access via male relatives (secondary rights). There is the need for a cultural (r)evolution to accord women equal rights to men. Moreover, in statutory laws, there is a bias towards individual land ownership that disadvantages women. There is a need for reforms (e.g. registration, titling) to recognize secondary land rights and overlapping claims, especially in the face of the HIV and AIDS pandemic. There is a need to provide for women's land rights in national constitutions and to harmonize marriage, divorce and inheritance laws. Finally there is a need to address customary and social practices that conflict with statutory laws.

It is against this background that the AU-ECA-AfDB Land Policy Initiative has been shaped. The Initiative serves the following main functions:

- Provide a basis for political commitment by African nations and build programmes of common action for sound land policies;
- Gain commitment of the international community in establishing a lasting framework for funding land policy and administrative reforms;
- Develop clear guidelines and benchmarks with indicators of good practice for assessing land policy and institutional reforms;
- Promote constructive treatment of land issues within the Comprehensive Africa Agriculture Development Programme (CAADP) framework to facilitate agricultural transformation;
- Promote programmes for securing urban land rights to support urban growth and development of peri-urban areas;
- Make land policies and the performance of land institutions subject to the African Peer Review Mechanism.

Organizations

The **African Union (AU)**⁶⁰ is Africa's premier institution and principal organization for the promotion of accelerated socio-economic integration of the continent, which will lead to greater unity and solidarity between African countries and peoples. The AU is based on the common vision of a united and strong Africa and on the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion amongst the peoples of Africa.

The **Economic Commission for Africa (ECA)**⁶¹ was established by the Economic and Social Council of the United Nations in 1958 as one of the UN's five regional commissions. ECA's mandate is to promote the economic and social development of its member States, foster intra-regional integration and promote international cooperation for Africa's development.

The **African Development Bank (AfDB)**⁶² is a regional multilateral development finance institution established in 1964 and engaged in mobilising resources towards the economic and social progress of its Regional Member Countries.

The Land Policy Initiative employs a participatory process, involving various stakeholders: land users (smallholder farmers, women, pastoralists, natural resource users, urban dwellers and investors); sectoral ministries, land agencies and institutions, local government;

⁵⁹ Based on the presentation by Joan Kagwanji, ECA.

⁶⁰ <http://www.africa-union.org>

⁶¹ <http://www.uneca.org>

⁶² <http://www.afdb.org>

traditional authorities and customary institutions; Pan African and regional institutions; development partners/donors; research and training institutions; and civil society.

Activities of the Policy Initiative Roadmap

Initiatives

- ✦ Continental Consultative Workshop
- ✦ African Experts/Ministers Meeting
- ✦ Development of Land Policy benchmarks and Indicators
- ✦ Regional Assessments and Consultations
- ✦ Summit of African Heads of State and Government
- ✦ Follow-up actions in support of land policy implementation

Source: Presentation by Joan Kagwanji, ECA.

8. Linking Gender, Property Rights and Livelihoods

Property as a source of livelihood – directly or indirectly – can have a stronger impact on women’s lives. Within the context of HIV/AIDS, asset security can help women cope as they realize they can lead healthy lives.

- Nata Duvvury, ICRW⁶³

It is important to recognize that land access and tenure security are central to rural poverty reduction; yet it is not solely an issue of gaining access to land but it is the link to the livelihood that that land can provide. Reinforcing this link between land and livelihoods, within an HIV and AIDS framework, is evident in the work of various organizations (e.g. Oxfam GB and IFAD, as detailed below).

8.1 Supporting Women’s Struggle for Better Lives and Livelihoods – Collaboration, Coordination, Cooperation, Partnerships⁶⁴

Oxfam GB has been engaged in a number of initiatives geared at supporting women and men to improve their livelihoods, particularly in southern Africa. The following examples highlight some of their work:

• **Copperbelt Land Rights Centre (Zambia)**

The land rights centre was facilitated and established in 2004 as a one-stop information centre for all land matters in Copperbelt Province. The centre was successful in mobilising voices to contribute to debates on land issues and has played a participatory role in the development of the land policy. Partnerships have resulted from creating links between the government, local pressure groups and other key stakeholders on land in Zambia. Another key achievement of the centre was to raise awareness of the Copperbelt administration of the need to develop a land strategy and to support its further development.

Organization

Oxfam GB⁶⁵ is a development, relief, and campaigning organisation that works with others to overcome poverty and suffering around the world. Oxfam fights poverty in three ways: campaigning for change, development work, and emergency response.

• **Pressure Groups and Lobbying for land Access for the Poor (Zambia)**

Community pressure groups have come together to form the Development Education & Community Project (DECOP) in Mufulira, which successfully supported 1 309 households in nine villages secure access to 5 972 hectares of land. Similarly in Chingola, the Luano Land Alliance (a collaboration of pressure groups) has managed to ensure that poor households have gained secure access to land. Most notable is the Alliance’s successful lobbying which has led to government degazeting over 4 000 hectares of land, which means that 2 000 poor households will have access to an inheritance, on which they can build shelters and grow food to eat and sell, thereby supporting their livelihoods.

⁶³ From the presentation by Nata Duvvury, ICRW.

⁶⁴ Based on the presentation by Craig Castro, Oxfam GB. See also Castro, 2007.

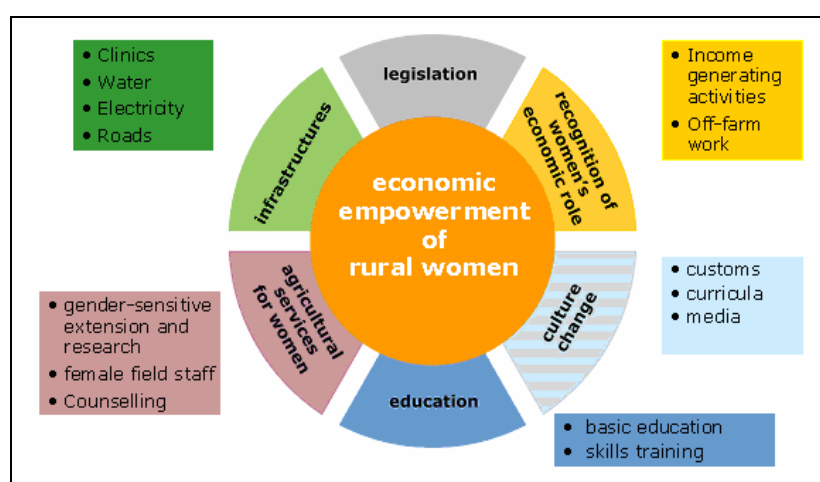
⁶⁵ <http://www.oxfam.org.uk>

8.2 Responding to Impacts of HIV and AIDS on Rural Women’s Livelihoods⁶⁶

Secure access to productive resources (e.g. land, water, capital, technology) are important ingredients for the advancement of one’s economic status. Improving women’s economic status is moreover an essential component for the overall improvement of their social status and well-being, which in turn has benefits for other parts of society. Accordingly, property and inheritance rights are seen as enabling conditions for the economic empowerment of rural women (see diagram below).

Organization

The **International Fund for Agricultural Development (IFAD)**⁶⁷ is a specialized agency of the United Nations. Working with rural poor people, governments, donors, non-governmental organizations and many other partners, IFAD focuses on country-specific solutions, which can involve increasing rural poor people’s access to financial services, markets, technology, land and other natural resources.



Source: Presentation by Maria Hartl and Harold Liversage, IFAD.

Based on these suppositions, and in response to the consequences of the HIV/AIDS epidemic, IFAD employs a three-fold approach to addressing gender, livelihoods and HIV/AIDS in southern and eastern Africa.

Concepts and Criteria	IFAD’s Three-fold Support to Gender, Livelihoods and HIV/AIDS in Southern and Eastern Africa
	<i>Prevention</i> – reaching out to poor groups and those vulnerable to HIV/AIDS to equip them with livelihood alternatives to “at-risk behaviour” and empowering women socially and economically (e.g. information, education, poverty alleviation).
	<i>Mitigation</i> – strengthening families and communities and enabling them to better cope with social and economic burdens resulting from the loss of adults (e.g. income generation, microfinance, literacy).
	<i>Adaptation</i> – economic empowerment for those impoverished by HIV/AIDS: food security through increased agricultural production, crop management, resistant crop varieties, small-scale livestock rearing, labour, and time-saving technologies.
	Source: IFAD, 2007.

⁶⁶ Based on the presentation by Maria Hartl and Harold Liversage, IFAD. See also IFAD, 2007.

⁶⁷ <http://www.ifad.org>

IFAD's operations in this context date back to 1994 and represent several successes. Specifically on land rights and HIV and AIDS, the South Nyanza Community Development Project (Kenya) highlights some of their work, which focuses specifically on women's empowerment and HIV and AIDS mitigation by:

- Strengthening local institutions and community-driven activities;
- Improving access to health care services and safe water;
- Increasing on-farm labour productivity;
- Strengthening community capacity;
- Raising community awareness of social behaviours and consequences;
- Emphasising sensitization of "traditional" authorities on their roles in protecting the vulnerable and poor;
- Community analysis and problem solving through Local Livelihood Fora;
- Working with HIV/AIDS activists.

9. Taking Stock – Where Are We and Where Should We Go?⁶⁸

9.1 What Has and Should Be Done?

At the national level, many interventions have hitherto focused on strengthening legislation related to women's land and/or property rights⁶⁹. Meanwhile, at community level there is growing awareness of the severity of property grabbing and numerous initiatives are being implemented to counter the situation. Grassroots organizations are responsible for many success stories on the ground and coalitions have actively put these issues on the agenda and facilitated networking to foster cooperation (see box below). The key challenge now is to scale up such initiatives.

Inspiring Initiatives		
Initiatives	Swaziland	✚ Negotiation with local chiefs for 13 plots for HIV positive women's groups for collective farming (Swaziland for Positive Living – SWAPOL ⁷⁰)
	Kenya	✚ Community Watch Dog on property grabbing (GROOTS Kenya ⁷¹)
	Uganda	✚ Memory book project (Founder, Beatrice Were) ✚ Land allocation to 50 women survivors of domestic violence in Uganda (Women's Intercultural Network – WIN ⁷²)
	Namibia	✚ Evolution of Ondonga Customary Law to stop property confiscation from widows and orphans (Hinz and Patemann, 2005)
	Rwanda	✚ 'Village of Hope', providing shelter for displaced and disinherited women of genocide (The Rwanda Women's Network - RWN ⁷³)
	Zambia	✚ Community Tribunals (Justice for Widows and Orphans – JWOP ⁷⁴) ✚ Paralegal Kid's Project (Law and Development Association – LADA ⁷⁵)
	Zimbabwe	✚ National project on women's will and inheritance rights (Women and Law in Southern Africa – WLSA ⁷⁶) ✚ Quota system in resettlement (Government initiative)
	South Africa	✚ Rural women's Radio programs on human rights violations against them (Community Media for Development ⁷⁷)
	Source: Presentation by Kaori Izumi, FAO and Izumi, 2006.	

⁶⁸ This section is based on input from technical consultation presentations and participants and outputs of plenary and working group discussions. It summarizes of where we are in addressing property rights insecurity (based on our work and that of our partners) and provides a proposed framework through which future action can take place.

⁶⁹ Examples of legislations include: Proclamation Act 1994 of Eritrea; Land Act 1999 of Tanzania; Married Women's Property Act of Kenya; Inheritance and Succession Law 1999 of Rwanda; Administration of Estates Act Amendment 1997 of Zimbabwe; Intestate Succession Act 1989 and Amendment 1996 of Zambia; Land Law 1997 of Mozambique; and 1971 Married Persons Property Act of Botswana.

⁷⁰ <http://www.swapol.net>

⁷¹ <http://www.groots.org/members/kenya.htm>

⁷² <http://www.win-cawa.org/uganda>

⁷³ <http://www.rwandawomennetwork.org>

⁷⁴ For more information see: 'Property and a Piece of Land Give Women Peace of Mind – Report on National Workshop on HIV & AIDS, Women's Property Rights and Livelihoods in Zimbabwe' http://www.oxfam.org.uk/resources/learning/landrights/downloads/zimbabwe_workshop_report_hiv_aids_womens_property_rights_and_livelihoods.pdf

⁷⁵ <http://www.ladazambia.org>

⁷⁶ <http://www.wlsa.org.zm>

⁷⁷ <http://www.rwm.org.za>, www.cpp.org.za, <http://www.cmfd.org/cmfdprojects/ruralwomen.html>

Despite the many achievements, several challenges remain at the various levels. There is insufficient knowledge on existing laws and the mechanisms and procedures to intervene against property grabbing, coupled with inadequate representation or inaccessibility to institutions where redress may be sought. In addition, there may be some confusion and/or competition between customary norms and statutory laws and resistance to change due to protection of “culture and tradition”. Moreover, a lack of coordination between different intervening parties working on these issues can hinder success.

Yet, with challenges come opportunities. Despite the gaps in action and challenges in securing the property and inheritance rights of women and children, there are several entry points to extend the success of interventions and increase impact. In light of the various successful initiatives, there is a clear opportunity for both replication and scaling up. Governments have a particular role to play in the latter, which can be facilitated through the recognition and incorporation of existing and effective community institutions into government structures. There is also a clear need to bring existing regress mechanisms down to the grassroots level to make them more easily accessible by communities. Due to the numerous initiatives in communities, it would be valuable to map what exists in order to more effectively and efficiently support and strengthen grassroots groups that are already working on the ground and in the best position to support communities.

Behind statistics, there are real people: there is the need to recognize their dignity, to learn from their experiences, and respect their inclusion.

There should not be an underestimation of the support needed for people to speak up, including children. Grassroots organizations need to be supported to advocate for themselves.

Emergency support for victims needs to be addressed. It is important to look at realities of judicial systems – including corruption.

We should not undermine community-based organizations and grassroots organizations, but promote their accountability within communities.

The focus on disinheritance should not become compartmentalised and removed from other sectors or interventions.

-Important considerations from participants⁷⁸

Effective interventions should refer to the enforcement of law, supported by capacity enhancement. For instance, communities (both women and men) and community leaders should be sensitized and the judiciary and police should be trained. There is also a need for both immediate emergency, and long-term livelihood, support, in addition to the need to replicate and further develop successful initiatives.

A comprehensive roadmap to secure women’s property rights and livelihoods should take into account the following elements and objectives⁷⁹:

- ✦ Increased investment in smallholder agriculture and rural development;
- ✦ Diversification of livelihoods;
- ✦ Social protection;
- ✦ Emergency support;
- ✦ Long-term livelihood support;
- ✦ Reduce HIV and AIDS prevalence;

⁷⁸ Based on discussion and comments from participants.

⁷⁹ Based on the presentation by Kaori Izumi, FAO.

- ✦ HIV and AIDS mitigation measures;
- ✦ Review of macro economic policies;
- ✦ Mapping of networks, activities and data by UN, NGO, research and grassroots organizations working on the issue;
- ✦ Mapping of funding sources;
- ✦ Training (e.g. police, judiciary, traditional leaders, etc.);
- ✦ Advocacy;
- ✦ Political dialogue;
- ✦ Sensitization of policy makers;
- ✦ Mainstreaming of knowledge;
- ✦ Review of the implementation of resolutions, laws and policies.

Meanwhile, some immediate steps can be taken to ensure that the issues of women's property rights and HIV and AIDS are given due attention in the main development agenda⁸⁰.

9.2 Approach to Working⁸¹

To better define gaps and possible entry points to fill them, several elements should be taken into consideration to ensure that interventions are effective. The following four considerations can help ensure effectiveness in pursuing the aforementioned goals:

1. Select **priority issues**;
2. Identify **gaps** and plan **concrete actions**;
3. Select **strategic entry points**;
4. Establish **strategic partnerships** for implementation.

9.2.1 Priority Issues

Two priority thematic issues were identified as key focus areas, upon which specific priorities, concrete actions and expected outcomes can be defined for further bi-lateral or multi-lateral collaboration between the participants of the Technical Consultation. The two identified issues were:⁸²

- 1) Legal Frameworks and Customary Practices;
- 2) Livelihoods and Food Security.

In order to be action-oriented, discussions⁸³ were guided by some very specific questions: What are the main concerns? What is to be done in terms of clear objectives and communication messages? By whom and when should these actions take place?

⁸⁰ For example, possible events to advocate for these issues include: the Commission on the Status of Women (February/March 2008) and the International AIDS Conference (August 2008). See Annex 9 (Calendar of Events – 2008) for a more exhaustive list of upcoming events.

⁸¹ Sections 9.2.1 and 9.2.2 are more elaborated and comprehensive, stemming from inputs/outputs of the technical consultation. Sections 9.2.3 and 9.2.4 should be seen as works in progress and are the next steps to be determined and taken by participants and partners working on these issues.

⁸² Other suggestions for thematic areas (for working group sessions) were: livelihoods/food security; legal frameworks; customary practices (cultural practices); advocacy; awareness raising; policy making; land administration; secure land rights and administration; and research and evidence.

⁸³ Discussions took place in two working groups, each addressing one of the two agreed upon priority thematic issues.

In addition, the following considerations were highlighted for their importance during discussions on these priority areas:

- a. Evidence, advocacy and political dialogue.
- b. Disjuncture between what is going on at grassroots level and what is written in law; training of judiciary, paralegals and communities.
- c. Gender power relations; awareness raising and information dissemination; culture and beliefs; partnerships between organizations and modalities for working together; specific interventions; identification of gaps in evidence; and communication messages.
- d. Fund mobilisation.

9.2.2 Gaps and Concrete Actions

Several challenges and related gaps still need to be filled. Accordingly, potential concrete responses to property grabbing and disinheritance are numerous and overlap.

Gaps have been identified in four main areas, under which concrete actions need to be taken to address them. Identified gaps relate to: legislations and norms (both customary and statutory); capacity building, awareness raising and information dissemination; research; and livelihoods work. The following table, though by no means exhaustive, outlines some issues related to each of the identified gaps and possible actions to be taken in response to them.

Gaps	Issues	Actions
Legislation and norms (customary and statutory)	<ul style="list-style-type: none"> ✦ Weak capacity to enforce laws ✦ Confusion and/or competition between customary norms/practices and statutory laws ✦ Resistance due to protection of “culture and tradition” and patriarchy 	<ul style="list-style-type: none"> ✦ Develop/enforce community-level dispute resolution mechanisms (policing and mediation) ✦ Combat corruption related to land distribution and land reform ✦ Support and enhance the role of local governments ✦ Reinterpret customary law to minimize disjuncture from rights and law ✦ Support up-to-date, comprehensive and inclusive inheritance laws ✦ Improve legal and administrative processes ✦ Implement and enforce laws based on human rights to housing and land ✦ Amend discriminatory legislation

Gaps	Issues	Actions
Capacity building, awareness raising and information dissemination	<ul style="list-style-type: none"> ✦ Stakeholders (community members and leaders) are not aware of the existing laws 	<ul style="list-style-type: none"> ✦ Train community paralegals ✦ Support/create watchdog groups ✦ Replicate will writing programmes ✦ Develop community networks ✦ Foster consultations and advocacy support for law reform initiatives ✦ Train and raise awareness on property and inheritance rights ✦ Raise awareness on women's and children's rights as human rights ✦ Raise awareness on the importance of documentation (e.g. land titles, identification, marriage registration, birth and death certificates) ✦ Work with traditional systems for sensitization and awareness raising ✦ Educate communities for stigma reduction ✦ Sensitize courts ✦ Train and sensitize service providers (e.g. police) ✦ Develop recipient-appropriate sensitization campaigns using local languages and popular means of communication (e.g. radio, street theatre, etc.) to deliver key messages

Gaps	Issues	Actions
Research	<ul style="list-style-type: none"> ✦ Absence of quantitative data ✦ Reluctance of community members and victims to share information on this subject matter for fear of repercussions or witchcraft ✦ Reluctance of research assistants to investigate due to fear of witchcraft 	<ul style="list-style-type: none"> ✦ Raise funds for qualitative and quantitative research ✦ Carry out studies and research looking at the urban component, land markets, migration, livelihoods, and post-conflict and disaster situations ✦ Carry out research that addresses cultural dynamics and dimensions of (dis)inheritance ✦ Conduct further studies to document the scale and extent of the problem in greater detail and to deepen understanding on the issue ✦ Ensure that research for quantitative data does not deflect the significance of available qualitative data ✦ Investigate best practices so as to have "model" law resources (with guidelines) ✦ Develop a clearinghouse to identify those working on these issues (who does what and where) ✦ Share results and ensure accessibility (language)

Gaps	Issues	Actions
Livelihoods Response	<ul style="list-style-type: none"> Existing structures may inhibit more integrated work and thinking, and are antagonized by shifting priorities, limited budgets and staff turnover (both at management and operational levels) 	<ul style="list-style-type: none"> Use a mix of interventions (e.g. research, advocacy and programme interventions) to more effectively bridge links between property rights and livelihoods Emphasize the need for sharing knowledge and lessons learned Organizations need to collaborate and complement each other's work, each contributing based on their own comparative advantage Extend legal outreach services; Improve service delivery to urban and rural areas Provide shelter and emergency aid Need for state interventions that reaches community level

9.2.3 Strategic Entry Points

The multiple possible entry points for action are overlapping and can be approached in different ways, namely in a thematic manner or by looking at interventions at different levels (e.g. community level, national level, etc.). In order to be comprehensive, addressing the intersections between these two approaches is an effective approach as different levels of action imply different thematic entry points, and thematic issues can be addressed at different levels. Accordingly, a matrix outlining these junctions can present various entry points through which partners can intervene based on their specific area of work (see sample matrix below). Strategic entry points should therefore be identified by organizations on a case by case basis.

	Community	Local	National	Regional	International
Capacity building					
Research					
Livelihoods interventions					
Legal Reform					
Sensitization					

9.2.4 Strategic Partnerships for Implementation

Collaboration, based on strategic partnerships, is important to ensure that interventions are comprehensive. As previously mentioned, the identification of strategic entry points enables organizations to plan these interventions and establish common objectives and actions. The use of a mix of interventions (e.g. research, advocacy and programme interventions) is an opportunity to address the issue of insecure property and inheritance rights of women and children more effectively and completely. Accordingly, organizations need to collaborate in a complementary manner, each contributing based on its own comparative advantage and niche. However, these different work components (and contributions by each organization), need to share the same objective.

The 52nd Session of the Commission on the Status of Women (CSW)⁸⁴, held from 25 February to 7 March 2008, is an example of a good partnership. Several partners collaborated to organize a parallel event entitled 'Shelter from the Storm: Securing Women's Housing Rights in the Struggle Against HIV/AIDS'⁸⁵. This collaborative effort involved UNIFEM, COHRE, UNIFEM, Human Rights Watch, UNDP, FAO, the Global Coalition on Women and AIDS, Huairou Commission, ICRW and Action Aid International. Another example is the 'Advancing Women's Housing, Land and Property Rights' meeting, held at Human Rights Watch on 29 February, 2008. Several organizations⁸⁶ came together to attend this strategic planning meeting to address and identify issues and developments around women's land, housing and property rights.

⁸⁴ <http://www.un.org/womenwatch/daw/csw/52sess.htm>

⁸⁵ http://www.unifem.org/campaigns/csw/2008/documents/Flyer_20080228_ShelterFromTheStorm_eng.pdf

⁸⁶ Human Rights Watch, Open Society Institute, COHRE, Huairou Commission, Towson University, Action Aid International, Wellspring Advisors, FIDA, Casa da Mulher do NE, UNDP, and Pratt Institute.

10. Recommendations and the Way Forward

Key Messages

1. There is a **close and proven relationship between gender inequality and food insecurity**, and risky sexual behaviour which contributes to and exacerbates the spread of HIV.
2. **Secure land access and property rights are important conditions for 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 the promotion of stronger and more secure property rights for women and children, could be an important measure for HIV prevention.
3. **Behaviour change is critical in order to achieve real progress at the community level.** There is a need to thoroughly understand the complexity of culture and tradition in order to identify appropriate messages for communities for effective intervention.
4. **Emergency support is urgently needed** (shelter, food, clothes, ARVs and clean water) for women and children who have been stripped of 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.

10.1 Recommendations

- ✦ **Blend customary norms and statutory law** – While customary norms and practices often appear to conflict with statutory laws, it is evident that each contains encouraging elements and the challenge is to combine these positive aspects into a single, effective national strategy to combat the issues of women and children losing their rights to property.
- ✦ **Educate women and children about their legal and constitutional rights** – Women, children and community members often have limited knowledge of the law and lack understanding about their legal and Constitutional rights to land and property, which can be called upon if customary norms (or a breakdown in these norms) threaten their rights.
- ✦ **Explore how to change gendered power relations** – Gendered power relations continue to be difficult to change. There is a strong resistance from both men and women to challenge entrenched norms and values, especially when this places women (and those men who support them) outside of mainstream society. The lack of progress in securing women's land and property rights is antagonized by persisting unequal gender relations.
- ✦ **The HIV and AIDS pandemic has worsened the situation of women, yet provides new opportunities for change** – The HIV and AIDS pandemic has further weakened the land and property rights of women and children due to the stigma attached to the disease; stigmatized people are more likely to be abused and are less capable of defending their rights. Women's insecure property rights is not a new concern, but the pandemic adds a new layer of complexity to the issue, while at the same time providing an opportunity to address an old problem.
- ✦ **Seek deeper understanding of local cultures and norms** – Legal education and advocacy at local levels have to be implemented with care. Evidence shows that when these efforts condemn tradition and local culture, they may not be as effective in stopping

the confiscation of property from women and children. Such condemnations may also underestimate the difficulties of challenging or stepping outside tradition and culture.

- ✦ **Ensure long term investment towards the changing of norms and practices** – Long-term investment in changing norms and practices, which build upon the positive aspects of custom while integrating strong legal and Constitutional safeguards, is vital to prevent the confiscation of property from women and children.
- ✦ **Investments in capacity building to change attitudes and institutional structures for land administration** – 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 need for women and children (particularly those affected by HIV and AIDS) to have secure property rights.
- ✦ **Scale up inspiring community initiatives** – There are a number of inspiring initiatives (such as Community Watchdogs) in several local communities to prevent and mitigate confiscation of property from women and children. While their impact has been limited, as they tend to be small in scale, they offer important opportunities for the implementation of new (or larger scale) programmes in various countries. The scaling up of various initiatives implemented by local communities and women's groups is therefore necessary to have a greater impact.
- ✦ **Recognize importance of securing property right to achieve the MDGs** – The MDGs (in particular MDG 1: 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. The focus on property rights challenges the silo-orientated nature of the MDGs and may be a way of encouraging sectors to work in an integrated manner with a clear focus.
- ✦ **Increase investment in smallholder agriculture and rural development** – 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. These initiatives should be mainstreamed to actively recognise the context of AIDS as a reality.
- ✦ **Emergency support for destitute victims of property grabbing and evictions** – 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, shelter, clean water, clothes and ARVs. Emergency support is therefore urgently needed for women and children who have been stripped of their property and evicted from their homes.
- ✦ **Engage in further work on children's property rights** – Limited work has been conducted on children's property rights and HIV and AIDS⁸⁷. There is an urgent need to conduct extensive research on children's property rights and livelihoods in the context of HIV and AIDS.
- ✦ **Increase the collection of quantitative data** – Quantitative data are essential to more thoroughly understand and document the scale of property grabbing from women and children in the context of HIV and AIDS and to complement qualitative evidence.

⁸⁷ For some examples of existing research commissioned by FAO refer to Annex 4 (Recent FAO Publications – Children's Property and Inheritance Rights). Also see 'Denied our rights – children, women and inheritance in Mozambique' (Save the Children, 2007).

10.2 Priority Areas of Action

Priority Area 1:

Formulate a field programme towards the 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 of organizations, inspiring initiatives and training materials on the 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 for a more profound understanding of culture/traditions that perpetuate property grabbing.

Priority Area 4:

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

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Annex 1. Meeting Agenda

Day 1: Wednesday 28 November

Session I: Opening of the Meeting

Chair: Marcela Villarreal

Facilitator: Scott Drimie

9:00	Opening of the meeting	Hafez Ghanem, ADG, ES, FAO
9:20	Gendered property rights are important for livelihoods, for equity and for development: some introductory remarks	Paul Mathieu, FAO
9:40	The roadmap to secure property rights and livelihoods – from a gender perspective	Kaori Izumi, FAO
10:15	Discussion	
10:45	Coffee break	

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

Chair: Kaori Izumi

Facilitator: Scott Drimie

Regional studies

11:00	AIDS and women's inheritance rights in South Asia and Africa	Nata Duvvury, ICRW
11:20	Linkage between HIV/AIDS and human rights to housing, land and inheritance for women within urban and rural contexts	Birte Scholz, COHRE/WLLA
11:40	Discussion	

Country case studies

Mozambique

12:00	Property grabbing from women and vulnerable children in Mozambique – some cultural and political factors	Chris McIvor, Save the Children UK
12:30	Lunch break	

Zimbabwe

14:00	Children's property and inheritance rights in Zimbabwe	Laurel Rose, Carnegie Mellon University
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Zambia

14:20	Security of widows' access to land in the era of HIV/AIDS: panel survey evidence from Zambia	Antony Chapoto, T.S. Jayne and N. Mason, Michigan State University (presented by Chitra Deshpande, FAO)
14:40	Discussion	
15:20	Coffee break	

**Session III: Legislation, training of the Judiciary/traditional leaders
/Para-Legal Training programmes**

15:40	Lessons learned from training of the Mozambican Judiciary on new land law and its application to women's land and property rights	Chris Tanner, FAO Mozambique
16:00	Regional training of women judges on gender rights and women's property/inheritance rights	Anne Goldstein, IAWJ
16:10	Model legislation on women's property rights in Africa	Alison Symington, Canadian HIV/AIDS Legal Network
16:20	Regional court on women's property rights and AIDS: the South Asian experience	Nadia Rasheed, UNDP
16:40	Discussion	
17:30	Closing of the day	

Day 2: Thursday 29 November

Chair: Kaori Izumi
Facilitator: Scott Drimie

8:30 Recap of day 1

Special Guest Speakers

9:00	Empowerment of women, food security and secure property rights in the era of AIDS in Africa	Elizabeth Mataka, UN Special Envoy for AIDS in Africa
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Presentations by women living with HIV who have survived property confiscation and evictions

9:20	My story – from domestic violence and eviction to independence with a piece of land of my won	Edvina Kyoheirwe
9:40	Our perspective – the way forward to ending property grabbing and providing legal and livelihood support to women	Flavia Kyomukama
10:00	Discussion	
10:40	Coffee break	

Session IV: Advocacy, mobilization of grassroots groups/networks

11:00	International global campaign for women's land rights – lessons on advocacy strategies on women's land rights	Everjoice Win, ActionAid International
11:20	Grassroots women's initiatives to secure women's property rights	Jan Peterson, Huairou Commission
11:35	Response by grassroots women's groups on AIDS and children's property rights	Grace Waithira Ikumbu, Groots Kenya
11:50	Discussion	
12:30	Lunch break	

Session V: Political Dialogue

14:00	Global land tool network – gendered land tools	Åsa Jonsson, UN-HABITAT
14:10	AU/ECA/AfDB Project on land policies in Africa	Joan Kagwanji, ECA
14:20	UN technical advisors' group on gender and human rights in southern and east Africa	Sarah Norton-Staal, UNICEF
14:30	Discussion	
14:50	Coffee break	

Session VI: Gender, Property Rights and Livelihoods

15:00	Linking women's property rights to livelihoods in southern Africa	Craig Castro, OXFAM GB
15:20	IFAD response to HIV and AIDS and secure rural livelihoods in Africa	Maria Hartl and Harold Liversage, IFAD
15:40	Discussion	
16:00	Working group sessions – discussion of themes	
17:30	Closing of the day	

Day 3: Friday 30 November**Session VII: Strategic Planning**

Chair: Kaori Izumi
Facilitator: Scott Drimie

9:00	Summary of day 2
9:15	Presentations by working groups of thematic areas
9:30	Working group sessions by thematic groups
10:30	Coffee break
10:50	Working group sessions (continued)
12:00	Reporting back by groups – Plenary session
13:30	Lunch break

Debriefing meeting for FAO Permanent Representatives

Chair: Marcela Villarreal

15:00	Remarks on FAO inter-departmental collaboration	Paul Mathieu, FAO
15:05	Debriefing for FAO Permanent Representatives	Kaori Izumi, FAO
15:15	Testimonies on gender, property rights and livelihoods in the era of AIDS	Flavia Kyomukama Edvina Kyoheirwe Grace Waithira Ikumbu
15:35	Outcome of the technical consultation and the way forward	Kaori Izumi, FAO
15:45	Questions/discussion	
16:30	Closing of the meeting	Marcela Villarreal, FAO

Annex 2. Presentations from the Technical Consultation

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 a 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 "HIV/AIDS and human rights to housing and land for women: linkages between urban and rural contexts" ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/COHRE-WLLA_HIV-AIDS&HumanRightsHousingForWomen_UrbanRuralContext.pdf

Country studies

Chris McIvor Country Director, Mozambique Save the Children UK	Property grabbing from women and vulnerable children in Mozambique – some cultural and political factors 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 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.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
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”
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

Christopher 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.fao.org/ES/data/ESW/Property_rights_consultation/FAO_WomenLandRights&Customary&FormalLaws_Mozambique.ppt

Anne Goldstein
Human Rights Education Director
IAWJ

Regional training of women judges on gender rights and women's property/inheritance rights
ftp://ext-ftp.fao.org/ES/data/ESW/Property_rights_consultation/IAWJ_WomenPropertyRights&Courts-JudgesTraining.pdf

Alison Symington
Policy Analyst
Canadian HIV/AIDS Legal Network

Model legislation on women's property rights in Africa (power point presentation)
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”
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.fao.org/ES/data/ESW/Property_rights_consultation/UNDP_AsiaPacificCourtOfWomen&HIV&Inheritance&PropertyRights.ppt

Special Guest Speakers

Elizabeth Mataka
UN Special Envoy for AIDS in 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 women living with HIV who have survived property confiscation and evictions:

Edvina Kyoheirwe
Uganda

My story – from domestic violence and eviction to 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

Session IV: Advocacy, Mobilization of Grassroots Groups/Networks

Everjoice 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
Huairou 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 Waithira Ikumbu
Social worker, Groots
Kenya/ Huairou
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
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
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?”

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

Other Documents:

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

Annex 3. Biographies of Presenters

Craig Castro, OXFAM GB

Craig Castro works for Oxfam GB as Regional Livelihoods Advisor based in the southern Africa Regional Management Centre in Pretoria, South Africa. He has worked on livelihoods issues since 1980 combining practical field experience – in Paraguay, Equatorial Guinea, Burkina Faso, Angola, Malawi, Mozambique, Zambia and Zimbabwe and management of training programmes for various groups from Central America, the Caribbean, and South America – with academic training; he holds a Masters of Science in Rural Sociology and PhD in Continuing and Vocational Education with focus on Development Education from the University of Wisconsin – Madison, USA.

Antony Chapoto, Michigan State University

Antony Chapoto is an Assistant Professor with the Department of Agricultural Economics at Michigan State University and is currently associated with a Food Security Research Project in Zambia. He holds a PhD in Agricultural Economics from Michigan State University. His current research and professional interests include: understanding the effects of HIV/AIDS on rural livelihoods and its implications on AIDS mitigation and poverty reduction strategies and analysis of food system organization and performance in Sub Saharan Africa; grain marketing development in Africa; strategies to reduce the instability of food supply and consumption, involving marketing and regional trade policy.

Chitra Deshpande, FAO

Chitra Deshpande is the day-to-day Coordinator for the Gender in Agricultural Livelihoods Sourcebook, a publication which is being jointly developed by FAO, IFAD and the World Bank. Dr. Deshpande received her DPhil in Human Geography from Oxford University and M.A. in Food Research from Stanford University, USA. Her research interests include gender and rural livelihoods and rural-urban migration.

Nata Duvvury, ICRW

Dr. Nata Duvvury is the Director of Gender, Violence and Rights at the International Center for Research on Women. She has led the portfolio on women's property and inheritance rights at ICRW, including directing a grants program in sub-Saharan Africa and a global legislative and programmatic scan.

Hafez Ghanem, FAO

Mr Ghanem, a national of Egypt, studied Economics in Egypt and the USA and began his professional career with the World Bank in Washington DC in 1983. He joined FAO in November 2007, as the ES Assistant Director-General, directly from Nigeria, where he served as the World Bank's Country Director since 2004.

Anne Goldstein, IAWJ

Anne Goldstein is the Human Rights Education Director of the International Association of Women Judges. She has developed and facilitated training programs for judges and judicial trainers on five continents, one isthmus and an archipelago, and has taught women's human rights courses at Georgetown, George Washington, and the Oxford-George Washington Summer Program in Human Rights in Oxford, England.

Maria Hartl, IFAD

Maria Hartl is a Technical Adviser on Gender and Social Equity in the Technical Advisory Division, International Fund for Agricultural Development (IFAD). Her field of expertise is rural development, women's rights, education and health. Before joining IFAD, she worked in the UN Secretariat, Division for the Advancement of Women and was involved in the organization of the Fourth World Conference on Women in Beijing (1995) and its follow-up.

Kaori Izumi, FAO

Dr Kaori Izumi is the HIV/AIDS and rural development officer at FAO and formerly the Land Officer and the HIV/AIDS Focal Point for FAO Sub-Regional Office for Southern and East Africa. Dr Izumi has worked extensively on the issue of land and property rights focusing on HIV and AIDS affected widows and orphans in Africa both at a technical and advocacy level. Dr. Izumi is an active member of the Global Coalition on AIDS and Women on the issue of women's property rights.

Thomas Jayne, Michigan State University

Thomas Jayne is a Professor of International Development with the Department of Agricultural Economics and a member of the core Faculty of the African Studies Center at Michigan State University (MSU). He has recently returned to MSU after spending the past year at the Food and Agricultural Organization of the United Nations, Rome, working on agricultural marketing and small farm productivity issues in coordination with African regional agricultural policy networks and the Rockefeller Foundation. Thomas Jayne sits on the editorial boards of two development journals.

Åsa Jonsson, UNHABITAT

Asa Jonsson is with UN-HABITAT's Training and Capacity Building Branch, as Associate Human Settlements Officer. She is the section's focal point on land, working closely with UN-HABITAT's Land, Tenure and Property Administration Section and the Global Land Tool Network (GLTN) on capacity building aspects, including those related to gender.

Joan Kagwanji, ECA

Joan Kagwanji is a focal person for the AU-ECA-AfDB Land Policy Initiative, an initiative which aims to support national, regional and international efforts so as to catalyze land policy formulation and implementation.

Edvina Kyoheirwe, Sibabinyewre Women's Group (Uganda)

Edvina Kyoheirwe is HIV-positive and was forced from her home by her husband. She has since learnt how to live positively and has started, along with other women who are HIV-positive, a small community support group called Sibabinyewre Women's group. They have started some small income generating activities and now have access to a parcel of land where they can grow food.

Flavia Kyomukama, National Forum for PLWA Networks (Uganda)

Flavia Kyomukama is a board member of the National Forum for PLWA Networks in Uganda and a National PLWA Representative. She is HIV-positive, living positively for many years, and has experienced property grabbing by her husband. She is a teacher by training and is currently working towards completing her Masters degree.

Harold Liversage, IFAD

Harold Liversage has 17 years of experience working in land rights advocacy and land policy formulation and implementation, mainly in Eastern and Southern Africa. He is presently employed as a land tenure specialist for the International Fund for Agricultural Development (IFAD).

Nicole Mason, Michigan State University

Nicole Mason is a PhD candidate in the Department of Agricultural Economics at Michigan State University and her research to date has focused on the impacts of HIV/AIDS on rural livelihoods. Prior to her graduate studies, Nicole Mason was a Peace Corps volunteer in Guinea and worked in Washington, DC for the Partnership to Cut Hunger and Poverty in Africa.

Elizabeth Mataka, UN Special Envoy for AIDS in Africa

Ms Mataka has been working in the field of HIV for the past 16 years and has been involved in all aspects of the response to the AIDS epidemic. She has experience working in government, the private sector and non-governmental organizations. She has provided leadership in prevention, clinical treatment for opportunistic infections, care and support at community and national levels. She has broad experience in policy development, having been a member of the Zambia National AIDS Council

since inception and serving on various other Boards. She currently serves as Executive Director of the Zambia National AIDS Network (ZNaN). Last April, Ms Mataka was elected as Vice-Chair of the Board of the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Paul Mathieu, FAO

Paul Mathieu is a Senior Officer in the Land Tenure and Management Unit of the Natural Resources Management and Environment Department at the Food and Agriculture Organization of the United Nations.

Chris Mclvor, Save the Children UK

Chris Mclvor has worked as country director for Save the Children UK in Morocco, the Caribbean, Zimbabwe and Mozambique for a total of 15 years. Currently based in Mozambique Chris co-edited a recent study on children's property rights in that country and their disinheritance due to a variety of factors. Save the Children in Mozambique will engage in further work to investigate the cultural, economic and political dynamics around disinheritance with the aim of identifying strong programming opportunities in the coming months.

Sarah Norton-Staal, UNICEF

Sarah Norton-Staal is the Regional Child Protection Officer for the Eastern and Southern Africa Regional Office of UNICEF.

Jan Petersen, Huairou Commission

Jan Peterson is the Chair of the Secretariat of the Huairou Commission. She has thirty five years of experience in local development work with grassroots women both in the US and globally with a focus on land and property. Advisor on the Commission on the Legal Empowerment of the Poor and former faculty of the International Affairs Program at the New School in NYC.

Nadia Rasheed, UNDP

Nadia Rasheed is a policy specialist in UNDP's HIV/AIDS Group. She is UNDP's focal point for UNAIDS and also works as part of the HIV/AIDS Group's gender team.

Laurel Rose, Carnegie Mellon University

Laurel Rose, a legal anthropologist, teaches in the Philosophy Department of Carnegie Mellon University in Pittsburgh, Pennsylvania, USA, and also conducts research on land tenure and property issues in Africa and elsewhere. She has written extensively about women's land rights in Swaziland, Malawi, and Rwanda, and more recently, about children's land and property rights in Rwanda and Zimbabwe.

Birte Scholz, COHRE/WLLA Project

Ms Birte Scholz was the Women and Housing Rights Programme Coordinator at COHRE, the Centre on Housing Rights and Evictions, from 2002-2006 and in 2007, changed focus to become manager for the COHRE Ghana office, as well as for the Women's Land Link Africa (WLLA) Project. Birte was an active part in the conception, development and implementation of the WLLA project. She has worked intensively on issues of inheritance rights as well as the linkages of HIV/AIDS and women's land and housing rights. She is a lawyer with a degree from University of San Francisco (specialty in Public Interest Law).

Alison Symington, Canadian HIV/AIDS Legal Network

Alison Symington is a Senior Policy Analyst at the Canadian HIV/AIDS Legal Network, an advocacy organization working exclusively on HIV/AIDS-related legal and human rights issues. Previously, she managed the Women's Rights and Economic Change theme of the Association for Women's Rights in Development (AWID).

Chris Tanner, FAO Mozambique

Chris Tanner is a Senior FAO Advisor on land and natural policy and legislation at the Centre for Juridical and Judicial Training in Maputo. He led FAO support to develop and implement the 1997 Land Law and has extensive experience in rural development in programmes in general.

Marcela Villarreal, Director, ESW

Marcela Villarreal, a national of Colombia, is the Director of the Gender, Equity and Rural Employment Division of FAO and heads the house-wide programme on HIV/AIDS. Much of her recent work has focused on the policy and operational aspects regarding the reduction of inequalities and specifically gender inequalities to achieve food security and poverty reduction, as well as on the development of agriculture-sector strategies to mitigate the impact of HIV/AIDS on food security and rural livelihoods. Prior to her work in FAO, where she has been since 1996, she worked extensively for other UN organizations, an NGO and the Colombian Government.

Grace Waithira Ikumbu, GrootsKenya

Grace Waithira Ikumbu is a vibrant youth whose personal challenges of being orphaned by HIV/AIDS and a victim of property disinheritance made her a strong advocate of orphans' property inheritance rights, and a peer mentor for fellow youth orphans. Grace is pioneering a network of orphans in her country, as well as a community group of youth orphans that reaches at least 200 young people every month, most of whom are engaged in microenterprise development. Grace represented orphans from Kenya in a 2006 Food and Agricultural Organization (FAO) conference and the 2007 World Social Forum.

Everjoice J. Win, ActionAid International

Everjoice J. Win heads the Women's Rights Theme at ActionAid International. She is a feminist activist whose whole career has been around women's human rights in her country Zimbabwe, the African continent and also globally.

Annex 4. List of Participants

Plenary Sessions

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Chairperson

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Annex 5. News Items

FAO Newsroom – Audio

<http://www.fao.org/audiocatalogue/index.jsp?lang=EN>

World AIDS Day - Call for stronger Leadership



On 1 December, people around the world celebrate World AIDS Day. This year, World AIDS Day focuses on 'leadership', the theme set by the World AIDS Campaign under the five-year slogan "Stop AIDS, Keep the Promise". From Rome, where she attended a Technical Consultation on Gender, Property Rights and Livelihoods in the Era of AIDS (28-30 Nov 2007), Ms. Elizabeth Mataka, UN Special Envoy for HIV and AIDS for Africa confirmed her determination to strengthen leadership on the continent and in her native country, Zambia:

Elizabeth Mataka (FAO Photo)

Interviewer: Liliane Kambirigi, FAO

Duration: 3Min.10Sec.

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

Fighting for adequate livelihoods

Women still account for 60% of all HIV infected adults living in sub-Saharan Africa. FAO is working with affected women's groups as well as with governments and local-level groups to increase awareness about the issues of land grabbing and land reform as they affect women in developing countries, in particular in areas of HIV/AIDS prevalence. Women continue to be discriminated and stigmatized despite the efforts that many governments have taken to sensitise communities in recent years. Unlike many widows or separated women, Flavia Kyomukama, HIV positive and member of Women's group in Uganda, survived land property grabbing from her husband. This is her testimony at the FAO meeting:

Duration: 2min.21sec.

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

The Global Coalition on Women and Aids – A UNAIDS Initiative

<http://womenandaids.unaids.org/>

UN Special Envoy speaks out on Property Rights and Livelihoods in the Era of AIDS

Billions of dollars are spent on poverty reduction, on AIDS, TB, and Malaria, but most of these funds do not focus on empowering women or even on addressing their needs and their realities. Unless we empower women, really empower them by putting resources, building capacities and ensuring legal protection, our efforts to address poverty, nutrition, AIDS will have very limited success.

Annex 6. Recent FAO Publications

Women's Property and Inheritance Rights

2006

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 FR http://www.fao.org/hiv aids/publications/DIMITRA_Atelier05_FR.pdf

Rural Women and Food Security in Asia and the Pacific: Prospects and Paradoxes. Revathi Balakrishnan, FAO Regional Office for Asia and the Pacific. FAO. 2005. <http://www.fao.org/docrep/008/af348e/af348e00.htm>

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Children’s Property and Inheritance Rights

2008

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Annex 8. Related Website Links

ActionAid International – Women’s Rights Theme

www.actionaid.org/main.aspx?PageID=21

ActionAid’s Women’s Rights Theme operates both independently through its own projects and across every ActionAid project and programme ensuring that women’s rights issues are front and centre of everything we do. Priority Issues include: Violence against Women and Girls; Women's access to and control over land; HIV and AIDS; Getting women involved.

Canadian HIV/AIDS Legal Network

www.aidslaw.ca

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada’s leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.

Centre on housing rights and evictions (COHRE) – Women's Housing Rights Programme (WHRP)

www.cohre.org/view_page.php?page_id=179

COHRE's Women's Housing Rights Programme (WHRP) undertakes a wide-range of activities to further develop and understand housing and land rights from women's perspectives and experiences. The WHRP has undertaken a variety of activities since its inception in 1998, including advocacy at the United Nations for new legal standards pertaining to women's housing rights, research and publications on housing rights issues as they affect women, including inheritance, and community based trainings and other awareness raising activities, to highlight the importance of housing, land and related rights for women. The WHRP also focuses specifically on Inheritance Rights: http://www.cohre.org/view_page.php?page_id=180.

DIMITRA

www.fao.org/dimitra

DIMITRA’s main objective is to improve the living conditions of rural populations, especially women and to improve their status. Specific objectives are to consolidate and extend the network in Africa and the Near East; promote information exchange by strengthening information and communication skills; and update and disseminate information on gender and rural development issues. Resources focus on specific themes, including: access to land, HIV/AIDS and violence against women, among others.

Global land tool network

www.gltln.net

The Global Land Tool Network’s (GLTN) main objective is to contribute to poverty alleviation and the Millennium Development Goals through land reform, improved land management and security of tenure. Initiated by the United Nations Human Settlements Programme (UN-HABITAT), the GLTN has developed a global partnership on land issues, aiming to take a more holistic approach to land issues by improving global coordination on land.

GROOTS Kenya

www.groots.org/members/kenya.htm

GROOTS Kenya is a network of women self-help groups and community organizations in Kenya. It formed as a response to inadequate visibility of grassroots women in development

and decision-making forums that directly impact them and their communities. GROOTS Kenya bridges this gap through initiatives that are community-centered and women-led.

Huairou Commission

www.huairou.org

The Huairou Commission is a global coalition of networks, institutions and individual professionals that links grassroots women's community development organizations to partners. The networks seek access to resources, information sharing and political space. At the same time, it links development professionals to on-the-ground practice. Currently, the network focuses its joint efforts on five campaigns: Governance, AIDS, Disaster, Land and Housing and Peace Building.

IFAD - Rural Poverty Portal

www.ruralpovertyportal.org

Powered by the International Fund for Agricultural Development (IFAD), the rural poverty portal is a website where rural poor people, policy-makers, donors, research institutes, non-governmental organizations and other development partners can share information about eradicating rural poverty. Under the various dimensions of rural poverty, the portal has a specific component addressing Land and Rural Poverty, which can be found at: <http://www.ruralpovertyportal.org/english/topics/land/index.htm>.

International Association of Women Judges – Jurisprudence of Equality Program

www.iawj.org

The International Association of Women Judges (IAWJ) is a non-profit, non-partisan organization, uniting women judges from diverse legal-judicial systems who share a commitment to equal justice and the rule of law.

The Jurisprudence of Equality Program aims at building a true "jurisprudence of equality" - one based on universal principles of human rights. JEP training workshops and seminars bring judges together to focus on the concrete meaning of abstract guarantees of equal protection and non-discrimination. Through case studies, problem solving exercises and other adult learning techniques, judges have opportunities to share insights with colleagues and deepen their understanding of international law as applied to domestic contexts. Case summaries of selected decisions by JEP participants can be found at: <http://www.iawj.org/jep/jep.asp>.

International Center for Research on Women (ICRW)

www.icrw.org/html/issues/womensrights.htm

ICRW's mission is to empower women, advance gender equality and fight poverty in the developing world. ICRW, in partnership with the Global Coalition on Women and AIDS (GCWA) and the U.N. Food and Agriculture Organization (FAO), is examining links between women's and girls' property and inheritance rights and their vulnerability to HIV/AIDS.

International Land Coalition (ILC)

www.landcoalition.org/program/wrap.htm

The International Land Coalition is a global alliance of civil society and intergovernmental organizations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building. Under their programmes and advocacy, ILC specifically addresses Women's Secure Access to Land and productive Assets.

Oxfam GB – Land rights in Africa

www.oxfam.org.uk/resources/learning/landrights/index.html

Created in part to publicise the work of Oxfam GB and its partners and allies, at a time of considerable activity in the area of policy and law making on land in many African countries. These pages present and disseminate arguments in favour of pro-poor land reform in a context in which the rich and powerful tend to control both power and information.

RENEWAL

www.ifpri.org/renewal/index.htm

Facilitated by the International Food Policy Research Network (IFPRI), RENEWAL is a regional “network-of-networks” in sub-Saharan Africa, comprising national networks of food and nutrition-relevant organizations together with partners in AIDS and public health.

Systemwide Program on Collective Action and Property Rights (CAPRI)

www.capri.cgiar.org

CAPRI is one of several inter-center initiatives of the Consultative Group on International Agricultural Research (CGIAR). The program examines the formation and effectiveness of voluntary, community-level organizations and property institutions as they relate to natural resource management. Collective action and property rights are of special concern to the CGIAR because of their effect on farmers’ adoption of innovations, on natural resource management, and on poverty reduction.

The Global Coalition on Women and AIDS (UNAIDS Initiative)

http://womenandaids.unaids.org/issues_property.html

The Global Coalition on Women and AIDS (GCWA) is a loose alliance of civil society groups, networks of women living with HIV, and United Nations agencies, supported by activists, political leaders, and celebrities. The GCWA is supported by a small secretariat located within the UNAIDS office in Geneva. The Coalition focuses on eight key issues, including: securing women’s property and inheritance rights and reducing violence against women.

UN-HABITAT – Land and Tenure Section

www.unhabitat.org/categories.asp?catid=283

UN-HABITAT's Land and Tenure Section is the agency's point of reference for land management and tenure systems, policies and legislation that help achieve adequate shelter, security of tenure and equal access to economic resources for all, with a specific focus on gender equality. The main focus areas and mandate are implementation of land, housing and property rights, and particularly secure tenure for women.

Women’s Land Link Africa

www.wllaweb.org/

WLLA is a joint initiative, developed by COHRE, the Huairou Commission, UN Food and Agriculture Organization (FAO) and UN-HABITAT. This project focuses on strengthening and supporting on-going work on women's housing and land rights in Africa.

Annex 9. Calendar of Events – 2008

Date	Event	Organizer/sponsor	Location	Purpose
January 28 – February 15	Africa Regional Workshop: Women's Leadership in HIV/AIDS	Centre for Development and Population Activities (CEDPA)	Nairobi, Kenya	The Africa Women's Leadership in HIV/AIDS workshop is the first regional workshop conducted under the Advancing Women's Leadership and Advocacy for AIDS Action initiative. It follows a global workshop conducted on July 16 – August 10, 2007 in Washington, DC for 23 women leaders from 20 countries. The goal of the regional workshop is to build the leadership, advocacy and technical expertise of women—particularly HIV positive women—who are working on the frontlines in the fight against AIDS in Africa.
February 4-7	3rd Conference on Sexual Health and Rights	Action Health Incorporated	Abuja, Nigeria	The conference seeks to bring together key actors in the field of Sexual Health and Rights to explore how sexuality has affected and can improve development in Africa, especially when working with women and youth.
February 7	Uncharted territory: Land, conflict and humanitarian action	ODI, Humanitarian Policy Group	London, UK	The Conference will discuss the link between land tenure and humanitarian action in conflict and post-conflict situations, providing a space for policymakers, academics and practitioners to share their experiences. It will seek to stimulate thinking on how humanitarian agencies can better incorporate analysis of land into their programmes. It will also explore, evaluate and discuss initiatives that have already taken place with the aim to improve practice, gather a body of lessons learned and design frameworks for future direction.
February 25 – March 7	52 nd session of the Commission on the Status of Women (CSW)	CSW - ECOSOC	New York, USA	Priority theme: Financing for gender equality and empowerment of women; Expert Group Meeting on "Financing for gender equality and the empowerment of women"; Emerging issue: Gender perspectives on climate change.
February 28	CSW Parallel Event – Shelter from the Storm: Securing Women's Housing Rights in the Struggle Against HIV/AIDS	UNIFEM and co-sponsored by: COHRE, UNIFEM, Human Rights Watch, UNDP, FAO, GCWA, Huairou Commission, ICRW, Action Aid International	New York, USA	A panel discussion drawing clear connections between women's housing, land and property rights and the HIV/AIDS pandemic, and focusing on creative strategies being used on the ground to protect and promote women's housing rights generally, as well as specifically within the HIV/AIDS context.

Date	Event	Organizer/sponsor	Location	Purpose
February 28-29	African Agriculture and the World Development Report 2008 Agriculture for Development. Lessons and future directions	Nordic Africa Institute (NAI), Sida, NORAD, IFAD	Oslo, Norway	This conference will be a key forum for the presentation of the basic content of the WDR2008 as well as reflections, comments and responses on issues related to African agriculture and the WDR 2008. Views and perspectives from development cooperation agencies and African institutions working on African agriculture will be presented.
February 29	Advancing Women's Housing, Land and Property Rights – Partner Strategy Meeting	Human Rights Watch	New York, USA	To address and identify issues and developments around women's land, housing and property rights and discuss critical areas and opportunities where further work is needed to advance women's housing, land and property rights, and what the way forward looks like.
March 1-30	UNAIDS Media Award 2007-2008	UNAIDS	Dhaka, Bangladesh	Given the critical role media plays in addressing HIV and AIDS issues, particularly societal stigma and discrimination, the joint United Nations Programme on HIV/AIDS has launched the 'UNAIDS Media Award 2007-2008' for exceptional reporting on HIV and AIDS issues in Bangladesh. The aim of the Media Awards is two fold; firstly to recognize media professionals for their work in highlighting human rights violations, HIV prevalence and its effect on development and the work of various actors in this process. And, secondly to encourage journalists and media professionals to increase their frequency of coverage and quality of reporting within a framework of ethical journalism. Journalists from the fields of print media, television and radio, will be judged in two categories.
March 3-5	National HIV/AIDS Research Conference (NHARCON)	Ghana AIDS Commission	Accra, Ghana	Theme: "Sustaining a Comprehensive National Response to HIV". The main objectives of the Conference are to: Highlight key successes and challenges as well as the potential ways to overcome them; Take stock of scientific evidence, lessons learnt and best practices to guide a productive dialogue towards key policy initiatives to enhance the quality of the comprehensive national response to HIV and AIDS; Promote high standards in research practice and ethics to strengthen the foundations of the evidence-based approach to the national HIV response.
March 26-27	5 th Uganda National AIDS Conference (NAC)	Uganda AIDS Commission	Kampala, Uganda	This scientific forum brings together researchers, policy makers and service delivery implementers to share new knowledge on HIV/AIDS and the response, and make recommendations on future actions. The Conference is organized under the theme "Evidence driven action for greater success" and the slogan "Moving beyond past achievements."

Date	Event	Organizer/sponsor	Location	Purpose
March 26-28	2 nd East African Community International Health and Scientific Conference	East African Community	Arusha, Tanzania	The theme of this Conference is 'Addressing poverty and health in East Africa: challenges to meeting the Millennium Development Goals'.
March 26-28	6 th Forum of the World Alliance of Cities Against Poverty	World Alliance of Cities Against Poverty (WACAP)	Athens, Greece	The main objective of this meeting is to reinforce local democracy in order to better tackle poverty. Themes will include: decentralisation, good governance, the contribution of civil society to local development, cities and climate change and the contribution of local government authorities in tackling HIV.
May 2-5	2 nd Eastern Europe and Central Asia AIDS Conference (EECAAC)	Government of Russian Federation with support from UNAIDS and International AIDS Society	Moscow, Russia	The conference will provide unprecedented opportunity for dialogue and interaction among political and community leaders, scientists and other researchers, people living with HIV and representatives of civil society from across the region in response to the challenges of the AIDS crisis. The Conference will be grounded in the global commitment towards achievement of universal access to HIV prevention, treatment care and support by 2010.
May 15-16	UN Commission on Sustainable Development (CSD-16)	UN Commission on Sustainable Development	New York, USA	As the Review Session of the third implementation cycle, CSD-16 will focus on the following thematic issues: Agriculture, Rural development, Land, Drought, Desertification, and Africa.
June 3-5	High Level Conference on World Food Security and the Challenges of Climate Change and Bioenergy	FAO	Rome, Italy	The overall purpose of the Conference is to address food security and poverty reduction in the face of climate change and energy security. More specifically, the objective is to assess the challenges faced by the food and agriculture sectors from climate change and bioenergy in order to identify the steps required to safeguard food security within the broader context of action being recommended to address climate change and bioenergy at the global, regional and national levels.
June 3-7	HIV/AIDS Implementers' Meeting	U.S. President's Emergency Plan for AIDS Relief; Government of Uganda; Global Fund to Fight AIDS, TB and Malaria; UNAIDS; UNICEF; World Bank; WHO; Global Network of People Living with HIV/AIDS	Kampala, Uganda	This years theme is "Scaling Up Through Partnerships: Overcoming Obstacles to Implementation," recognizing the rapid expansion of HIV/AIDS programs worldwide. Together, implementers will exchange lessons learned and best practices in the scale-up of HIV/AIDS programs, with a focus on building the capacity of local prevention, treatment, and care programs; enhancing quality; and promoting coordination among partners.

Date	Event	Organizer/sponsor	Location	Purpose
June 10-11	2008 High-level Meeting on AIDS	UN HQ	New York, USA	This high-level meeting will review progress made in implementing the 2001 Declaration of Commitment on HIV/AIDS and the 2006 Political Declaration on HIV/AIDS. It will provide an important forum for various stakeholders, including government representatives and accredited civil society participants. Discussions are expected to focus on the progress made, challenges remaining and sustainable ways to overcome them.
June 18-20	3 rd National Conference on Peer Education, HIV and AIDS in Kenya	National Organization of Peer Educators (NOPE)	Nairobi, Kenya	This conference will focus on addressing the problem of stigma & discrimination in Kenya in detail and seeking to identify tangible solutions through information exchange. It will target peer education groups, individuals, stakeholders, NGOs, CBOs & YSOs.
June 23-27	International Forum on HIV and AIDS in Conflict, Post-Conflict and Emergency Contexts	Regional Capacity Building Partners (RECABIP)	Nairobi, Kenya	The Forum will enable practitioners, policy makers, academicians and researchers to explore evidence, share experiences, and develop mechanisms for strengthening learning and action on HIV and AIDS in Conflict, Post-Conflict and Emergency contexts. Call for Papers: The Forum Secretariat calls for papers from researchers, practitioners, policy makers and academicians to present Abstracts to be considered for presentation during the Conference
August 1-2	2 nd Envisioning the Future Symposium on Children and HIV and AIDS	Teresa Group and the Coalition on Children Affected by AIDS	Mexico City, Mexico	This Symposium will bring together 450 of the world's leading professionals working with children affected by HIV/AIDS, leading up to the International AIDS Conference.
August 3-8	International AIDS Conference	International AIDS Society (IAS)	Mexico City, Mexico	AIDS 2008 will provide many opportunities for the presentation of important new scientific research and for productive, structured dialogue on the major challenges facing the global response to AIDS. Conference organizers are developing a wide variety of session types that meet the needs of various participants and support collective efforts to expand delivery of HIV prevention and treatment to communities worldwide. Central to many of these sessions will be the transfer of knowledge and sharing of best practices.
September 2008	RIATT Conference	Regional Interagency Task Group on Children and HIV (RIATT)	Dar es Salaam, Tanzania	"Getting it right" – Moving Towards Universal Access, Prevention Treatment Care and Support for Children affected by HIV and AIDS. The conference will be a high level engagement with policy makers, with a substantial child participation component.

Date	Event	Organizer/sponsor	Location	Purpose
October 13-17	4 th Session of the World Urban Forum	UN-HABITAT, Government of China	Nanjing, China	The World Urban Forum is a biennial gathering, attended by a wide range of partners, from non-governmental organizations, community-based organizations, urban professionals, academics, to governments, local authorities and national and international associations of local governments. It gives actors a common platform to discuss urban issues in formal and informal ways and come up with action-oriented proposals to create sustainable cities. This year's theme is: Harmonious Urbanisation.
November 14-17	11 th AWID International Forum on Women's Rights and Development	Association of Women's Rights in Development (AWID)	Cape Town, South Africa	The International Forum on Women's Rights and Development is both a conference and a call to action. The largest recurring event of its kind, the AWID Forum brings together women's rights leaders and activists from around the world every three years to strategize, network, celebrate, and learn in a highly charged atmosphere that fosters deep discussions and sustained personal and professional growth.
December 8-11	15 th International Conference on AIDS and STIs in Africa (ICASA)	Society on AIDS in Africa, Republic of Senegal	Dakar, Senegal	The central theme of the 15th International Conference on AIDS and STIs in Africa is: "Africa's Response: Face the facts". At ICASA 2008, International and African experts will evaluate the current state of the HIV and STI epidemics with regard to science, communities and leadership. In addition, the conference will broach topics concerning other, equally important infectious diseases such as tuberculosis, malaria and hepatitis.

This report is based on the proceedings of the Technical Consultation on *Gender, Property Rights and Livelihoods in the Era of AIDS*, organized by FAO in November 2008. It takes stock of where FAO and its partners are in terms of addressing property rights insecurity and provides a proposed framework through which future action can take place. It focuses on the following dimensions: understanding property rights in the era of AIDS (including key research findings); linkages between gender, property rights and livelihoods; legislation, training of the judiciary and traditional leaders, and para-legal training programmes; advocacy, mobilization of grassroots groups/networks; and political dialogue.

Drawing together experiences and expertise on these issues, and identifying research and programme gaps, this report concludes with some key recommendations for future work and priority areas of action.

Further Information

HIV/AIDS Programme
Gender, Equity and Rural Employment Division
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