

# Women, HIV/AIDS, Property and Inheritance Rights: The Case of Ethiopia

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## Acronyms

AAC	Anti-AIDS Clubs
AIDS	Acquired Immune Deficiency Syndrome
AIDSCAP	AIDS Control and Prevention Project
ANC	Antenatal Clinics
ART	Anti-Retroviral Therapy
CCM	County-Coordinating Mechanism for Ethiopia
CDC	Centre for Disease Control
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COHRE	Centre on Housing Rights and Evictions
CSW	Commercial Sex Workers
DHS	Demographic Health Survey
EMSAP	Ethiopia Multisectoral AIDS Program
ESDP	Education Sector Development Programme
EWLA	Ethiopian Women Lawyers Association
EPRDF	Ethiopian People Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FGM	Female Genital Mutilation
GCE	Global Campaign for Education
GCWA	Global Coalition on Women and AIDS
GER	Gross Enrollment Ratio
GFATM	Global Fund to Fight AIDS, Tuberculosis and Malaria
HAPCO	HIV/AIDS Prevention and Control Office
HIV	Human Immune Deficiency Virus
HRBA	Human Rights-Based Approach
HTP	Harmful Traditional Practices
ICRW	International Centre for Research on Women
ICESCR	International Convention on Economic Social and Cultural Rights
IEC	Information, Education and Communication
MDG	Millennium Development Goals
M&E	Monitoring and Evaluation
MOE	Ministry of Education
MoFED	Ministry of Finance and Economic Development
MOH	Ministry of Health
MTCT	Mother -to- Child- Transmission
NACS	National AIDS Secretariat
NHAPCO	National HIV/AIDS Prevention and Control Office
NGO	Non-Governmental Organization
PEPFAR	Presidential Emergency Plan for AIDS Relief
PMTCT	Prevention of Mother-to-Child Transmission
PLWHA	Persons Living with HIV/AIDS
SDPRP	Sustainable Development and Poverty Reduction Program
SNNPR	Southern Nations Nationalities and Peoples' Region
UDHR	Universal Declaration of Human Rights

UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNRISD	United Nations Research Institute for Social Development
VCT	Voluntary Counseling and Testing
WAO	Women's Affairs Office
WHO	World Health organization

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## Background

One of the biggest challenges facing Africa is the rapid spread of the HIV/AIDS epidemic. In 2004, an estimated 3.1 million people were newly infected while 2.3 million died of AIDS-related causes. While the intensity, pace and impact of the epidemic is heterogeneous, two underlying patterns appear to be consistent. Across Sub-Saharan Africa, women are affected disproportionately and in most countries, women are being infected with HIV at an earlier age than men. Women make up 57 percent of adults living with HIV in Sub-Saharan Africa. Among people aged 15-24, females account for 76 percent of HIV infections in the region (UNAIDS, 2004). Those at highest risk are also those who are most socially and economically disadvantaged.

## Major Causal Factors for the Spread of HIV/AIDS

The complex weave of social, cultural and biological conditions that make women and girls more vulnerable to HIV have been extensively documented. The major causal factors include limited access to education and information, lower levels of literacy and widespread poverty. In most countries, lack of information is perpetuated by social norms that prevent girls and young women from knowing about sex and sexuality. Widespread poverty often affects women much more than men often increasing the burden of care and sometimes perpetuating sexual exploitation.

Another driving force behind the epidemic and one that increases the risk of HIV infection among women is gender-based violence. Gender-based violence is both a cause and a consequence of infection (WHO, 1998). Gender-based violence refers to a wide range of harmful customs, practices and behaviors against girls and women, including intimate partner violence, domestic violence, assaults against women, child sexual abuse and rape. In the case of Sub-Saharan Africa, gender-based violence includes practices such as female genital mutilation, early and forced marriage and wife inheritance. Gender-based violence is often the result of unequal power relations between men and women. Forced or coerced sex increases a woman's risk of HIV infection in several ways, including limiting a woman's ability to successfully negotiate HIV prevention behaviors such as condom use. An equally significant causal factor includes widespread stigma against people living with HIV/AIDS, especially women. It is important to note that an underlying cause of most of the aforementioned disadvantages faced by women is the lack of equal rights to property and inheritance. The principal objective of this study is to explore the link between women's lack of property and inheritance rights and the HIV/AIDS epidemic in Ethiopia. Based on these insights, the study will identify key recommendations that are likely to help women and communities address HIV and mitigate the impact of the epidemic.

While studies that link women's lack of property and inheritance rights to HIV/AIDS are almost non-existent in Ethiopia, there is a growing number of studies on the impact of women's inheritance and property rights on the type of threats women face in the context of abusive relationships, divorce and in cases of being abandoned or widowed. It is possible to draw links between women's property and inheritance rights and the HIV/AIDS epidemic by drawing on insights from secondary literature on women's property and inheritance rights from the past 30 years. This study will explore concrete legal precedents and cases indicating some positive trends

and outstanding challenges.

## Key Research Questions

The effort to understand the link between HIV/AIDS and women's inheritance and property rights was based on available literature with the aim of drawing attention to policy and programmatic interventions that are urgently needed and identifying key research questions for the future. A key challenge that the document will address relates to the context-specific realities that prevail in the various regions of Ethiopia. The document will explore the following key questions.

1. What are the key economic, social and political factors that discriminate against or promote women's property and inheritance rights in Ethiopia?
2. What sort of gender specific insecurities have emerged from the rapidly spreading HIV/AIDS epidemic in the country especially as it relates to property and inheritance rights of women?
3. To what extent have women been able to fully enjoy the rights provided by the existing legal and administrative reforms?
4. What investments have been made in making local-level dispute resolution mechanisms concerning property issues able to deal with property disputes in a gender-sensitive manner?

## Revisiting HIV Strategies

Despite the accumulated knowledge regarding the major gender related causes of the epidemic, most countries use a limited set of strategies. Often these include awareness creation and the promotion of abstinence until marriage as well as faithfulness to one's partner. UNAIDS makes the following observations regarding these strategies:

Many HIV strategies assume an idealized world in which everyone is equal and free to make empowered choices, and can opt to abstain from sex, stay faithful to one's partner or use condoms consistently. In reality, women and girls face a range of HIV-related risk factors and vulnerabilities that men and boys do not-many of which are embedded in the social realities of their societies. These factors are not easily dislodged or altered, but until they are, efforts to contain and reverse the AIDS epidemic are unlikely to achieve sustained success. (UNAIDS, 2004).

As far as abstinence and faithfulness are concerned, there is now a large body of evidence that shows that a high percentage of women are being infected despite staying loyal to one partner. This is particularly the case in areas where early marriage is the norm. Most of these young girls marry considerably older men who might have been exposed to HIV and or who continue to engage in multiple sexual relationships. The UNAIDS study (2004) further observes that "Interventions that are piecemeal and that do not address the contexts in which people live their lives are unlikely to significantly alter behavior or influence the course of the epidemic."

## Property and Inheritance Rights and HIV/AIDS

With growing awareness of the limitations of conventional responses, the relationship between property ownership, inheritance, and the impact of HIV/AIDS is starting to be explored. Globally, women are disproportionately excluded from property ownership and inheritance rights through numerous cultural, social, political and legal factors. However, the specific patterns of ownership and disenfranchisement vary widely, even within a given country. In Ethiopia, there is a lack of gender disaggregated data on ownership, access to and control of property. The available evidence seems to suggest that women both in urban and rural areas lack control of productive and non-productive resources (Embet et al, 2004). As a result, they face daunting difficulties in terms of securing a place to live, maintaining a basis for survival and accessing economic opportunities. In the context of the rapid growth of the HIV/AIDS epidemic, women's lack of property and inheritance rights has exacerbated women's poverty and has substantially increased their vulnerability.

An estimated 85 percent of Ethiopia's 77 million population is rural. For both urban and rural inhabitants, land is a vital source of livelihood as it provides shelter and or a site for income-generating activities. However, inheritance rules and other social norms often prevent women from owning land and other real estate. This exploratory study was made difficult by the scant research on local practices regarding women's inheritance rights and inheritance of property by widows in the diverse regions of the country. The limited insight that emerges from the available literature is that land scarcity and demographic changes in the form of rapid population growth are further eroding women's property and inheritance rights. Inheritance patterns are predominantly patriarchal, but even in progressive areas like the Amhara region, the trend is towards excluding girls.

The limited data available indicates that in urban areas, women are often discriminated against in terms of access to housing. According to the Welfare Monitoring Surveys of 1996, 1998 and 2000, there was a substantial gap between the ownership of dwelling housing and ownership of land by male and female-headed households. Other assets especially in rural areas include livestock, an asset that serves as a form of physical savings. Ownership of animals provides women with an opportunity to engage in economic activities such as dairy processing, which allows them to generate income. Oxen, which are useful in farming, are usually perceived as the property of men. In both rural and urban areas, most women lack access to assets that might serve as collateral for credit and even fewer women have access to savings.

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