

A Seminar on Women, HIV/AIDS, Property Rights and Livelihoods in Zimbabwe

**Held at IDS, University of Zimbabwe¹
28 June 2004**

1. Opening: Dr Chimanikire, Director IDS

Dr Chimanikire opened the seminar by welcoming all participants on behalf of IDS and the PRF. The IDS has been working on gender issues since Independence and although there is still a long way to go, there has been progress in the policy environment. HIV and AIDS are now threatening to undermine the progress made.

2. Judith Kaulem, Poverty Reduction Forum (PRF)

The PRF has produced a number of flagship reports, the most recent of which is the human Development Report on HIV/AIDS. The report has taken a multi-sectoral approach and disaggregates the data in terms of gender. The report found that there are many responses to the AIDS situation in Zimbabwe but raises issues about the impact of these responses and whether interventions are cohesive and at the right levels. The report, therefore, has challenges for all sectors to take up the recommendations and coordinate efforts to maximize impact.

3. Zimbabwe's Women Acting Against AIDS: Isabella Matambanadzo, Director ZWRN

Ms Matambanadzo made the following main points:

- The issue of relationships and “love” are often ignored in the debate about HIV/AIDS. Love compromises women and creates situation where risks are taken.
- More strategies are needed to address infidelity within marriages. Men 17.5% of men and 1% of women in Zimbabwe report extra marital affairs. Marriage is not a “safe haven” and more activities to strengthen the relationships of couples is needed.
- Stigma still has a major effect on the responses at all levels causing isolation and marginalization and remains a major challenge.
- Women and girls still remain more vulnerable to the effects of HIV than boys and men. One important contributing factor in this is the role of transactional sex in coping strategies for many women and girls.
- Health care and treatment approaches tend to be generic and “gender blind” and ignore the specific needs of women
- Inheritance issues and the situation of widows needs further attention. The experience of widows is often unrelated to the rights and policies in place.
- AIDS is a democracy issue. Zimbabwe needs leadership from political figures at all levels.

4. HIV/AIDS, Property Rights and Children's Rights: Emilia Muchawa, ZWLA

- Many laws and policies are in place to improve the status of women but there is little impact in the lives of most women and children. Eg: inheritance, age of majority, birth registration, sexual abuse
- The discrepancies between formal and customary law mean that many policies are ineffective. The attitudes of relatives, officials, the courts etc still reinforce traditional belief systems
- Women's lower economic status exacerbates their vulnerability and the law does little to protect them.

¹ The report was prepared by Lynn Walker, Kate Mhambi and Kaori Izumi.

- Amendments to the laws (eg on inheritance) make no impact because there is little associated change in attitudes and beliefs. EG Inheritance legislation fails to protect women's property rights, even where the marriage is formally registered for this reason. Cultural beliefs are used to dispossess women of land and property
- Dispossession leads to women being forced to adopt risky coping strategies
- For many women, access to property still hinges on their relationships to men and increases vulnerability to HIV
- For women, loss of assets can also mean loss of access to treatment and care
- Children are often treated as property in custody and guardianship wrangles because they represent access to property and are considered assets where their labour is valuable. This compromises the guardianship rights of women.

Recommendations:

- There is a need for a systematic education campaign at all levels to bring about attitude change
- More resources need to be put into prevention activities for women and girls
- Programmes are needed that give access to the justice system and legal representation for women especially in inheritance and divorce cases
- The constitution needs to be amended to address womens issues'
- Serious attention has to be paid to the education of health, education and legal system officials

5. HIV/AIDS, gender and land rights: Agatha Tsitsi, WLSA

Pilot study in Manicaland on gender, HIV and the law. Three strands were covered:
Awareness of relevant policies and laws on:

- Marriage laws
- Sexual Offences Laws
- LOMA

Findings

The communities felt that:

- The law on rape considered "anti – social" because it affects relationships which are private. Cultural taboos prevent discussion of sex and relationships. Little understanding of the reasoning behind these laws
- It was felt that laws that protect women can be abused by women to make false allegations.
- The Legal age of majority is too low and robs parents of control over their children.
- Laws do not relate to children but children under the age of 16 can be HIV +ve.
- The victim friendly process is ineffective due to lack of human resources and equipment. Slow processes and corruption lead to frustration
- Cultural beliefs are at odds with formal laws. Hence, the laws that are in place are ineffective. Many women do not use the law because of their cultural beliefs

Some extreme offences recently reported:

- An incident in Bulawayo on a dispute over family property was reported in June 2004, where the bother cut off the head of his sister over cows which belonged to their late parents.

- A case was reported in Oct/Nov 2003 in Manica Post that a business man, who had died of AIDS related causes left a note with his nephew, asking him to inform the cause of his death to all the school girls with whom he had sexual relationship. The nephew put a notice in a business centres in Mutare district, informing that the man had died of AIDs and listing 12 names of the girls.

Recommendations

- Need to expand the budgets for health and justice delivery systems
- Need to domesticate international conventions, simplify them and translate them in to the vernacular
- Need a country-wide study on the issues covered in the pilot study.

6. The lineage between domestic violence and HIV/AIDS: Sheila Mahere, Director Musasa Project

A 1998 study of 100 women survivors of domestic violence showed that women in abusive relationships are vulnerable to HIV because:

- Their partners generally have multiple partners
- Sexual violence involves forced intercourse
- There is a lack of communication in the relationship due to the violence creates a barrier to communication.
- The majority of women have knowledge about HIV but are powerless to do anything about it because of the violent environment
- Women find out their HIV status before men due to pregnancy. They are then blamed for it.
- Women's power within relationships is affected by the love they feel and their need to be a mother despite the risks. Women want to be in a relationship and a family unit.

7. HIV/AIDS making women homeless and landless: Catherine Mdondo, ZAN

- Laws are in place but unwritten policies are not changing. Widows are still stigmatized and dispossessed of their property rights.
- Men who die intestate create particular problems for their wives. Even where the marriage is formalized, widows are vulnerable.
- Even where wills are in place, often the relatives remove property at the funeral leaving the woman powerless to do anything about it. Lack of resources makes legal follow up difficult
- The way the media portrays women exacerbates the problems.
- Children are affected because it is very difficult for single women to obtain birth certificates for their children. Often the man's family refuse to co-operate in the process and the woman has to use her own name. This can be a cultural barrier for some women.
- The attitudes of officials (eg Surveyor General's office) can undermine women's rights
- Widows and single mothers in Matebeleland have formed an association to support each other and try to protect vulnerable women.

8. Testimonies by HIV/AIDS positive widows who are victims of property stripping

Two women from Matebeleland Widows Association testified their case, i.e. Getrude Ndebele and Simangalisiwe Gumbi.

Story of courage from women living positively

Getrude Ndebele, 52 years old with 6 children

My husband died in 1996 on 23 December and left me with six (6) children. He passed away suffering from Immuno suppression after a long illness of various symptoms some often very strange.

My husband was a driver; he used to go out of the country on duty. Thus the job was very tempting and I believe he got the virus from the multiple partners he came across on his way. We used to have a very close relationship and it is only when he passed away that relatives had intense conflictual relationships and had to ask me to vacate our marital home after I had refused to have the young brother come in as my husband. It so happened that I had an outsider who had shown interest in assisting me meet basic needs. Although I was positive, I told him my status. This did not go down well with my in-laws who asked me to vacate the house. I was forced to join my ailing mother who has a hut in Tsholotsho, where my other children are. I rent a a house where I stay with my 17 year old son who passed his O Level last year and is trying to secure a place for lower 6 but I am failing to raise fees and money to purchase the relevant textbooks. This assistance will be of great benefit for the sake of my son. The epidemic has also taken two of my daughters and I have since joined the Mat. Widows & Single Parents Association to network and share experiences. I am also good at hand work-crotchets and craft. We empower each other, share on different herbal medicines which we believe boost our immunity. We sell as a group with the assistance of our coordinator and Founder Mrs. Mtungwa. We were allowed to sell our wares outside the City Hall and we pray and hope that our stand will be funded so that we can have a home as well as a market place. My Tsholotsho homestead needs to be put redone so that I can stop thinking of my marital home. I am also a hard worker- if I can get equipment and land to till I will be grateful. Mrs. C. Madondo enabled me to acquire a birth certificate and she counseled me and asked me to use my death certificate-the problem is in-laws do not visit the children even when I ask them to come see the children when they are feeling ill. They blame me for the death of my husband.

I also wish to mention that by joining the network, our eyes have been opened and we have abundant hope. My sincere thanks go to ZAN secretariat Provincial office and National office-without them I would not have been in Harare today telling my story to important people who are willing to listen to a poor woman living positively.

Simangalisiwe Gumbi, 30 years old with three children

I am Simangalisiwe Gumbi and I was widowed in 2002 with 3 children. I was customarily married at Nkayi, Sikobokobo area. My husband had been sick for some time before he died and after burial I was asked to leave the marital home as I was blamed for his death. They gave me names and accused me of bewitching my husband. I had to leave all our matrimonial property including the livestock. I was tested the month after he had died and I tested positive. I went through a number of sessions in counselling, as I was tempted to commit suicide. I am now an empowered woman and I have accepted my positive status. I am lodging in Bulawayo and am selling craft with the Matebeleland Widows Association, a group that I have joined and motivate me to be self-reliant. We are planning on a big project on agriculture but we do not have equipment. I would be grateful if we could be assisted to build rural homes. My in-laws refused to give me his death certificate and I have obtained birth

certificates for my children using my maiden name through assistance from Mrs. Madondo through her wide experience in counselling and networking. My many thanks to the founder and president of Matebeleland Widows Association, Mrs. E. Mtungwa and to the Zimbabwe Aids Network Office for allowing us to fundraise by selling our wares at ZITF 2003 and 2004. This assisted in many ways and we got some business and people interested in what we do. I wish them the best for all their support and may God continually bless them.

Questions and discussion on the testimonies

- Acquisition of birth certificate of new-born child could be problematic when husband dies before a child is born especially when there is a dispute between the widow and her family in law. In order to inherit father's name, one requires signature of a male relative of deceased husband's. But it is possible to get a birth certificate using mother's maiden name.
- With regard to the legal position on birth registration, there is no need for the deceased in-laws to testify if there is a marriage certificate. If there is no certificate – this is when in-laws are required to testify. Another option is to use mother's name although women believe they do not own names – in this case they still have to seek permission to use their family names.
- The Widows Association has been allocated a stand by City Council for market place and gardening, but there is no infrastructure or equipment for them to initiate gardening. This is where external assistance is needed.

9. Successful examples of project interventions

CRS - junior farmers – project targeting orphans

- Catholic Relief Service (CRS) is engaged in Junior Farmers Field School (JFFS), but the obstacle is lack of access to land for orphans.

CIDA – Allocation of irrigation plots to widows and single parents

- CIDA is through Care International supporting a group of 105 widows and single parents in Nyanga. The group was given 105 plots for irrigation by the city council with ownership certificates.

Care International and CRS - DOMCCP-Simba project in Mutare

- The project is funded by Care International and CRS. This is a group of people running a savings and lending programme. Women get together to raise income, help each other, building up confidence collectively, becoming vocal to advocate for their rights.

Chikankata hospital in Zamiba – barter trade between goats and ARVs

- Creatively in accessing resources was highlighted with an example from Chikankata hospital in Zambia where ARVs are being accessed through barter trade. A women group in Zambia use goats and other livestock to access drugs.

10. Discussion

- There immediate needs of widows before property rights are:
Shelter, income and medical care

- Allocation of land to widows makes it strategic because the land reform is for previously disadvantaged.
- Beside land access/rights, marketing is an important issue if widows should initiate any income generating activities.
- Education is required around pensions that are not being claimed.
- It was discussed that there might be a possibility to access land for orphans and widows through land reform program, and an opportunity to overcome traditional norms that constrained women's land rights might be found on the land outside communal areas. Another view is that once land has been allocated all the old cultural values are transferred to new resettlement area. There is the need for advocacy around this.
- In city of Gweru, land was given to widowed women of Gweru Women AIDs Association. But new relationship emerged with the same problem.
- Another avenue would be city council as there are examples of land allocation by city council to organized groups.
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Women without property – casual female farm workers

- There is a group of women who have no property who are casual female farm workers. Whereas some of permanent male farm workers received retrenchment package, female farm workers most of whom are casual workers did not receive any package. Prostitution rate is high in tea plantation sector. Child labour is another issue not addressed. Orphans on (ex) commercial farms often grow up with many different step fathers as their mother (single) look for support relations from permanent male farm workers as a means for their survival.

11. The Way Forward

- Organise a follow up workshop to strategise in current political context where only limited resources are available from donor community
- Link NGOs at various levels – local, national and international with experts in various expertise including lawyers, medical doctors
- Establish a NGO forum to exchange lessons, information sharing, networking
- Expand legal aid to women on property and other related issues
- Analyse gender budget – 15% of national resources should be allocated to AIDS
- Set up an HIV/AIDs and Agriculture Forum (FAO)
- Publish HIV/AIDS Bulletin focusing on women's property rights issues (UNAIDS)
- Set up practical agenda beyond talking, targeting vulnerable groups, who should do what, and how
- Explore Food for Work in Matebeleland as an opportunity for AIDS widows
- Active media networking
- Lobbying with traditional leaders on allocation of land to women's groups
- Raise awareness to curb property looting after the death of a spouse. The public should jointly stop the looting when it is happening so as to protect the widow.
- Lobby with persons with authority – leaders, lawyers, politicians
- Following up on the *Zunde Ramambo* concept
- CIDA will inform partner NGO to circulate information on 105 plots for widows project

Annex 1

Testimonies by Widows²

Josephine Nkomo

I was a survivor of domestic violence since 1990. The abuser, the husband, who is now late used various tactics, asset 'control' over the thoughts and actions of the survivor. I was abused physically as well as psychologically – emotional abuse. I was also sexually abused which included being forced to perform sexual acts against her wish. My husband used to have extra marital affairs and I was not supposed to question all the acts and violence. My husband died from HIV in 1993. When he died, his relatives did not allow me to stay at the matrimonial home. We were not legally married- but married under customary law. As is normally the case, the relatives blamed me for the death accusing me of not taking proper care and for refusing to have sex with my husband, even though he had extra marital affairs which led him to contract sexually transmitted infections. The relatives asked me to leave my matrimonial home including my livestock.

Currently I is renting a place in town and has joined the other widows in doing income generating projects. We have a garden given to us by the Municipality where they plant vegetables and share profits which are very little. I have also learned how to make basins from ilola and wood with the rest of Mat. Widows Association is selling our wares outside Jairos Jiri. We travel all over and as far as Victoria Falls selling our wares. The problem is that we have to pay for space when we sell their wares in other towns. In the rural areas, we do not have a market that is lucrative.

Simbnanai Munguwa, 36 years old with 4 children

I come from Birchenough Bridge and my husband is from Chipinge. He used to be a wagon repair with the National Railways. He was always coming home late and had his extra marital relationships secretly. Owing to the minimum wage that he got we could not manage to build a home in the rural areas so we settled for town life. I married him under customary law in 1989 and registered our marriage in 1992. he died in 2002 on June 8. My husband was terminally ill for nearly a year suffering from TB and I took care of him until he died peacefully, only to be blamed after his burial. The burial took place in Chipinge. After the funeral the in-laws wanted to take the minors so that they could take the house as they assumed that I was also going to die. They blamed me for staying in town yet it was my husband who did not want me to stay in the rural areas knowing the kind of people his relatives were. I managed to stay put with a roof over my head because of the chapter 37 and the minors were not allowed to go to a third party.

I am empowered as I am in the network and have shared experiences with some widows who suffered more than I did and I have now come to believe and accept my positive living- I accept that problems are part of life. I was tested immediately after the death of my husband. I have been taking some traditional foods and herbs and with this believe I believe my health is improving. However this year, my immune system has weakened and I have been unable to work on IGP and therefore have no income. If only I had a rural home I believe I would have been harvesting at least. It is a good idea having a rural home but with no funding it all appears a dream. Since I joined the group I have learnt that women's problems are the same and if our association's stands can be constructed, we will have a home for us living positively.

Hope is vital but it is not easy.

² These testimonies were made by members of Matebeleland North Widows Association, which were compiled by Catherine Madondo, Coordinator, Zimbabwe AIDS Network Matebeleland North.

Sanelisiwe Ncube

I am one of the unfortunate women, who were left by her husband when terminally ill as well as an HIV Positive lady, I felt hopeless but still had to go through a rough patch of life. My late husband was a senior officer in the army. I was officially married to him through the civil court (chapter 37). I have one son with him but he also had two daughters from another marriage living with us. We owned a house in one of the eastern suburbs.

The problems I faced as a widow

a) Registration of death

From the onset my in-laws wanted to be there in the high court when I went to register the death of my husband as advised by the army chaplain. They wanted to have their signatures as well until they were told by an officer in the high court that they should not bother coming, the only person required was the widow. After all the will which he had written placed me as the rightful heir to his property.

b) House

My in-laws working together with the mother of the two girls suggested that the house be sold and the money be shared among the three children. In response I referred them to the high court's responsibility for the distribution of my late husband's property. With the high court intervening I was given as the rightful owner of the house and advised to go through the lawyers for the change of name from my husband's name to mine.

c) Pension

There was so much interference from my in-laws and the mother of the girls. The mother of the girls straight away demanded her daughters through my in-laws and was given. She indicated that she wanted to have the shares for her daughters entered into her book account. So I had to sign the pension forms with her which was then sent to the pension's office for processing. After ten months the pension office was through with the processing and money was deposited into our accounts. They then felt that the money given to children was inadequate –this further strained our relationship

d) Clothes for my late husband

Soon after the death of my husband, an order was given by my father in law that I should sell his clothes and share the money among the three children. Due to my sick health I could not abide to the order. The clothes still remained in my wardrobe. Eleven months after the death of my husband, a delegation of about ten people came to my house to find out why I had not responded to the order. I felt harassed and stressed by the questions and I had no choice but to surrender the clothes to the delegation. No results were given to date. As an ailing widow I felt neglected with my son who was fifteen years of age at the time of death. By the grace of the Lord we have survived and did not lose anything apart from the clothes. My son is now eighteen years old and he is in the U.K and I have regained my strength and living positively with my HIV status. My strength is in the Lord and I have forgiven my in-laws and the mother of the girls. My wish is to forget about this totally.

However I don't want to conclude without mentioning the services being rendered by Mat. Widows & Single Parents Association to empower women to come together to share different experiences have helped me to be where I am today. We are now trying to legally register it as a PVO because the membership has grown and continues so. (Find enclosed our letter applying for registration) My sincere thanks go to the ZAN Secretariat who enabled us to sell our wares at the just ended Trade Fair 2004 where we made friends and business partners and also for enabling us to be represented at the National HIV/AIDS Conference by the secretariat. My sincere thanks to ZAN.

Annex 2

A program IDS seminar on Women, HIV/AIDS, Property Rights and Livelihood in Zimbabwe

Chair and Facilitator: Kaori Izumi

Draft Program

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|---------------|--|--|
| 9:00 – 9:15 | Opening Poverty Reduction Forum | Dr. D.P. Chimanikire, Director, IDS Judith Kaulem, Coordinator, PRF, IDS |
| 9:15-9:30 | Zimbabwe's Women Acting Against AIDS | Isabella Matambanadzo, Director, ZWRN |
| 9:30-9:45 | HIV/AIDS, Property rights and Children's Rights | Emilia Muchawa, Director ZWLA |
| 9:45-10:00 | HIV/AIDS, gender and land rights | Agatha Tsitsi, WLSA Zimbabwe |
| 10:00-10:15 | The linkage between domestic violence and HIV/AIDS | Sheila Mahere, Director, Musasa Project |
| 10:15 – 10:30 | HIV/AIDS making women homeless and landless | Catherine Mdondo, Zimbabwe AIDS Network Matebeleland North |
| 10:30 – 10:45 | Testimony on land/property grabbing | Widow, Organisation for Widows, Widowers Affected by HIV/AIDS, Mat North |
| 10:45-11:00 | Questions and Discussion on presentations | |
| 11:00-12:00 | Discussion on mitigation and livelihood strategies including: | |
| | <ul style="list-style-type: none">• Legal and policy reform• Litigation and mediation• Legal aid (village desk, mobile legal clinic), paralegal training, will writing, formal marriage• Sensitisation• Restoration of property• Shelter/housing• Poverty alleviation and livelihood program | |
| 12:00 – 12:20 | Conclusion and the Way Forward | Kaori Izumi, FAO |

Annex 3: presentations

HIV/AIDS MAKING WOMEN HOMELES & LANDLESS

Catherine Madondo
Provincial Coordinator
Bulaway and Mt. North, Zimbabwe AIDS Network

This presentation is dedicated to women who are here today and those who have courage to Live with the HIV virus who are here presently and elsewhere around the continent. Today we have women who continue to challenge the HIV/AIDS scourge by living positively – HIV/AIDS is everyone's responsibility and has become the biggest challenge ever to face us in the history of humankind. Confidentiality had its day, and it is now time for openness and total acceptance to take the lead and centre stage. The organisation that I represent today has members some of whom have gone public on their HIV status, have lost homes and property, and have been stigmatized.

Introduction

Before the UN decade for women, most NGOs were engaged in rural development programmes such as skills training, promoting income generating activities, and literacy. After the Decade a number of NGOs were established to deal with issues such as legal education and research, information and networking, lobbying and advocacy, support for women enterprises and counseling services for women who were survivors of domestic violence.

1. The Ministry was formed in 1981 as a ministry for Comm. Dev. and Women's Affairs. It played a key role in putting women's issues on the agenda both at National and Local levels. It spearheaded reforms in the legal, social and economic sectors that was aimed at providing equal opportunities for women.
2. Women Rights

Situation in the early 80s

This period coincides with the post independence era in Zimbabwe where a number of laws and acts were passed, amended or repealed to correct the previous oppressive laws. Among the laws was the Matrimonial Act 1985, which streamlined the grounds of a divorce and provided for equitable sharing of matrimonial property. Customary Law and Primary courts Act 1981 introduced primary courts to hear civil cases. Amended Maintenance Act to claim maintenance for minor children from the other parent. The above laws had an effect in improving the legal status of women and providing them with equal opportunities. Although some legal reforms have been made to improve the status of women's access to education on their rights and the courts for redress, this has not been sufficient and fallen far short.

Situation today

Women still suffer when their husbands die interstate. There has been a lot of talk on the inheritance laws but not much has been achieved because men's views are allowed to dominate since they form the majority in Parliament. Although attitudes of society towards women have improved, women are still portrayed negatively by the media. Attitude changes have also not been accompanied by support services that enable women to participate fully in the development of the country. Culture continues to accept oppression and allow men and society at large to trivialise women's roles.

Constraints

Violence Against Women

Violence against women and the girl child has been existent within Zimbabwe sanctioned by traditional customs that consider a wife as the property of the husband and as such can be manipulated in any way that the husband may deem fit.

Sexual Abuse

Cases of sexual abuse and incest are on the increase as men are frightened of being infected by the HIV/AIDS virus. The advent of HIV/AIDS virus has increased the risk of women who are raped contracting the virus. Sentences by the courts do not reflect the gravity of the matter. The procedures that women have to go through to prove violence are strenuous and many women give up to protect their sanity and savor their dignity. Due to increased poverty many women and children are homeless and on the streets. This makes them vulnerable to violence of all kinds.

Recommendations

Customary laws and practices that encourage violence against women should be abolished .

- More shelters and transit centres should be set up.
- Access by survivors to legal services should be increased.
- The AIDS pandemic has resulted in the increase of poor people who cannot cater for their families.
- It has also brought untold suffering to women.
- Social attitudes towards women are still to a large extent negative.
- Sometimes people ignore what the law says and takes the property belonging to the deceased persons.
- They say that they have rights to take the property as outlined by custom – thus breaking the law.
- The organisation of Mat. Widows & Single Mothers Association has civil and customary law widows. Are the new inheritance laws allowing both widows to inherit?

Government

1. The constitution of Zimbabwe should be amended to include gender as prohibited grounds for discrimination and succinctly define it as so.
2. A law of inheritance which gives a fair share to women on the death of the husband should be passed
3. Mechanisms that safeguard respect to women's rights should be put in place.

NGOs

More efforts are needed to ensure that women are educated on their rights. NGOs should play a pivotal role in lobbying and advocating for women's rights.

International Agencies

Support is required to conduct more further research into the status of women in all aspects of life. Support is also required to conduct gender awareness training for media personnel, policy makers and planners.

In conclusion, I want to thank the stakeholders for being able to assist persons to cope with their status and situations, as it is a process that aims to empower people to understand and face their problems so as to reduce and or solve them.

Annex 4

List of Participants

LIST OF PARTICIPANTS

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