STUDY ON THE ISSUES RELATED TO WOMEN’S PROPERTY AND INHERITANCE RIGHTS IN THE CONTEXT OF HIV&AIDS

Women Network for rural development
(Réseau des Femmes Œuvrant pour le Développement Rural)

Report

By
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Preface

Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural), under financial support of UN WOMEN has conducted a study on « Issues related to women’s property and inheritance in the context of HIV & AIDS».

The study covered six sectors in Nyanza and Gasabo Districts from December 12th, 2011 to January 06th, 2012. Its aim was to examine the roots of rights abuse on inheritance and property among women in the context of HIV&AIDS. This qualitative research explored the experiences of women in the context of HIV&AIDS and opinions from various stakeholders such the District Committee against HIV&AIDS (CDLS), Rwanda Network of Persons living with HIV&AIDS (RRP+).

At sector level, the research gathered the opinions from Mediators, Opinion leaders, Representatives of National Women’s Council, the in charge of social affairs, Representatives of the Associations or Cooperative of persons living with HIV&AIDS and Rwanda National Police staff.

This report constitutes the following main parts: Chapter one provides literature review containing an overview of HIV&AIDS situation at worldwide, regional and national levels. The second chapter focuses on the preliminaries of the study including the purpose of the study, approaches, methodology, sampling, data collection. The third part presents the key findings of the study that highlight the causes of rights abuse to inheritance among women in the context of HIV&AIDS. The fourth chapter highlights strategies to the identified gaps and recommendations to various stakeholders. The four chapter are preceded by an executive summary that stipulates the purpose of the study, the key findings and the important recommendations.
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Our thanks also go to Disability and Research Consult Ltd for having conducted this study with professionalism and expertise. May our thanks go to Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) National coordination and executive staff for their good advice and inputs to this report.

We would like to especially thank Gasabo and Nyanza Districts authorities for their cooperation during this research. We mainly acknowledge the commitment from women living in the context of HIV and AIDS for their availability during the study.

We thank all those involved directly or indirectly in guiding our efforts that lead to the production of this report.
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9. A Copy of Questionnaire on the study on women’s property and inheritance rights in the context of HIV and AIDS submitted to Rwanda National Police staff at sector level.
Acronyms and abbreviations

**AIDS**: Acquired Immune Deficiency Syndrome

**ARV**: Anti-Retroviral

**BCC**: Behavior Change Communication

**CAMERWA**: Centrale d'Achats des Médicaments Essentiels du Rwanda

**CHAMP**: Community HIV&AIDS Mobilization Program

**CNLS**: National AIDS Control Commission

**EDPRS**: Economic Development and Poverty Reduction Strategy

**HIV**: Human Immuno-deficiency Virus

**HSSP**: Health Sector Strategic Plan

**DfID**: UK Department for International Development

**DPs**: Development Partners

**GoR**: Government of Rwanda

**IHDPC**: Institute of HIV/AIDS Disease Prevention and Control

**HPS**: Health Strategic Plan

**IGA**: Income generating activities

**LDGL**: Human rights League in the Great Lakes Region

**MDG**: Millennium Development Goal

**MAP**: Projet multisectoriel de lutte contre le SIDA

**MIGEPROF**: Ministry of Gender and Family Promotion

**MINAFFET**: Ministry of Foreign Affairs

**MINISPOC**: Ministry of Sports and Culture

**MINIYOUTH**: Ministry of Youth

**MOH**: Ministry of Health

**NAWOCO**: National Women Council

**NGO**: Non-Government Organization

**NSP**: National Strategic Plan

**OVC**: Orphans and Vulnerable Children

**PHC**: Primary Health Care

**RBC**: Rwanda Biomedical Center
**RDHS**: Rwanda Demographic and Health Survey

**RRP+**: Rwandan Network of Persons living with HIV

**RWAMREC**: Rwanda Men’s Resource Center

**UNDP**: United Nations Development Programme

**UNICEF**: United Nations Children’s Fund

**USAID**: United States Agency for International Development

**WB**: World Bank

**WLHIV**: Women Living with HIV&AIDS
0. EXECUTIVE SUMMARY

0.1 Purpose and Study Objectives

Women in the context of HIV and AIDS face various kinds of rights abuse on inheritance and property. Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) under the financial support from UN Women is implementing the project on Women’s property and inheritance in the context of HIV and AIDS in Nyanza District (Southern Province) and Gasabo District (Kigali City). The study on Women’s Property and inheritance in the context of HIV and AIDS has been conducted with the main aim of availing a consistent report describing the problems of inheritance and property rights among women affected and/or infected with HIV & AIDS. Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) intends to extend the field of advocacy on behalf of women in the context of HIV and AIDS that are victims of rights abuse on inheritance and property. The study focused more specifically on the following objectives:

- Provide a reference situation on lack of inheritance and property for women infected and/or affected with HIV & AIDS;
- Highlight the causes and solutions to overcome such issues and suggest effective strategies to promote economic initiatives among women affected and/or infected by HIV & AIDS.

0.2 Rationale of the Study

The study is based on the evidence from figures related to HIV and AIDS pandemic both worldwide and locally. The estimated number of persons living with HIV worldwide in 2007 was 33.2 million [30.6-36.1 million]. In sub-Saharan Africa, almost 61% of adults living with HIV in 2007 were women (AIDS epidemic update, December 2007, UNAIDS). At the country level, this picture is not different from Rwanda. The current rate shown in the 2005 Demographic Health Survey of 3 percent prevalence of HIV/AIDS for instance Rwanda has generated pressure among the public, private and civil society sector institutions to respond effectively through the design and managing HIV and AIDS projects and programmes with the aim of reducing HIV infections. While there are several projects being implemented, the impact from the presence of
projects is still limited and there is growing fear of an increase in HIV incidence rates especially in vulnerable groups. The current evidence in Rwanda shows that HIV prevalence is much higher in certain groups e.g. the youth, women, married couples etc. Women’s Network for Rural Development( Réseau des Femmes Oeuvrant pour le Développement Rural) which is a well positioned organization that is committed to contribute to the achievement of the MDGs, specifically on HIV/AIDS as well as the objectives of Rwanda’s Vision 2020 which emphasizes the promotion of life expectancy of people estimated at 51 years, up to 55 years by the year 2020. The rationale for this study hinges on understanding issues as highlighted in the study conclusions. The review aimed at discussing capacity needs among beneficiaries with a view of overcoming such identified constraints.

The projects builds on: the capacity of local authorities, local mediators and judiciary system at District and Sector level to promote and uphold the rights of women infected and/or affected by HIV& AIDS on inheritance and property, to collect evidence on the situation of HIV&AIDS infected and/or affected women’s access to inheritance and property and use them as an advocacy tool to influence policies and practices hampering an effective exercise of such rights; and to build the capacity of woman infected and/or affected by HIV& AIDS and their associations, as well as local activists and associations involved in the promotion of women’s rights and prevention of HIV&AIDS in order to raise their awareness on laws, policies, strategies and practices to promote and uphold women’s rights.

0.3 Study Approaches

The study key approaches have been the desk review of Women Network for Rural Development( Réseau des Femmes Oeuvrant pour le Développement Rural), consultation meetings with Women network for rural development Executive Secretary and Project Staff to know more about achievements and challenges facing the project on Women’s property and inheritance rights in the context of HIV and AIDS. Apart from the project beneficiaries, several stakeholders were interviewed with the aim of soliciting evidence on related objectives. The questionnaires have been developed based on the Terms of reference with emphasis on the study specific objectives and expected outcome.
The study findings presented in this report focus more on generally challenges related to women’s property and inheritance in the context of HIV&AIDS in Rwanda and in Gasabo and Nyanza Districts in particular. In this study attempts were made to visit a significant number of beneficiaries and relevant stakeholders to solicit relevant information as indicated in the Terms of Reference.

Even though there are capacity and financial challenges as most project beneficiaries declared that their occupations don’t help them to satisfy their day to day needs or they are helped a bit by their occupations and the fact that some are physically weak due to their HIV and AIDS status, the nature of these constraints suggests that they can be overcome.

The main challenges faced by beneficiaries containing rights abuse on property and inheritance are related to the discrimination attitudes faced by the beneficiaries through partners, relatives with whom they are supposed to share the property and inheritance. Such attitudes intend to consider the women in the context of HIV and AIDS as ones who are in comma.

Most sources of such abuse are mainly based on the illegitimate marriages where women are considered as not having right to inherit anything from their husbands. Discordant couples where one partner is infected with HIV, in the identified cases from the study many women have reported being prevented from inheritance because they are HIV+ while their husband are HIV-. They are maltreated and are asked to leave the family. In the same context the children born from such marriages are denied by husbands and de facto refused them right to inheritance.

The mindset based on the culture of neglecting women and prevent them from their rights to inheritance is reported to be one of the cause of rights abuse. Lack of enough properties to share among the heirs causes rights abuse on inheritance and boys are sometimes more privileged.
To overcome the identified issues, evidence shows that high quality training on income generating activities matter is urgently needed. Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should invest in designing trainings that carry relevant and consistent messages on HIV&AIDS, women rights in particular, property and inheritance, and income generating activities.

Monitoring and evaluation systems should be strengthened to ensure that all activities are implemented as scheduled to meet the set target. The current situation indicates that there is weak monitoring and evaluation of the on-going activities and the information generated is inadequate to inform subsequent planning and budgeting activities.

It is important that continued consideration of women and girls in the design and provision of HIV/AIDS education, training, and counseling services be supported. Women in these roles as peer educators are often in a better position to mobilize, understand, and encourage women in need of counseling and education services.

Lastly, most of the beneficiaries especially in urban areas are very conscious of the knowledge gained from trainings on the rights on inheritance and property conducted by Women Network for rural development, but more emphasis might be put in rural Districts where some beneficiaries declare not knowing anything about the project.

0.4 Key specific Recommendations

The following pertinent recommendations have been selected among which so far formulated so far in this document based on the evidence from the beneficiaries and other stakeholders involved in inheritance and property issues to women in the context of HIV and AIDS.

- UNWOMEN should design new projects aiming at women capacity building in terms of accessing income
- UNWOMEN should increase the budget allocated to the project implemented by Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) to allow a strong monitoring and evaluation system
• UNWOMEN may target more partners that should be involved in women rights in general and rights to property and inheritance in particular
• In the nearest future, Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should diversify the themes of trainings including child rights, income generating activities, cooperatives management to mention but a few. The beneficiaries feel a need to improving their living conditions through income generating activities.
• There is a need of organizing refresher training for women that have been trained on inheritance and property during the first phase of the project.
• Build a strong network with various stakeholders that are involved in assisting women living in the context of HIV and AIDS that face the rights abuse on inheritance and property.
• Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should start writing proposals to guarantee a smooth project close out aiming at its sustainability.
• Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should think on how to improve the project capacities to allow the strong system of monitoring and evaluation of the on-going activities aiming to reach as regular as possible to beneficiaries.
• Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should try a family integrated approach. When a beneficiary is identified, the partner and relatives should be involved in the programs as their contribution shall be very important both in prevention and finding solutions to raised problems.
• More emphasis should be done in rural Districts where some beneficiaries declared not knowing anything about the project. The beneficiaries revealed that they know Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) according to how they have been assisted by the project.
• Implement recommendations from this research.
• Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should issue the advocacy and follow up before judiciary and administrative institutions to find solutions as soon as possible, to ensure the reestablishment of women living in the context of HIV&AIDS in their rights on inheritance and property. Plan the activities that involve both HIV- and HIV+ in the integration approach,
• Sensitize women in the context of HIV to communicate the cases of rights abuse on inheritance on organs that are in position to assist them

• A strong system to monitor the cases of women in the context of HIV and AIDS may urgently be developed due to the fact that beneficiaries lose hope when they take much time without any feedback to the case shared either to Women Network for rural development either to other stakeholders.
CHAPTER ONE: LITERATURE REVIEW

1.1. Context

While HIV/AIDS has of the past received attention from government and development partners (DPs), it has still remained as one of the most challenges on the development agenda in the country. Sub-Saharan Africa has experienced one of the worst pandemics in human history, with more than 22.5 million people living with HIV & AIDS (PLWHA). In sub-Saharan Africa, almost 61% of adults living with HIV in 2007 were women (AIDS epidemic update, December 2007, UNAIDS). At the country level, this picture is not different from Rwanda. The current rate shown in the 2005 Demographic Health Survey of 3 percent prevalence of HIV & AIDS in Rwanda for instance has generated pressure among the public, private and civil society sector institutions to respond effectively through the design and managing HIV and AIDS projects and programmes with the aim of reducing HIV infections.

While there are several projects being implemented, the impact from the presence of the projects is still limited and there is growing fear of an increase in HIV incidence rates especially in vulnerable groups. The current evidence in Rwanda shows that HIV prevalence is much higher in certain groups e.g. the youth, women, married couples etc.

The effect of such HIV/AIDS scourge is elimination of the supportive young generation, weakening active labor force, increased dependency and all these impact negatively on the overall growth of the economy. It also adds increased pressure on the available resources for the government to respond to the needs of the affected population. Women's Network is therefore a well positioned organization that can contribute to the achievement of the MDGs, specifically on HIV/AIDS as well as the objectives of Rwanda's Vision 2020 which emphasizes the promotion of life expectancy of the people estimated at 51 years, up to 55 years by the year 2020.

1.2 Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) background

Women's network for rural development (Réseau des Femmes oeuvrant pour le développement rural) has been established since 1986 as a non profit Organization by the ministerial order n° 308/05 of the 24/10/1991, revised by the ministerial order n°15/08/11 of 28 Feb 2011.
**Vision**: To have a society where the gender equality is guaranteed by the respect of socio-economic rights, political and cultural of the women in general and the rights of the rural women in particular; with the strengthening of blossoming, the involvement in decision making, the lightening of her overcharge, poverty reduction and the visualization of the women positive image.

**Mission**: To contribute to the empowerment of rural women so that they are fully engaged in their own development in particular and community development in general and recognized as actors for effective development.
Women's Network for Rural Development is active in all Districts and different projects aiming empowering women and advocating for their rights. It is a network of 609 volunteers who contribute to the promotion of women's rights. Its core competence encompasses trainings and capacity building for women and their associations, research and documentation on issues pertaining gender and women's rights in Rwanda and championed in opinion leading in the drafting of the new law on inheritance and property, in order to make it more gender sensitive, and to clean discriminatory provisions which characterized the previous law. It contributed to the dissemination of the law, through the publications of booklet containing it, and the dissemination of the booklet content through various training opportunity campaigns carried out by its volunteers across the country.

In addition, Women's network for rural development has a proven experience in managing similar projects; as illustration, in 2007-2009, it was implemented, with other partners, under the leadership of Action Aid International Rwanda, a large project to fight against gender-based violence in all provinces, funded by European Commission.

Despite of Women's Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) in promoting women rights, the rural woman is still facing strong challenges that hamper her access to sustainable development. And this leads Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) to conduct a survey on inheritance and property rights in Nyanza and Gasabo Districts.

1.3 Overview of Persons living with HIV&AIDS in Rwanda

According to the 2005 Rwanda Demographic and Health Survey, HIV prevalence in the Rwandan population age 15-49 is 3 percent. HIV prevalence among women age 15-49 (3.6 percent) is higher than that of men in the same age group (2.3 percent). The
infection ratio between women and men is therefore equal to 1.6, which means that 160 women are infected for every 100 men.

By province, HIV prevalence is higher in Kigali city than in the rest of the country. In Kigali, 8.0 percent of women are seropositive, while prevalence ranges from 2.6 percent in North province to 3.7 percent in West province. Among men, the prevalence in Kigali is estimated at 5.2 percent, while in the interior, it ranges from 1.1 percent in North province to 2.4 percent in West province.

Results by level of education show higher prevalence among women with at least secondary education (6.4 percent) compared with those with primary education (2.8 percent). Among men, as with women, the lowest prevalence is found among men who attended primary school (1.8 percent). However, the difference between men with no schooling and those with secondary or higher education is insignificant (3.0 percent versus 3.2 percent). HIV infection rates also vary by employment status. With women as with men, those who were employed at the time of the survey showed a slightly higher prevalence than those who were not (4.0 percent versus 3.0 percent for women and 2.7 percent versus 1.8 percent for men).

Looking at household wealth, the highest HIV prevalence is found in the wealthiest quintile: 6.5 percent for women and 4.1 percent for men. By religion, prevalence ranges from 2.5 percent among Adventist women to 11.4 percent among Muslim women. For men, the differences are smaller, varying from 1.6 percent among Muslims to 2.4 percent among Catholics.

1.4 HIV among Women and Girls in Rwanda

Women and girls are disproportionately impacted by the HIV epidemic in Rwanda. At nearly all age levels, women have significantly higher HIV prevalence than their male counterparts. This is particularly striking for young women aged 20-24 whose 2.5% prevalence rate is five times higher than that of young men of the same age [Source: Rwanda Demographic and Health Survey 2005]. Despite significant progress towards improving access to HIV prevention, care, treatment, and support services in recent years, the country is still far behind many of its 2012 targets where women and girls are concerned. This section provides the most recent data available on the status of women
and girls in the areas of HIV prevention, care and treatment, and impact mitigation, to highlight the areas where action must be accelerated for women and girls in the context of HIV.

1.5 Women and Girls’ Access to Antiretroviral Therapy

Ensuring women and girls’ access to ART is integral to an effective HIV response. Since 2005, Rwanda has provided access to free ARVs and has scaled-up ART coverage in pursuit of its goal of 90% coverage for adults and children. In 2008, 78.7% of HIV-positive women respondents stated they were currently taking ARVs [Source: Stigma Index]. In 2009, 77% of adults and 49% of children (aged 0-14) with advanced HIV infection received ART (eligibility criteria of CD4<200) [Source: TRAC Plus]. In that year, a total of 43,616 women received ART, comprising 62% of adults receiving the treatment. In 2009, 3,315 girls (0-14) received ART, comprising 49.6% of children on ART.

The number of women receiving ART has risen substantially in recent years. Between 2007 and 2008 the number of women on ART rose from 27,892 women (63.7% of adults on ART) to 36,260 (63% of adults) [Source: TRAC Plus]. While the number of girls receiving ART has also increased, its rise has been less dramatic. In 2007, 2,197 girls received ARVs (50.5% of children on ART), increasing slightly to 2,831 in 2008 (50.2% of children) [Source: TRAC Plus]. The rising number of women on ART is linked to the increased availability of ARVs across the country.

Rwanda is committed to ensuring access to ART in every district. By 2009, the percentage of health facilities offering ART had risen to 52% (269/517), from only 38% (133/354) in 2006. Current data from TRACPlus suggests this number has reached 286 by end of April 2010. However, in 2008, 24.5% of HIV-positive women stated they did not have access to ARVs, compared with 21.9% of HIV-positive men [Source: Stigma Index]. Additional data is needed to ascertain the barriers to women’s access to ART.

1.6 Women and Girls’ Survival Rate on ART

Rwanda currently boasts a high survival rate for individuals receiving ART, despite an estimated 6,800 (1,500 - 15,100) AIDS-related deaths in 2009 [Source: TRAC Plus].
While data on women and girls’ survival rates on ART is not systematically collected, evidence suggests that women have high survival rates on antiretroviral therapy. In 2008, sampling of 57 out of 234 sites found that 94.5% of HIV-positive patients initiating ART between May and July 2008 were known to be on treatment 12 months after initiation of ART [Source: TRAC Plus]. This represents an increase from 91.1% adults and children with HIV alive and on treatment 12 months after initiation of ART between 2004 and 2005 [Source: TRAC Plus].

The country has already reached its target of more than 90% of patients on treatment 12 months after initiation of ART, as laid out in the NSP. Additional data on women’s survival rate on ART, as well as their adherence to ARVs will enable a greater understanding of the gender dimensions of the HIV epidemic in Rwanda. Several factors, including stigma and violence, can lead to reduced rates of ARV adherence for women. However, a recent study implemented by TRAC Plus, in collaboration with the National University of Rwanda and other partners, indicates that women have higher rates of adherence to ARVs than their male peers.

1.7 Socioeconomic support for women and girls infected and affected by HIV

Women and girls infected or affected by HIV and AIDS are disproportionately impacted by the illness when compared to men. Socio-economic support, including access to income-generating activities (IGA), is an important aspect of mitigating the effects of HIV and ensuring WLHIV have the same opportunities as the rest of the population. In Rwanda, women currently comprise approximately 90% of the membership of people living with HIV associations/cooperatives, according to the Rwanda Network of Associations of People Living with HIV (RRP+).

Unemployment and underemployment are significant challenges facing WLHIV, which can exacerbate the effects of the illness and reduce treatment adherence. In 2008, twenty-one percent of WLHIV in Rwanda were unemployed, a figure comparable for men [Source: Stigma Index]. In addition, 35.7% of HIV-positive women reported being denied employment on the basis of their HIV status, compared to 41.3% of men. Women living with HIV were also revealed to be more economically impacted than men,
with 50.2% of women living in extreme poverty (less than USD$1/day), compared with 38.6% of men.

Socioeconomic support to PLHIV is prioritized in the NSP, with the aim of reducing the percentage of PLHIV who are unemployed or not working at all to less than 10% by 2012. In recent years, a large number of associations of PLHIV have received funding for IGA through different projects, including, but not limited to MAP, the Global Fund and CHAMP. In 2007, 33,166 PLHIV benefited from a total of 3,032,262,192 RWF in funds for micro-projects [Source: CNLS]. Partial data on funds benefiting 7,306 direct beneficiaries in the same year indicates that women comprised 67% of the adult beneficiaries [Source: Joint Review 2009].

These funds have been used to initiate or strengthen existing IGAs. Thus far, the main benefit has been a reduction in stigmatization and social isolation, rather than increased economic status. Associations and cooperatives continue to struggle with access to credit and markets, and often lack management, business, and technical skills. This is particularly significant considering that women comprise the majority membership of associations and often have less education than their male peers. In 2008, 18.5% of HIV-positive women had not received any type of formal education, as opposed to 12.2% of HIV-positive men [Source: Stigma Index].

1.8 National Health system and Stakeholders in HIV/AIDS Services

This section presents an overview of Rwanda’s health strategy and related health indicators in place. It provides a deeper understanding of the challenges and needs among partners in development. The brief is also intended to provide insights into the unique challenges of service delivery that occur in such areas that require wider interventions in various programmes.

On the overall, the health strategy of Rwanda is based on targets set out in the EDPRS and it is centered on the following approaches: primary health care; decentralization; community participation; human resource development; strengthening the health information system; and inter-sector approach to health. Like critical for any developing country, the targets set aim at preventing illness and disease, and building capacity to provide accessible and high quality care services to all, in order to reduce
malnutrition, infant and maternal, fertility, and to strengthen the fight against communicable diseases.

Besides the Ministry of Health (MoH) which is the lead agency for the health sector with direct responsibility for key functions including service delivery, it is emphasized in the HIV&AIDS plan that 15 other ministries implement activities that either or indirectly impact health. For instance RBC/IHDPC (Former CNLS), drug procurement (CAMERWA) and the higher level health training institutions have responsibility for specific health interventions.

However, a substantial proportion of health services are provided by faith-based organizations but the sector relies on external financing as only 47 percent of the health sector budget is domestically financed.

But on the overall, the coordination of activities on HIV&AIDS is a function of RBC/IHDPC in collaboration with its decentralized structures at the district level through the CDLS. It is evident that RBC/IHDPC is mandated to ensure multi-sector coordination through the implementation of the National Multi-sector HIV and AIDS policy and its reinforcing Strategic plan (2005-2008). The plan is seen as a tool that encompasses Government’s support of decentralization, which offers enhanced opportunities for involving community level actors and CSOs like Reseau des femmes in the national development priorities. The activities of RBC/IHDPC are synthesized from the plans designed by each district and this is what forms part of the decentralized response to HIV/AIDS.

According to the HIV and AIDS Strategic plan (2009-2012), it is repeatedly stated that some of the core health indicators have improved. For instance, the maternal mortality rate has been reduced from 1,071 per 100,000 live births in 2000 to 750/100,000 live births in 2005 which is still high by international comparison of countries like Lao which is estimated at 560/100,000 live births. Infant mortality was reported to have dropped from 107/1000 live births in 1999 to 62/1000 live births in 2007. This performance is still poor and attributive factors were raised but the notable ones included HIV/AIDS, malaria, and malnutrition among others. The Plan strongly points out that HIV/AIDS and malaria being the diseases which cause the heaviest burden on the country’s health.
system. This means that focus on issues related to women’s property and inheritance in the context of HIV&AIDS is a timely intervention.

1.9 National and International Response to HIV and AIDS Pandemic

Rwanda’s response to HIV and AIDS was directed by the National Program for the Fight against AIDS (PNLS) from 1987 until 2000 before the Government restructured PNLS into two organizations. Currently, CNLS is fully responsible for coordinating the National Multi-sectoral HIV and AIDS Strategic Plan. Rwanda adheres to the ‘three ones’ principles of the United Nations: the existence of one national coordinating body, one strategic national plan of action and one national monitoring and evaluation framework.

The Government’s response to the HIV /AIDS pandemic is guided by the National Strategic Plan (NSP) on HIV and AIDS (2009-2012). This strategy is based on the EDPRS, Millennium Development Goals (MDGs), and Vision 2020 of Rwanda. Further, the national strategy is evidence based, i.e. based on data from Rwanda Demographic Health Survey (RDHS) 2005; the NSP (2005-2009) evaluation results; and the situation analysis of the role of civil society organizations. The plan clearly highlights key strategies to support the vulnerable and most at risk populations whom are reached with comprehensive preventive programmes.

The Government of Rwanda is committed to the United Nations Millennium Development Goals (MDGs). Currently, Rwanda has endorsed a number of policy documents and strategy papers that are oriented towards achieving the targets and HIV inclusive; notably, the 2005 Health Sector Policy (HSP), the Health Sector Strategic Plan (HSSP) 2005-2009, the HIV treatment and care plan (2003-2007), the National HIV/AIDS Monitoring and Evaluation Plan (2006-2009), the National Reproductive Health Policy of 2003, and the policy statement of TB/HIV collaborative Activities. Besides the mandates provided to special institutions to fight HIV and AIDS, there are also important sectors within the public sector that are important other than the Ministry of Health in response to HIV and AIDS are: Ministry of Finance and Planning
Rwanda is committed to a participatory approach in response to HIV and recognizes that full involvement of civil society is crucial to sustain such response. This means that there is already an existing an interface between the Government and civil society. Civil society organizations, mass organizations, and the private sector are also active in the national response.

There is also an interface between the Government and the community through public works known as "Umuganda." This initiative brings together all communities living in the same sector or administrative areas to meet for community work or discussion on relevant issues and HIV has high on the agenda. HIV Umuganda, which is the last Saturday of November, is taken as the National AIDS Day. While HIV Umuganda fits into the local initiative and it is not expensive, it is integrated in the community work were the people with disabilities cannot participate. However, HIV Umuganda is a massive day of mobilization and achieves the highest possible country coverage contributing to the intensification of HIV prevention.

The Government's initiative has led to the development of an HIV/AIDS Digital Library and a physical documentation center. Similarly, an HIV/AIDS Research Committee is in place to coordinate the national and international HIV research. Like other organizations, the research committee is still faced with challenges that include lack of mechanisms to collect and disseminate results of research protocols that have been approved by the committee.

**1.10 WOMEN'S PROPERTY AND INHERITANCE IN RWANDAN LAW**

This section deals with the issues related to the rights of women on property and inheritance in general.
**RIGHT TO THE PROPERTY**

The right to the property is a real right that recognized and protected by the Rwandan law. The article 29 of the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date provide “Every person has right to private property, whether personal or owned in association with others. Private property, whether individually owned, is inviolable.” This shows that every person male or female has a right on his/her property without any discrimination between men and women. Women like men can acquire a property and patrimony in different ways especially from sale, donation, legatee, succession, salary and benefits got from a company or other financial institutions in which she is a shareholder etc.

**1.11 WOMEN’S RIGHTS ON PROPERTY AND INHERITANCE**

The law recognizes equal rights between men and women and prohibits any form of discrimination. To examine the issues related to women’s rights on property and inheritance, we will not take her as a person apart but a person in relationship with the family members either parental relationships or matrimonial ones.

- **The rights of female child on property and inheritance**

The Rwandan law recognizes the equal rights between female and male children either to their parent’s property or to the successions. But there are some exceptions and limits. Only legitimate children of the deceased, in accordance of with civil laws, inherit in equal parts without any discrimination, between male and female children. (art. 50 of the law n° 22/99 of 12/11/1999 to supplement book one of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions).

When we interpret this article, it seems that the natural children have no right to inheritance and succession. But the children born out the formal marriage acquire the right of inheritance when they are recognized by their father. Even the affiliation is established, this illegitimate child born has a parent linkage with his/her author (art. 326 of Civil code book I). This mechanism provides legal effects not to the both spouses formally married but only face to face to the one who has recognized his/her child born out
of this legal union. For instance, the child born from concubinage. He/she has the right to inherit the quote part of his/her author conjointly with semi brothers and sisters.

Apart from this issue of illegitimate children, the legitimate ones have and enjoy the full rights on the property of their parents and they have the rights to refuse the transmission of the property of their parents. In accordance of the article 35 of the Organic Law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda, the final transfer of rights on land like sale, donation or exchange by a representative of the family requires the prior consent of all other members of the family who are joint owners of such rights.

Those members of the family mentioned in article 35 of this organic law are spouses legally married, children who have attained majority age, minors represented by their guardians and the incompetent children represented by their tutors.

Both these provisions mention and enumerate an exhaustive list and must strictly be interpreted. The spouse who has the right to oppose him/herself is only the spouse legally married. In most of cases and in practice there are women who are facing this problem.

1.12 Women's rights on property and inheritance in Rwandan law

In Rwandan Law, the rights recognized to the women especially the rights on the property and inheritance are different from the case of legal and illegal union.

- Absence of rights on property and inheritance of women illegally married

As mentioned at the previous paragraph, in Rwanda the women illegally married are facing many legal problems. They are always taken as single even she cohabits with her husband many years. She has no rights on the collective and household’s patrimony and on co property.

The children born from this illegal union must be recognized by their father in order to have the rights of inheritance to their parents’ property. However they are legitimized by the marriage legally contracted after their birth. The children legitimized acquire full of
rights on their parents' patrimony and on succession and the women enjoy the rights from the legal effects of matrimonial regime adopted.

**Women legally married**

The rights for women legally married on property vary in accordance of matrimonial regime adopted during the celebration of their marriage. Upon entering marriage spouses shall choose one of the following matrimonial regimes: (article 2 of the law n° 22/99 of 12/11/1999 to supplement book I of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions).

1. Community of property;
2. Limited community of acquests;
3. Separation of property.

- **Partial rights of Women legally married on property and inheritance in the community of property and limited community of acquests.**

- **Rights on property**

First of all, the regime of community of property is a contract by which the spouses opt for a marriage settlement based on joint ownership of all their property movables as well as immovables and their present and future charges. In the event the regime of community of property is altered in accordance with this law, the spouses shall equally share the assets and liabilities of the common property (article 3 and 4 of the law n° 22/99 of 12/11/1999 to supplement book I of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions).

Secondary, The regime of limited community of acquests is a contract by which spouses agree to pool their respective properties owned on the day of marriage celebration, to constitute the basis of the acquests as well as the property acquired during marriage by a common or separate activity, donation, legacy or succession.

At the marriage celebration, the spouses who opted for the regime of limited community of acquests shall establish and submit to the officer of civil status a signed inventory of assets and liabilities defined by each spouse to constitute the community.
Any property that is not inventoried as common property shall be presumed to be personal property.

In the event the spouses wish to alter marital regime in accordance with article 19 adopting that of limited community of acquests, they shall have to indicate in the inventory the liabilities intended for the community.

The copy of this inventory shall be appended to the extract of the judgment by the court clerk and forwarded to the officer of civil status.

The debts, other than those included in the community at the time of marriage, contracted by one of the spouses before and after his or her marriage for his or her personal use, shall be discharged from the personal property of the spouse debtor. (article 7 and following of of the law n° 22/99 of 12/11/1999 to supplement book I of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions).

- **Absence of rights to inheritance**

General, the surviving spouse has no rights to succession of conjugal property. The article 70 of the law n° 22/99 of 12/11/1999 to supplement book I of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions establishes the way in which the matrimonial property is managed in the case of death of one spouse.

The succession of spouses married under the regime of community of property and the succession of spouses married under the regime, of limited community of acquests concerning the acquests shall be carried out as follows:

1. In case of death of one of the spouses, the surviving spouse shall ensure the administration of the entire patrimony while assuming the duties of raising the children and assistance to the needy parents of the deceased;
2. When both spouses die leaving children behind, the latter shall succeed to the entire patrimony, but must also assist their grand-fathers and grand-mothers. When the children are not blood-related, the patrimony shall be divided in two, and each child shall succeed to the part of his other respective parent;
3. When the spouses die without leaving a child behind, the patrimony shall be divided
in two, one half being allocated to the successors of the husband, the other being allocated to the successors of the wife;

4- in the event that the widower/widow did not have a child with the deceased, the former takes one half of the patrimony, and the heirs of the deceased share the other half; 5

5- when the widower or the widow does not fulfill his/her duty of assistance to the parents of the deceased, the family council shall allocate to the parents the succession part of the deceased;

6 - in case the surviving spouse fails to fulfill his/her duties to raise the children of the deceased, his/her succession shall be cut back by 3/4 which shall be given to the children; 7

7- the surviving spouse who no longer has any children under his/her care and wants to remarry shall obtain full ownership of the 1/2 of the patrimony and another half shall be given to the deceased's heirs;

8 - in case of remarriage of the surviving spouse who is still bound by the duty of raising the children of the deceased, she or he shall obtain full ownership of 1/4 of the succession and shall continue to administer the remaining 3/4 for the benefit of the children;

9 - Where the surviving spouse did not remarry but gave birth to an illegitimate child, the 1/2 of the patrimony shall, on the day when the children are entitled to inherit, be devolved to the children of the deceased and the other 1/2 shall be devolved to the other children of the widow or widower in equal parts without any discrimination between legitimate and illegitimate children.

In practice, if the surviving spouse is a woman, there is a risk to lose all property and the tendency is that her family-in-law considers this surviving woman has no rights on matrimonial property because it is considered as is belonged to the husband alone. This issue is observed if the surviving woman did not have a child with the deceased, spouse fails to fulfill his/her duties to raise the children of the deceased, and surviving spouse who no longer has any children under his/her care and wants to remarry. But it isn’t the same case if the surviving spouse is a husband, he takes all property even the law provides other ways. The practice in most of case in rural areas, if the surviving husband who no longer has any children under his/her care or has children left by the deceased wife and wants to remarry, he confuses automatically the former
matrimonial property and current property with the second wife. This implies that the left legitimate children lose their rights on the property and inheritance or they observed their rights reduced.

“I have no capacities and energy to claim for my parents’ property. My father married my mother, she died and left 9 children, my mother was the 1st wife. After my mother death, my father married two sisters wives who confiscated my mother’s property and sold a part of it without my involvement.” reported a beneficiary from Busasamana sector

- The rights of women legally married on property and inheritance in the separation of property

In the case of marriage under the regime of separation of property, the order of heirs in succession shall be as follows:
1- the children of the deceased;
2- the father and mother of the deceased;
3- the full brothers and full sisters of the deceased;
4- the half-brothers and half-sisters of the deceased;
5- the uncles and aunts paternal as well as maternal of the deceased.

With the exception of the father and the mother of the deceased, all other legatee heirs deceased before shall be represented at the succession by their descendents (article 66 of the law n° 22/99 of 12/11/1999 to supplement book I of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions).

In this order of heirs, no where you can find a surviving spouse. The surviving spouse remain with his/her personal property and can insure the administration of the property devolved to his children in the name and for the account of those children without having any other real right on this property left by the deceased partner.

1.13. Lack of enforcement of women’s inheritance and property rights

Despite laws to protect women’s right to land, property, and inheritance, many women continue to suffer violations of their land and inheritance rights. In theory, the 1999
Inheritance and Marital Property law and the 2005 Land law protect women’s rights to own, inherit, and claim property. However, Rwandan women continue to report a denial of access to property and inheritance as among abuses suffered [Source: UNIFEM 2009].

In 2007, the right to ownership, succession or inheritance, and management of family properties were among the most important concerns for which women sought legal support from the Haguruka, a civil society organization [Source: MIGEPROF 2009]. Female OVCs and widows, who are often driven from the land by their husband’s family, face particular difficulty in exercising these rights.

While lack of knowledge may contribute substantially to the problem among children, cultural resistance, lack of enforcement, and limited legal support for women claiming property rights poses greater problems for adult women. For instance, a recent study found that 85% of male and female respondents reported being informed of the government’s gender policy, including its provision for women’s equal right to property [Source: RWAMREC 2010]. In addition, a study by the Human Rights League in the Great Lakes Region (LDGL) found that 70.6% of people believe Rwandan culture still prevents women, particularly widows and young women, from the right of inheritance [Source: MIGEPROF 2009].

Several existing laws and provisions further limit women’s access to property and reinforce unequal power relations between men and women in Rwandan society. For example, Article 206 of the Civil Code identifies the husband as the legal head of the household. Laws and provisions such as this ignore the lived realities of women as heads of household and support the institutionalization of traditional gender roles. In addition, Rwandan law only recognizes civil, monogamous marriages. This leaves women involved in long-term consensual unions without legal recognition to inheritance before the law. The existence of such laws and policies reinforce women’s unequal decision-making powers within the household and community, and increase their vulnerability to and risk of HIV infection.

The denial of property and inheritance rights increases women and girls’ vulnerability to and risk of HIV. Not being able to access property produces economic instability for women and their families, reducing their ability to access and afford HIV prevention, care, and treatment services. In addition, it places them at greater risk of exploitation,
violence, and risky behaviors, which increase their risk of infection. Addressing the barriers to women’s rights to land, property, and inheritance is crucial to reducing vulnerability to and risk of infection, and mitigating the impact of HIV upon women and girls in Rwanda.
CHAP. II: PRELIMINARIES ON THE STUDY

2.1 Rationale of the Study

Under the funding of UNWOMEN, Women network for rural development is implementing a project of mitigating the impact of Women’s vulnerability to HIV & AIDS through enhanced access to inheritance and property rights in Nyanza and Gasabo Districts.

The project aims at promoting and upholding women’s rights to inheritance and property as a means to mitigate their vulnerability to HIV & AIDS.

The project builds on: building the capacity of local authorities, local mediators (Abunzi) and judiciary system at district and sector level to promote and uphold the rights of women affected by HIV & AIDS on inheritance and property, to collect evidence on the situation of HIV&AIDS affected women’s access to inheritance and property and use them as an advocacy tool to influence policies and practices hampering an effective exercise of such rights; and to build the capacity of HIV & AIDS woman and the associations, as well as local activists and associations involved in the promotion of women’s rights and the prevention of HIV&AIDS in order to raise their awareness on laws, policies, strategies and practices to uphold and promote women’s rights.

The study is, therefore, aimed at providing a broader understanding on the challenges related to women’s property and inheritance in the context of HIV&AIDS. The rationale for this study hinges on understanding the following issues. First, identify a baseline on the problems of lack of property inheritance for women in the context of HIV & AIDS. Second, lighten the causes and solutions to the problems. Lastly, propose effective strategies to promote economic initiatives for women living in the context of HIV & AIDS.

2.2 Purpose and Study Objectives

The study will provide a consistent report describing the problem of inheritance and property rights among the women affected and/or infected with HIV & AIDS. The study focuses more specifically on the following objectives:
- Provide a reference situation on lack of inheritance and property for women affected or/and affected by HIV& AIDS
- Clarify the causes and solutions to overcome such issues
- Suggest effective strategies to promote economic initiatives among women affected or/and infected with HIV& AIDS

2.3 Study Approaches

The study has been conducted using the following approaches:

- Desk review of Women’s Network for Rural Development (Réseau des Femmes Ouvrant pour le Développement Rural) important documents such as Strategic plan, project document: Property and inheritance rights to women in the context of HIV& AIDS. The review of these documents has allowed linking the mission of the client organization and the main aims of the project
- The consultation meetings with staff members concerned with the project to share with them the experiences gained during the project implementation
- Several stakeholders were interviewed with the aim of soliciting evidence on the related objectives

2.4 Methodology, sampling and Data collection Tools

- Geographical coverage

The study has been conducted in Nyanza of Southern Province and Gasabo of Kigali City. Due to time and resources constraints, it has been hard to cover all administrative sectors; just a sample has been preceded. Six (6) sectors, three (3) in each sector, have been identified in two Districts and the following criteria have been taken into consideration to have more relevant data and information: one urban sector, a semi urban sector, semi-rural sector.

In Nyanza District:

- Busasamana as urban sector
- Mukingo as semi-urban sector
- Cyabakamyi as rural sector
In Gasabo District:

- Gatsata as urban sector
- Jali as semi-urban sector
- Rutunga as rural sector

❖ **Sampling method**

Key informants selected for the study were based on convenience sampling, and thus are not representative and can only be limited to the two Districts studies.

- *At Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural)*

Two (2) staff members that coordinate the project at District level have been immediately in information provision as ones meeting regularly the beneficiaries affected or/and infected with HIV & AIDS.

- *At District level*

At District level, the following persons were targeted:

- The focal point of Rwanda Biomedical Center/Institute of HIV & AIDS Disease Prevention and Control commonly known as CDLS
- The representative of the Umbrella of persons living with HIV

- *At Sector level*

At Sector level the following persons were targeted:

- The representative of the para-legal officers (commonly known as abunzi)
- The person in charge of social affairs
- The representative of Woman National Council (CNF)
- One opinion leader trained by Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural)
- Rwanda National Police Representative
- The Representative of the Cooperatives/Associations of persons living with HIV & AIDS
- Ten (10) beneficiaries of the project implemented by Women network for rural development (Women’s property and inheritance rights in the context of HIV&AIDS

The selection of these persons is based on the mediators, the persons in charge of social affairs, the opinion leader, and the representative of National women council have been trained on as duty bearers in the context of the project: Women’s property inheritance in the context of HIV&AIDS.

The representative of persons living with HIV&AIDS is one who meets regularly the beneficiaries of the project implemented by Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural).

As the project targets some forty people at sector, the ten persons have been selected based on the following criteria: persons mostly facing the inheritance and property problems. In addition, one member of their elected committee has participated in information provision.

The study is not intended to be representative, but to provide a snapshot of the current gaps and challenges regarding the problem of inheritance and property rights among the women affected and/or infected with HIV & AIDS in two Districts constituting the area of the implementation. Key informants selected for the study were based on convenience sampling, and are not representative. The study relied upon the experiences and access to information of interviewees to highlight key gaps and needs, from which develop recommendations and strategies.

- **Data collection**

Interview guides were designed and used for the purpose of the study. These include separate interview guides that were used to conduct unstructured key informant interviews with relevant stakeholders.

**2.5 Limitations**

Interviewees selected for the study were based on convenience sampling, and are not representational. The study was not intended as a national survey, but a rapid situation
analysis in order to gain essential information which develop strategies, training and outreach activities of relevance to the two districts. Additionally, as HIV status is confidential, a random sampling of PLHIV to participate in the study would have not been ethical nor feasible. Instead, the study relied among others on interviews with representatives of RRP+, an organization representing associations of PLHIV and individuals who are open about their HIV status. As such, the study leaves out the views of individuals who may not be open about their HIV status.

In addition, the study combines a mix of self-administered and interviewer-administered questionnaires. Due to time and accessibility constraints, the researchers were not always present to deliver the questionnaires. As a result, self-administered questionnaires were done to save data collection time.

2.6 Data collection tools

- Qualitative question guide

The start of the study involved reference document available at Women network such its strategic plan, the project document “Women’s property and inheritance rights in the context of HIV& AIDS”. The main focus of study involved interviews with the project beneficiaries, and others concerned respond. Some of the respondents filled the questionnaires referring to level of instruction.

The respondents were informed of the purpose of the study in the context of Women network interventions. The Consultant made them understand the importance of their contribution in responding to the questions. Regarding ethical considerations, the participants had to understand that the study had the only scientific purpose and the results will still be kept in confidentiality.

- Sampling, and process of data collection

As stated before, the sample was urban, semi-urban- semi-rural and rural in terms of participants that have been recruited in two Districts that constitute the area intervention of the project. The beneficiaries to be interviewed were recruited in closely cooperation with the Consultant and the project supervisors in the district.
Participants were selected basically on their involvement in addressing/solving the problems related to inheritance and property.

- Overview of project target groups and participants.

The project is implemented in Nyanza, Southern Province and Gasabo District in Kigali City. The consultant intended to reach in data collection among 60 beneficiaries and other stakeholders.

The following table illustrates the distribution of participants.
Table 1: Distribution of participants by District and Sector

<table>
<thead>
<tr>
<th>No</th>
<th>Participants</th>
<th>Nyanza District</th>
<th>Gasabo District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Busasamana</td>
<td>Cyabakanyi</td>
<td>Muki</td>
</tr>
<tr>
<td>1</td>
<td>Beneficiaries</td>
<td>8</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>CDLS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>RRP+</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>CNF</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Police staff</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Paralegals</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Opinion leaders</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>In charge of social affairs</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Representatives of PLHV associations</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Project staff</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>83</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.7 Characteristics of beneficiaries

The beneficiaries are women infected and/or affected by HIV who are open about their HIV status. They have been selected in close collaboration with Women network for rural development and the in charge of social affairs in terms of their HIV status and their vulnerability. A convenience sample of ten persons to be interviewed has been selected. Note that referring to the project implemented by Women network for rural development the direct target group consists of women affected by HIV&AIDS that include HIV infected, members of discordant households, young girls from HIV positive parents, and orphans of HIV&AIDS. The indirect target group encompasses local authorities from District to village level, with a particular focus on those in charge of gender promotion, social affairs and members of the judicial systems, mediators, local police, leaders of women structures at decentralized levels, members and leaders of
associations of people living with HIV/AIDS, women networks, and associations and organizations promoting human rights in general and women rights in particular and those involved in the prevention and fights against HIV/AIDS.

The followings details concern the people who have been involved in interviews at Sector level.

**Figure: Distribution of beneficiaries per age**

<table>
<thead>
<tr>
<th>Age</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-29</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>30-34</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>35-39</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td>40-44</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>45-49</td>
<td>10</td>
<td>21</td>
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<td>6</td>
</tr>
<tr>
<td>TOTAL</td>
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<td>100</td>
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</tbody>
</table>

As shown in the figure above, among the interviewed beneficiaries 4% are aged between 25 and 29, 14% are aged between 30 and 34, 17% are aged between 35 and 39, 19% are aged between 40 and 44, 21% are aged between 45 and 49, 19% are aged between 50 and 54 while 6% are aged between 55 and 59.
### Distribution of beneficiaries per level of instruction

<table>
<thead>
<tr>
<th>Level of instruction</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary 2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Primary 3</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Primary 4</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Primary 5</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Primary 6</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>Primary 7</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Primary 8</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Secondary 3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Secondary 6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Non formal instruction</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>TOTAL</td>
<td>48</td>
<td>100</td>
</tr>
</tbody>
</table>

As described in the figure below, among forty (48) beneficiaries, two (2) have two years of primary school, four (4) have three years of primary school, three (3) have four years of primary school, three (3) have five years of primary school, thirteen (13) have six years of primary school, one person (1) has seven years of primary school, while seven (7) have eight years of primary school.

Regarding secondary school, only one person (1) has two years of post primary, one (1) has three years of post primary while only two (2) have finished A2 level. One person (1) has followed the professional training. Nine persons (9) are illiterate and have no formal instruction.
Distribution of beneficiaries per marital status

The table and figure below shows that twenty one (21) persons that make 43% are widows, eighteen (18) that constitute 38% were married, four (4) that make 9% were divorced from their husbands, three (3) that make 6% were single, one that make 2% is a single mother. One person, 2% is remarried after the first husband death.

<table>
<thead>
<tr>
<th>Status</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Widow</td>
<td>21</td>
<td>43</td>
</tr>
<tr>
<td>Married</td>
<td>18</td>
<td>38</td>
</tr>
<tr>
<td>Separated/divorced</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Single</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Single mother</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Remarried</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>48</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
### Distribution of beneficiaries per occupation

<table>
<thead>
<tr>
<th>Nature of occupation</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculturist</td>
<td>33</td>
<td>69</td>
</tr>
<tr>
<td>Small business</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Manpower jobs</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Church volunteer</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Pastor</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Health auxiliary</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Commissioner</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non occupation at all</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>48</td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Thirty three (33) which corresponds to 69% of the beneficiaries are agriculturists. However, most of them declared having a very little portion of land while others declared not having any at all; which means they practice that activity by renting land for some seasons. Six (6) which corresponds to 12% do the small business that include selling fruits on small baskets, selling cloths. Four (4) that make 9% do the manpower jobs especially in construction activities. One (1), 2% is a volunteer in church. One (1), that makes 2% is a pastor.
One (1), who makes 2% is a health auxiliary. One (1), making 2% is a commissioner: providing information on the materials and houses for sell. One (1), 2% has no occupation.

![Distribution of beneficiaries by Occupation](image-url)
CHAP. III: STUDY FINDINGS

Introduction

This study draws heavily on the existing literature, interviews and working documents both for the Government, development partners and stakeholders working on health related activities. The key findings of relevance to the impact of Women’s vulnerability to HIV & AIDS and more particularly on inheritance and property rights among the women affected and/or infected with HIV & AIDS are highlighted.

The section provides analysis and findings from the data obtained during the study. The information presented here elucidates several existing gaps and challenges related to Women’s vulnerability to HIV & AIDS and more particularly on inheritance and property rights in Gasabo and Nyanza Districts.

In addition, this part raises the main causes of rights abuse on inheritance and property among women in the context of HIV&AIDS. After identifying challenges that hamper women in the context of HIV&AIDS to enjoy their rights, key recommendations to address the raised issues have been formulated. The key findings of relevance to the impact of Women’s vulnerability to HIV & AIDS and more particularly on inheritance and property rights among the women affected and/or infected with HIV & AIDS are highlighted below.

3.1 Socioeconomic living conditions of the beneficiaries

- **Kind of occupations and their impact:** Twenty two (22) project beneficiaries declared that their occupations don’t help them to satisfy their basic needs; twenty six (26) said they are helped a bit by their occupations. Many declare doing agricultural activities, even most of them declared not having land to cultivate, or a portion of it. The existing small portion is not fertile at all. Regarding the impact of such occupations, it is very low as they can’t manage to satisfy the basic needs like eating, clothing, paying health services, paying school fees for their children, to mention but a few.
• **Lack of energy to vacate to their occupations**: ten interviewed beneficiaries are physically weak due to their HIV and AIDS status. As farming activities require enough energy, their situation does not allow them to such activities efficiently. Getting drugs is a problem; they face lack of nutritional and that why these drugs cause to them some side effects. Some are frustrated when they know their HIV+ status, some who used to do small business sometimes give up. Some fail their small business due to lack self esteem.

3.2 Level of satisfaction of the basic needs:

- The basic needs such as eating: paying house rent, clothing, paying school fees for their schooling children, paying health insurance (mutuelle de santé) are a big challenge. Below is the testimony from the Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) project coordinator in Nyanza District:

  ‘The living conditions of our beneficiaries are very crucial, they are very poor, always ill, they lack of capacities to pay school fees for their schooling children and paying the health insurance (mutuelle de santé). In Nyanza 60% of the project beneficiaries can’t pay mutuelle de santé of their family members and most of them are malnourished. 15% have no shelter, 65% are illiterate. They cannot find start up for small businesses.’

3.3 The Knowledge of beneficiaries on the project and Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural)

- **Awareness raised due to knowledge gained from the training**: Most of the beneficiaries especially in urban areas are very aware of the knowledge they gained from Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) by training them on the rights on inheritance and property. They are aware that boys and girls have the equal
gerights on inheritance and property.

- **Improving their living conditions**: They are aware that rural woman can be innovative and creative in set up economic initiatives and income generating activities that benefit them if they work in cooperatives.
**Knowledge on the needed assistance:**

The beneficiaries are informed on where to seek for assistance when their rights on rights to inheritance and property are abused.

**Positive life with HIV&AIDS:** Due to their HIV status, they learned how to live positively with HIV and AIDS. Before the project, they used to isolate themselves but for now they are aware that living is possible even being HIV+.

- **No self discrimination:** the self esteem has increased and self discrimination is now avoided.

3.4 Current situation on properties owned by the beneficiaries

- **House (shelter):** Some beneficiaries declare having a house. But most of the houses are very small, old and built with poor materials so that during the heavy rainy period, they are very miserable. Some have had them as a gift from philanthropic organizations or from local authoritiesâ instances, few beneficiaries have houses as inherited from the families while others have bought or built them.

- **Land:** A little number of beneficiariesâ owns a portion of land. Some are valuated with poor techniques to make them more fruitful.

- **Source of owned properties:** Some of properties are inherited or bought. Five declare having goats from Ubudehe program

3.5 THE RIGHTS OF WOMEN AFFECTED OR/AND AFFECTED BY HIV & AIDS ON PROPERTY AND INHERITANCE

**Legal rights**

As other persons, the women infected with HIV & AIDS has the right to enjoy the rights on the matrimonial property before and after the death of her husband without any discrimination in accordance with matrimonial regime adopted.

But the situation becomes complicated if the surviving woman is illegal one. Here, she is on the weak side and has no right to claim any rights because the husbandâs family consider her as a person who is ready to die.
But the law protect her children. She must sue the court and request for the establishment of affiliation of children to their author. This affiliation will provide legal effects because in this case the children acquire the right to inherit the property of their father.

### 3.6 Limits and rights abuse about women living in the context of HIV and AIDS

Those limits and rights abuse about women living in the context of HIV and AIDS are not acceptable by the law, but they are personal behaviour and mindset. The issues related to limits and rights abuse on inheritance and property about women living in the context of HIV and AIDS are very crucial among the beneficiaries.

Most of HIV+ women are discriminated treated as being responsible of HIV transmission in the case of discordant couples, in the same context children born from such union are denied and refused to inheritance of their fathers.

“My husband denied the children after he has tested HIV negative. He refused to register them at sector office. He even refused introduce them to his native family” reported one beneficiary from Jali sector.

When the partner dies, some women are left out the family and all property are confiscated by the family members, the reported cases involved the parents in law, the brothers and sisters in law. In such context, the victims flee to their native families where they are hardly accepted. They are told to go back to their families in law and are prevented to the inheritance they were supposed to legally benefit.

In most of cases, the Women living in concubinage with their partners are also rejected after their partners die or after separation. The legitimate wives do not accept to share the property with the legitimate one and the children born from that union are also rejected, denied and prevented the access to inheritance.
I separated from my husband with whom I did not contract legitimate marriage and for now I live in my native family. ‘Living with HIV is big problem for me, my family members tell me to go back to the father’s children; they do not want to see them; they say they can get infected by them’ reported a beneficiary from Rutunga sector.

3.7 The main causes of rights abuse on inheritance and property

❖ Illegitimate marriage:

In the case where partners don’t have contracted legal marriage, the surviving woman has no rights to claim anything. This is assimilated to cohabitation that may occur because a man has more than one wife but has only legally married one woman, the couple may have had a religious or customary marriage but not performed a legal marriage, or the husband may have left one wife to live with another without filing legal separation or divorce (which is not a commonly accepted practice). Also a man may have children with a woman who is not his wife to whom he provides care but whom he does not live. (USAID: 2008)

But if the surviving spouse is a husband he takes all property and he remarries another wife and the children of deceased wife are rejected.

‘I have no capacities and energy to claim for my parents’ property. My father married my mother, she died and left 9 children, my mother was the 1st wife. After my mother died, my father married two sisters wives who confiscated my mother’s property and sold a part of it without my involvement.’ reported a beneficiary from Busasamana sector.

❖ Concubinage

Concubinage is defined as the state of a woman or man in an ongoing, usually matrimonially oriented, relationship with somebody to whom they cannot be
married, often because of a difference in social status or economic condition. (Wikipedia)

The study has identified some cases of women who live in cohabitation, with partners who have contracted legitimate marriage with another wife. Below is a testimony illustrating such cases:

«I am a widow but am married to a man who has another wife, I have 5 children but I can inherit any property. In addition to that, I have my two parents but as I am VIH+; they say I cannot inherit from them because I will soon die», reported a beneficiary from Cyabakamyi sector.

❖ Societal and familial factors

The women in the context of HIV and AIDS face discrimination due to their HIV status; they are treated as one who will soon die. Their children are treated as being also HIV+ as their mothers.

«My children are prevented from inheritance, they are considered as being HIV+ as I am, they are discriminated, they are frustrated and traumatized by that situation», reported a beneficiary from Gatsata sector.

Indeed, some people have not understood the importance of providing inheritance to property. And woman is sometimes given the inheritance decided by the family not necessarily what it is due to her like other male children. when women is HIV+ and man is HIV-; she is denied and rejected by the partner and consequently has no access to property and inheritance.

“I cannot contract legitimate marriage with my partner because of being HIV+ while he is HIV+. I have no right to his property that I can give even as a guarantee to ask for a loan in Bank” Reported a beneficiary from Rutunga sector.
Generally in rural areas people are not informed on their rights on inheritance and property, on laws related to land and property. "The sources of rights abuse to property and inheritance among women in the context of HIV&AIDS are due to lack of knowledge for their partners, and the culture of not sharing." Reported the representative of PLHV associations in Jali sector.

- Discordant couples: when women is HIV+ and man is HIV; she is denied and rejected by the partner and consequently has no access to property and inheritance
- Poverty and materialism: lack of enough properties to share among the beneficiaries seems to privilege the boys in terms of inheritance

After facing different issues related to the right abuse on property and inheritance, the victims seek assistance from different levels.

3.8 The role of interveners in the case of right abuse on property and inheritance

By seeking assistance, the following institutions are consulted:

- **Neighbors, family members**, Few declared that they seek assistance to neighbors and family members,
- **Local authorities**: The women in the context of HIV and AIDS facing the problems of inheritance and property seek assistance mostly to local authorities from village, to sector level. Those local authorities can take some decisions to various issues addressed by victims but sometimes there is no enforcement of those decisions because there are not judicially decisions. Also the defendant cannot request an executive formula in order to execute that decision. It means that the decision taken by local authorities is an administrative decision not a judgment. In that case, If the defendant refuse to execute voluntarily that decision, the plaintiff must sue the court or submit the issue to the mediators committee in accordance with its ratio material.
- **Mediators**: At the second stage, they seek assistance from mediators especially when the case has failed at the local authorities’ level. But the mediators can declare themselves incompetent if the litigation concern an immovable property or movable
property which exceed the value of 3 million Rwandan francs (article 9 of the Organic Law n°31/2006 of 14/08/2006 establishing the organization, competence and functioning of mediation committee. This situation can discharge the victim and can decide to not continue in other institutions which have a legal competence to settle the litigation.

- **Community health workers, in charge of SGBV at sector, to National Women Council**, few declared that they seek assistance from persons in charge of community health and Sexual and Gender base violence (SGBV). Some seek assistance from persons in charge of social affairs at sector level, members of National Women Council (NAWOCO), Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural), Rwanda National staff at sector level.

- **Rwanda National Police**: Rwandan National service has a Criminal Investigations Department (CID) which deals with generally the criminal matters. If woman claims for her civil rights or real rights on property or inheritance, the Police plays the role of orientation and facilitation, because he/she has no competence to hear and settle that civil issue.

Nevertheless, the impact of the interventions is very low, as the interveners are sometimes very slow in feedback provision.

In few cases, some interventions have an impact, the beneficiaries declare felt more comforted when they are well received and listened; they are prevented from isolation as they feel more integrated to the community instead of feeling as one who are going to die.

There are some limits on the impact of the provided assistance for some institutions. According to the results of the study conducted by RCN the limits for mediators are here described:

- **Context of the hearing**: the study revealed that the mediators generally commence the hearing of a case less than a month after it has been presented to them. Litigants are usually allowed to choose one of the three selected mediators. Explanations given by the mediators at the beginning of the hearing are in most cases incomplete.
- **Quality of mediators’ performance:** according to the study, only a minority of the mediators take an active part in the questioning. The mediators tend to limit to a minimum number of field visits they make as part of their investigation. As fact negatively perceived by the litigants. In 25% of the cases, public participation is not properly considered; parties and their witnesses are listened to unequally depending on their influence and socio-economic status within the community. (Source: RCN: 2011).

### 3.9 Stakeholders, programs and projects

These paragraphs describe the technical capacities, programs and projects related to women’s property and inheritance rights in the context of HIV and AIDS, that are implemented

- The stakeholders include the Representatives of the associations of persons living with HIV and AIDS, Rwanda Network of persons living with HIV&AIDS (RRP+), the focal point of the District Committee for AIDS (CDLS), opinions leaders, persons in charge of social affairs at sector level, mediators, the members of Women’s National Council. These have been trained on women’s and property and inheritance rights in the context of HIV and AIDS. Regarding the assistance they are required to provide in solving issues related to inheritance and property.

### 3.10 The midterm impact of the existing project and the challenges

As the study is linked to the project that Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) is implementing in the two Districts, the research has been an opportunity to assess the midterm impact and challenges met during implementation. The counseling sessions conducted by the project staff are very important as reported by a Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) project supervisor in Gasabo District:

‘One of our beneficiaries has been prevented from property and became frustrated, she started thinking about suicide. I counseled her and showing that even she is prevented
from inheritance she can have another plan to live; she got convinced and abandoned her plan.

After a certain period, she sent short message to thank for the impact of the counseling provided: ‘Hi, the curer of the hurt heart, I am really well. The advice you provided is helping me so much, I am beating well the heart trouble. When I get troubled, instead of fleeing into my bed and weeping, I call my children and look at them telling me the stories and I feel very comforted and get back to safe and normal situation. I deeply thank you.’

- **The impact of provided trainings**: The beneficiaries are aware on their rights to property and inheritance and have started to reclaim them. In Nyanza, 400 including 10 men beneficiaries have been trained. Eighteen (18) have submitted their cases to mediators and six at Haguruka.

- **Frequency of meeting with the beneficiaries**: only one meeting with them took place, they real need Women Network for Rural Development( Réseau des Femmes Oeuvrant pour le Développement Rural) to approach them regularly, unfortunately the budget constraints are a big challenge.

- **The strategies of getting information about the cases of abuse**: as reported by the project staff, the information is got on phone, through personal discussions, through their fellows or through counseling sessions

- **Contribution of District committee against AIDS (CDLS)**: The District Committee against AIDS is a monitoring and evaluation, coordination and advocacy organ. Their action plans focus on advocacy and the issues on inheritance and property rights should be included in their future plans.

  With the link to the project, CDLS programs are based on:

- **Capacity building**: The current interventions emphasizes on capacity building on common knowledge about women rights and beneficiaries contribution on country development. At this level, the cases reported to RRP+ are from women who did not contract legitimate marriage where they have no right to their husband property.

- **Raise awareness on income generating activities development**: The other issues are related to mindset where some HIV+ women are always seeking for support while
they can work and get income. To address such issues RRP+ sensitizes them to work in cooperatives and be the first actresses of their development.

- **Contribution of Rwanda Network to persons living with HIV&AIDS (RRP+)**

RRP+ is an organ of monitoring and evaluation, coordination and advocacy. Its contribution consists on the following interventions:

- **Advocacy**: To assist women in the context of HIV&AIDS that face rights abuse on property and inheritance, RRP+ plays a linkage role where they are connected to the implementers of the programs related to rights on inheritance and property. They also sensitize them to work in cooperatives to promote income generating activities.

- **Sensitization**: RRP+ sensitizes the PLWHIV on positive life with HIV&AIDS, behaviors change, nutrition system, raising awareness on their role to the country development in general and their families in particular.

**Contribution of in charge of social affairs at Sector level:**

- All the persons in charge of social affairs that filled the questionnaire have been trained on the assistance to the women facing the rights abuse on property and inheritance. Some have been trained by SWAA RWANDA, Women network, Haguruka. Some trainees managed to train others:

> *After I have been trained on solving issues related to inheritance and property, I have trained the representatives of Women’s National Council in Gasabo, the population of Kacyiru sector in Rwinzovu village, and in Rutunga sector. I conducted some outreach campaigns among the students and community health workers as well as opinion leaders in Rutunga sector.*

- They use the clauses of laws they have been trained about to solve the problems related to inheritance and property and when the cases are not solved they refer them to Haguruka and to MAJ (House of access to justice).
National Women Council at sector level

- All representatives of NAWOCO declared having been trained on assistance to women that face rights abuse on inheritance and property. The training have been provided by RCN, NAWOCO, Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural).

Mediators and opinion leaders

The mediators are strongly involved in the process of assisting women in the context of HIV&AIDS when they face rights abuse on inheritance and property. As some cases require confidentiality, the mediators suggest some strategies should be set up to see how the cases of rights abuse on inheritance can be solved in a particular way. Many cases of women in the context of HIV & AIDS who are maltreated, beaten, left out the family are reported to them.

The contribution of the associations and cooperatives of PLWHIV at sector level

- The impact of the cooperatives activities: being prevented from isolation, self discrimination, working with others raises the self esteem and makes them aware on every work that can generate income.
- The activities promoted in their associations focus on advocacy, training the members on positive life, taking ART as instructed by the medical staff and go for regular control of the CD4.

3.11 Challenges

Through collected information the Consultant has identified some challenges.

- **Budget constraints**: limited financial capacities of Women Network in implementing the project on inheritance and property of Women in the context of HIV and AIDS.
- **Weak monitoring and evaluation system**: The limited projects resources do not permit regular monitoring of the projects activities such as to assess the impact of trainings.
Limited time for the training: Some training topics are provided in a very short time and the content is not well assimilated by the beneficiaries.

Poverty of the beneficiaries: The living conditions of the beneficiaries are very critical; some have even missed to reach the convened area for interviews during data collection. Most of them are very weak due to lack of consistent nutrition, some of them take ARVs that cause some side effects.

Lack of knowledge to the persons that are supposed to provide such assistance, As reported by the beneficiaries, they even need improving their behaviors towards people who seek assistance from them they are sometimes very slow in providing feedback and the assistance seekers finally give up.

Lack of programs contributing to the project activities: The issues related to inheritance and property to women in the context of HIV and AIDS are not afforded by many stakeholders, Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) seems to be isolated in that struggle. There is a need of involving various stakeholders in the field.

Involvement of beneficiaries partners in the training. After training the knowledge is only a property of women living in the context of HIV and AIDS and not shared with the partner who is sometimes the source of abuse.

Little number of project beneficiaries: The number of project beneficiaries is very little whereas women in the context of HIV and AIDS facing rights abuse on inheritance and property are so many in the area of the project.
CHAP. IV: RECOMMENDATIONS AND STRATEGIES

Based on the study findings and challenges, the following suggestions are highlighted to address the identified issues. These suggestions revolve around taking advantage of existing structures and services in initiating adaptations that would not require significant additional economic resources. Most suggestions are based on HIV/AIDS programmers' challenges in regard to programming for the needs of women and stakeholders that are involved in assisting women that face the rights abuse on inheritance and property as expressed in the findings section. Specific recommendations to address identified gaps are as below:

To improve the beneficiaries living conditions and initiate income generating activities and economic opportunities:

- Need of start support to initiate small business based on local opportunities,
- Training on income generating activities like baskets making, mushroom production,
- Working into cooperatives where they shall have occasion to discuss and share their problems and then have a common understanding before asking for assistance or access to bank loans,
- Need of improving modern farming techniques
- Access to health care support,
- Need of getting school fees for their schooling children,

To improve their knowledge on their rights

Even they have been trained on the rights to property and inheritance, there is:

- Need of refresher training on the topics developed previously.
- Need of additional themes such as child rights, conflicts management, cooperatives management and so much more.
- Raising awareness: on the challenges faced due to illegitimate marriage, it is important that sensitization should start early for young girls so that they
should be informed on the limits of illegitimate marriage in terms of inheritance and property.

- **Identify the new stakeholders**: The advocacy to be made by Women Network for rural development should reach new stakeholders working with the media to introduce new themes that can be broadcasted in form of soap opera and sensitize the community to avoid rights abuse on inheritance and property and develop some mechanisms to solve problems related to inheritance and property.

- **Avail booklets on laws related to property and inheritance**: Women Network for rural development should avail some booklets containing laws on inheritance and property and distribute to duty bearers that are literate; this should serve as reference in the sessions they conduct at community level.

- **Training of trainers**: trainers of trainers should be trained and conduct regular sessions and report to Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) and they will be provided some facilities like transport refunds. National Council of Women shall be strongly involved in this activity. Breaking silence: the beneficiaries should be sensitized to break silence and report such cases

**Recommendations and strategies**

The following recommendations and strategies have been formulated based on the evidence from the beneficiaries and other stakeholders involved in inheritance and property issues to women in the context of HIV and AIDS. They also include ones formulated by the Consultant. The recommendations are addressed to Women Network for rural development, the local authorities, the community members, beneficiaries’ relatives, National Women Council (NAWOCO) and to mediators/paralegals. The consultant has formulated some strategies that are aiming to mention some concrete actions to be undertaken to implement those recommendations.

**Recommendations to UNWOMEN**

- Design new projects aiming at women capacity building in terms of accessing the income
• Organize training on property and inheritance from the lowest level of the community where the cases take roots, this will raise the most important involvement of the community in assisting their fellows solving the problems related to that matter

• Increase the budget allocated to the project implemented by Women network for rural development to allow a strong monitoring and evaluation system

• Target more partners that should be involved in women rights in general and rights to property and inheritance in particular

Recommendations to Women’s Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural)

• Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should urgently start raising funds to allow a strong follow up of the beneficiaries to ensure the reach of the expected results of the project. Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should start increase the capacities allowing it to reach to the beneficiaries as regularly as possible.

  As strategy, the Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should set up a fundraising committee that should be tasked to mobilize funds through various methods to such project proposal.

• To improve on the knowledge of beneficiaries on inheritance and property, the beneficiaries have shown that there is a need of organizing refresher training for women that have been trained on inheritance and property. In the nearest future, Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should diversify the themes of trainings including child rights, income generating activities, cooperatives management to mention but a few.

  As strategy, Women Network for rural development should initiate a family integrated approach. When a beneficiary is identified, the partner and relatives should be involved in the programs as their contribution shall be very important both in prevention and finding solutions to raised problems.

• To collect as much information as possible within the community. As strategy, make a strong follow up, the intensification of local and regular visits to the beneficiaries to share with them the cases of rights abuse on inheritance and property.
• To advocate for beneficiaries for legal support: To ensure the advice and referral on time, building a strong network with various stakeholders that are involved in assisting women living in the context of HIV and AIDS that face the rights abuse on inheritance and property. This goes with strong strategies to advocate more in favor of women living in the context of HIV and AIDS. Design useful strategies on how the women in the context of HIV and AIDS can get legal support when facing the rights abuse on inheritance and property.

• To conduct regular and periodic meetings with stakeholders to monitor the cases of women in the context of HIV and AIDS may urgently be developed. The beneficiaries lose hope when they take much time without any feedback to the case shared either to Women Network for rural development or to other stakeholders. More emphasis might be done in rural Districts where some beneficiaries declared not knowing anything about the project. The beneficiaries revealed that they know Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) according to how they have been assisted by the project.

• Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural) should provide legal assistance, advocate and follow up cases in judiciary and administrative institutions to find solutions as soon as possible, to ensure the reestablishment of the women living in the context of HIV&AIDS in their rights on inheritance and property.

• To sensitize the women in the context of HIV to communicate cases of rights abuse on inheritance on organs that are in position to assist them. This should be done through various activities that aim to raise their awareness on issues on rights abuse on inheritance.

• To train women living with HIV together with their partners who are sometimes the source of abuse

Recommendations to Local authorities

The beneficiaries have complained and deplored the quality of services they are offered when they seek for assistance on rights abuse on inheritance and property. In this framework, they addressed the following recommendations aiming at the improvement of services:
• To solve problems in transparent and on time, because when it delayed people especially children are prevented from their rights. The statement like go and come back tomorrow should be avoided.

• Be receptive and sensible on rights abuse cases submitted to them: this should be possible by taking time to listen to women in the context of HIV and AIDS when they seek for assistance.

• Disseminate information on rights on inheritance and property abuse: The rights on inheritance and property of women living in the context of HIV and AIDS should be included among the topics that are discussed when people have met for community workers held monthly.

**Recommendations to community members and relatives**

• Not discriminating HIV+, women; they might be considered as valuable persons like HIV- ones. As strategy, sensitization campaigns should be conducted and provide more information on avoiding stigma and discrimination.

• Change their mind set and avoid treating HIV + women as one who are going to die. This should be done by increasing sensitizations sessions on stigma and discrimination and how community can take care of people living with HIV&AIDS
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12. Civil code book I
14. Women Network for Rural Development (Réseau des Femmes Oeuvrant pour le Développement Rural), Project document,
ANNEXES

A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to the beneficiaries.

Identification and important information

Names
Date of birth
District: é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é é 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14. What are the recommendations in terms of preventing women living in the context of HIV and AIDS facing problems on property and inheritance?
   - To Women Network
   - To local leaders
   - Others organs/institutions
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to the Project staff (Women’s property and inheritance rights in the context of HIV and AIDS)

Identification

Names: ………………………..
Experience under the project: ………………………..
District of the duty: ………………………..
Position in the project: ………………………..

Questions:

1. What is the project impact on the beneficiaries since it has been implemented?
2. How often do you meet with your beneficiaries?
3. What are the strategies do you use for having information about preventing rights to women living in the context of HIV and AIDS?
4. Do you thing the training you provided under the project are enough to different levels that may intervene in protecting rights for women on inheritance and property?
5. How do you find the life conditions of you beneficiaries?
6. What do you think can be done in the context of facing the problems occurred due to being prevented from inheritance and property?
7. Under the project in particular and under Women network in general, what do you plan in terms of building capacities of beneficiaries for income generating activities setting up?
8. Any additional suggestion that can make the research more successful.
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to the focal point of CDLS

Identification

Names: 
District of duty: 

Questions

1. Are there in your plans some activities related to the promotion of rights of women living in the context of HIV and AIDS on inheritance and property?
2. In collaboration with the associations of PLHIV, are there any problems met on inheritance and property on women living in the context of HIV and AIDS?
3. If yes, what are their causes?
4. Are there other problems they face?
5. Are there any strategies do you have in other to help women living in the context of HIV and AIDS to set up income generating activities?
6. What do you think can be done in order to build the capacities of women living in the
7. Is there any suggestion you can provide to do more advocacy on favour of women living in the context of HIV and AIDS to prevent them on inheritance and property?
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to the Focal point of RRP+

Names: ………………………………………
Date of birth: ………………………………
Sex: …………………………………………
District of duty: …………………………………………

1. Are there in your plans some activities related to the promotion of rights of women living in the context of HIV and AIDS on inheritance and property?
2. In collaboration with associations of PLHIV are there any problems met on inheritance and property on women living in the context of HIV and AIDS?
3. If yes, what are their causes?
4. Are their any strategies do you have in other to help women living in the context of HIV and AIDS to set up income generating activities?
5. What do you think can be done in other build the capacities of women living in the context of HIV and AIDS to be able setting up economic initiatives?
6. Is there any suggestion you can provide to do more advocacy on favour of women living in the context of HIV and AIDS to prevent them on inheritance and property?
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to the Persons in charge of social affairs at Sector level.

Identification

Names: é é é é é é é é é é é é .
Date of birth: é é é é é é é é é é
District of duty: . Sector é é . Cellé é é é Villageé é é é
Marital status: é é singleé é é é marriedé é é widowé é . professional training
Current occupation: é é é é é é

Questions

1. Have you been trained on assistance to women on inheritance and property? Yesé é No
2. If yes, When é . ? By whomé . How do you use the knowledge gainedé é é é
3. Are there any reported cases to you on right abuse on inheritance and property among women living in the context oh HIV and AIDS?
4. How do you manage to solve them?
5. How do you work with other local instances to address these problems?
6. What are for you the sources of such problems?
7. What do you think can be done to assist women in the context of HIV and AIDS on inheritance and property?
8. Any suggestion that can make more successful this research?
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to National Council of Women (CNF) at Sector level.

Identification

Names
Date of birth
Level of instruction: Primaryé é é é é é é é é é .Secondaryé é é é é .Universityé é é é .Professional training
Current occupationé é é é é é

Questions

1. Have you been trained on assistance to women on inheritance and property Yes
   No

2. If yes - When - By whom: How do you use the knowledge gained

3. What kind of issues on inheritance and property do you meet?

4. How do you do when you fail to address them?

5. Do you advocate on the behalf of women in the context of HIV and AIDS when they are prevented from inheritance and property?

6. What are for you the sources of such problems?

7. What do you thin can be done to solve such problems?

8. What do you think can be done to assist women in the context of HIV and AIDS

9. As an organ representing National Council of Women, are there any strategies

10. Any suggestion that can make more successful this research?
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to Paralegals and Opinion leaders

Identification

Names
Date of birth
Level of instruction: Primaryé é é é é .Secondaryé é é .Universityé é Professional training
Current occupationé é é é é

Questions

1. Have you been trained on assistance to women on inheritance and property?
   Yes. No
2. If yes - When - By whom. How do you use the knowledge gained
3. What kind of issues on inheritance and property do you meet, especially:
4. Are there any cases from women living in the context of HIV and AIDS you meet?
5. Since you have been trained, how many cases have you encountered?
6. Do you manage to solve them?
7. How do you do when you fail to address them?
8. How do you collaborate with other instances to solve such problems
9. What are for you the sources of such problems?
10. What do you think can be done to prevent women living in the context of HIV and AIDS from rights to inheritance and property?
11. What do you think can be done to assist women in the context of HIV and AIDS
12. What do you think can be done to solve these problems?

13. Any suggestion to make more successful this research?
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to the Representative of the Associations of Persons living with HIV & AIDS at sector level

Identification

Names
Date of birth
District: ………………… Sector: ………………… Cell: ………………… Village: …………………
Level of instruction: Primary: ………………… Secondary: ………………… University: …………………
Professional training
Marital status: Single: ………………… Married: ………………… Widow: ………………… Others: …………………
Current occupation: …………………

Questions

1. Have you been trained on assistance to women on inheritance and property?
   Yes. No
2. If yes - When - By whom. How do you use the knowledge gained
3. What kind of issues on inheritance and property do you meet, concerning women living in the context of HIV and AIDS?
4. What are the activities planned and executed in your associations aiming the members development promotion?
5. What are the impacts noticed from these activities among the beneficiaries
6. Among your associations, do you ever met the issues related to inheritance and property among your members?
7. Do you manage to solve them?
8. How do you do when you fail to solve them?
9. What are for you the sources of such problems?

10. What do you think can be done to assist women in the context of HIV and AIDS on inheritance and property?

11. As members of associations whose mission is the promotion of living conditions of the members affected or infected with HIV and AIDS, what are the strategies for preventing them from the rights abuse on inheritance and property?
A Copy of the Questionnaire on study on women’s property inheritance rights in the context of HIV and AIDS submitted to Rwanda National Police staff at sector level

Identification

Namesé é é
Date of birth é é é Sexé é é é é
District of duty é é é.

Questions

1. Are there any cases of insecurity do you encounter in terms of rights abuse on inheritance and property?
2. How do you manage to solve them?
3. What is the category that is used having such problems?
4. What do you think should be done for women in the context of HIV and AIDS to prevent from rights abuse on inheritance and property?
5. What are the sources of these problems?
6. Is there any suggestion you can provide to make more successful this research?