Telling Our Stories

FIDA-Ghana

United Nations Entity for Gender Equality and the Empowerment of Women
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The International Federation of Women Lawyers (FIDA-Ghana) is made up of women lawyers who use the law to enhance the lives of women and children. FIDA-Ghana established the first legal aid program specifically for women and children in 1985. FIDA-Ghana is committed to addressing discriminatory practices by promoting and protecting the rights of women and children in Ghana. The organization envisions a society that is fair, just, and free from discrimination. In this society, the rights of women, children, and the vulnerable are recognized, respected, and protected. FIDA-Ghana empowers women and vulnerable communities through legal aid and community outreach programs that raise awareness of women’s rights and the law.

In furtherance of its mission, FIDA-Ghana partnered with UNWomen to provide legal aid and community outreach to women living with and affected by HIV/AIDS. In Ghana women account for half of HIV infections, and in 2011, there were an estimated 110,000 women living with HIV throughout the country. Women living with HIV are often denied access to essential legal support and justice due to stigma and discrimination, inadequate services, and negative socio-cultural practices. Many women with HIV also live in fear of the negative social consequences of disclosing their status. Women Living with HIV/AIDS (WLHIV) are subject to physical violence and social isolation. Some are often forced from their matrimonial homes, whilst others voluntarily leave in order to avoid public humiliation and disgrace. Unfortunately, HIV positive women are
also unjustly denied access to land, property, and inheritance. Without financial security, many are forced to live on the fringes of society. HIV/AIDS related stigma and discrimination are intolerable affronts to human rights and must be addressed and combatted. It is hoped that this publication will pave way for further advocacy research and educational work to help find lasting solutions to problems faced by Women Living with HIV/AIDS.

Mrs. Jane Quaye
Executive Director
EXECUTIVE SUMMARY

Through collaboration with UNWomen, FIDA Ghana worked with women living with HIV in Wenchi and Sunyani in the Brong Ahafo Region, Agormanya in the Eastern region, and Ho, in the Volta region. The project titled “Increasing Access to the Property and Inheritance Rights of Women Living with and Affected by HIV/AIDS”, tackled the structural inequalities that prevent HIV positive women from asserting their legal rights to property and inheritance. Results of a baseline study conducted in the three project areas in 2011, under the first phase of the Women’s Property and Inheritance Rights (WPIR) project, revealed local perceptions regarding property related practices. The study highlighted the perceived notion that in both matrilineal and patrilineal kinship contexts, men ought to be the custodians of family property. It is expected that men will take care of women and children as dependants. Structural inequality, such as gender discrimination, was found to be an impediment to WLHIV’s access to property and inheritance.

The vulnerability of WLHIV in Ghana is compounded by legal and social factors. Firstly, the legal framework formally recognizes customary laws, rules, and traditions. In such pluralistic legal systems, many women and girls experience discrimination in marriage and inheritance laws that ultimately make it difficult for them to be economically independent from male partners. Even where laws are favourable to women’s concerns, however there are many ways in which women’s property and inheritance rights may come under threat.
The continuation of the project, WPIR 2 sought to address the systemic barriers through dialogues, mobile outreaches, radio drama programs, and sensitization meetings. This will serve to create a supportive civil and customary environment where WLHIV will be able to exercise their rights. Provision of legal aid services have proved to be a realistic and workable strategy that enhances their negotiating power in the household and is a means to reducing their physical and social vulnerability to HIV/AIDS. This project has provided legal aid to WLHIV to improve their access to property and improve their well being. This second phase intends to sustain work in existing communities as well as expand to adjoining twelve other communities.

FIDA–Ghana has collaborated with traditional leaders and authorities to improve their responses to HIV/AIDS related cases of discrimination and violence. FIDA paralegals also reached out to 68,047 women who own radio sets through radio programming, and encouraged women living with HIV/AIDS to share their courageous stories and seek appropriate recourse for human rights violations.

Telling Our Stories is a compilation of testimonies of women living with HIV/AIDS. This book illustrates the impact of the project on the lives of disenfranchised women living with HIV and AIDS in Ghana. These women are an invaluable resource, and their full political, social, and economic participation is vital to Ghana's development. Hopefully, these stories will encourage positive changes in national HIV/AIDS policies and inspire others to stand up and speak out against HIV/AIDS related stigma and discrimination.
We would like to express our sincere thanks to UNWomen for their support in helping transform the lives of vulnerable women in our society. This picture story publication is a testimony to show that with support and collaboration from various stakeholders, women living with HIV/AIDS as well as their communities can be impacted.

We also sincerely thank our dedicated community paralegals who work tirelessly to increase awareness of the law and women's rights and to our project beneficiaries.

We salute those brave women who in spite of a hostile environment, stigma and discrimination have courageously come out after the trainings to tell their stories to the whole world. We also thank the traditional leaders of Wenchi, Sunyani, Brong Ahafo, Agormanya, and Ho for their support. Finally, we thank the FIDA team and especially the project coordinator, Benedicta Laryea for her great sacrifice and dedication to the work.
I was married to a man for 7 years under the customary law. His family never liked me because I could not give him a child, and for seven years they traumatized me.

Unfortunately, 2 years ago he got very sick, and things got worse. His family accused me of witchcraft. When my husband was admitted at the hospital, his family members ejected me from the house. They seized all my belongings, and warned me not to take anything with me. They insisted that anything I owned, from my clothes to my shoes, were bought by their son and belonged to them. I couldn't tell my husband because his condition was very critical. When his condition worsened, he asked his parents to invite me to the hospital. He confessed to me that he had
been living with HIV. He asked me to keep it a secret and not to tell his family members. He told me that he had insurance for me with Star Life Insurance Company. He asked me to go for it immediately. I was really disappointed in him for keeping a secret about his HIV status, and I became very scared and depressed. He died the next day, and I told my younger sister that my husband died of HIV. She was the only one I could tell because I still couldn't tell his family members about his status. I went for the test, and I tested positive. I cried for days and locked myself indoors and refused to talk to anyone. His family members said that I was not a wife because I was childless, and they maltreated me at the funeral. After the burial, I went for the insurance, but my late husband's uncle had seized the money. I reported my case to a nurse at the ART centre who then gave me the contact information of the FIDA Ghana paralegals. The paralegals helped me gain access to my matrimonial home and belongings. After several mediations concerning the insurance claim, the paralegals referred the case to The Commission on Human Rights and Administrative Justice, (CHRAJ). Together, CHRAJ and the FIDA paralegals in Ho collected the insurance for me. FIDA paralegals presented me with a cheque of one thousand and five hundred Ghana cedis (GH¢ 1500). I am so grateful to the FIDA paralegals! I would have been jobless and homeless by now. I have used the said amount to set up a business.

Thank you FIDA–Ghana! Thank you Ho paralegals!
I was a young trader in the greater Accra region when I learned about my HIV status. I had been married for over 10 years and I had three children. I learned about my status when I gave birth to my last baby. My baby tested positive for HIV, and I was asked to go for the test too. My husband refused to go for the test because he insisted that he was negative. He relocated and abandoned our three children and me. I had to take care of the children alone. He was nowhere to be found to maintain the children. After several months in Accra, I couldn't bear the cost of renting, so I decided to relocate to my hometown in Agotime in the Volta region.

I had the shock of my life when I went back home. My senior brother had taken over the 2 bedroom house that I built. Before my father's death, he gave my brother and I land. I built on
my own portion of the land and no one else's. My brother refused to grant me access to my own house. I slept outside for days. I was looking very sick because of that, and my brother said that I had HIV and that I would die soon. I had not told any family member about my HIV status, but I suspected that they knew. I narrated my story to a friend who referred me to meet Auntie Lydia, the organizer of the FIDA paralegal group. She took my details and gave me a letter to give to my brother. He refused to take the letter. The paralegals therefore came to our house in Agotime to meet with him. After 4 hours of mediation, he nearly beat us up. He was very aggressive. The paralegals then referred the case to the queen mother, but my case was not resolved. The FIDA-Ghana office in Accra reported the case to the regional police commander and the paralegals held mediation. The paralegals managed to reclaim one of the rooms for me. He still occupies the second room, and he is like a next room neighbor. I do not have my freedom in the house, and he beats me frequently. After one of his physical assaults, I collapsed and went into coma. The paralegals reported my case to the police, but they couldn't help. FIDA-Ghana had to pay for my hospital bills. Recently, they filed my case with the circuit court in Ho, and we have attended court about 3 times. My hope is to secure my 2nd room for my children. I am keenly waiting for the judgment.

*I am so grateful to FIDA –GHANA for their support! Without FIDA, I would still be homeless! Now, I have a roof to lay my head. GOD RICHLY BLESS FIDA!*
I got very sick in 2008, and the doctor said I had Tuberculosis (TB). After several treatments, I had the HIV test, and I tested positive. I became very depressed and miserable, and I refused to let anyone know. I knew about the FIDA paralegals and how they help people. I confided in them, and they advised me and helped me go for medication. They visited me frequently in the house.

My neighbours suspected that I had HIV, and they wanted me out of the house. I was scared that people would know about my HIV status. I accepted all the maltreatment, and I felt really embarrassed. I said to myself “I am going to be homeless soon! People will know of my status and sack me from this house”. I met sister Asi, a nurse at the hospital, and she told me that the paralegals could still help. I didn’t want to bother them again, but the stigma was unbearable so I reported to them.

Name: Akpene Apkleve
Age: 35 years
Community: Ho Bankoi
Number of years living with HIV/AIDS: 5 years.
The FIDA team came all the way from Accra to arrange a mediation. After hours of mediation, my neighbor finally understood that I needed good accommodations in order to live a healthy and positive life! FIDA educated her on the HIV virus and modes of transmission. She realized that living together in the same house would not infect her with HIV. After the mediation, I packed my things and returned back to the house. We have been living peacefully ever since.

*I feel like I have a new life! I feel I have support! I know my rights! I appreciate FIDA for giving me my life back. I enjoy living in my apartment, and I would have been homeless without them.*
My husband died in 2011. I cannot tell whether he died of HIV or not. He used to fall sick frequently, but I could not tell what the problem was. My husband and his doctor never told me. After his death, life became unbearable. His family accused me of killing their son. They said that I was a witch. After the funeral, they wanted me to go to my people. On several occasions, they threatened to force me from my matrimonial home. None of them maintained the children. I had to work hard to take care of the children. I got very sick, and I thought it was TB. After several tests, the doctor said that I had HIV. She asked if my husband had died of HIV, but I could not tell. I was not depressed when I found out about my status. I only cried for few minutes and stopped because Auntie Justin, a paralegal and nurse, counseled me. She told me that living with HIV was not the end of the world. She told me that I had to be strong to take care of the children.
had hope after speaking with her. She arranged with me to see the doctor for my medication. My husband’s family saw me sick and started to harass me again. This time, they started the process to claim my late husband's SSNIT and After Work benefits. My husband used to work with Juapong textiles. I reported my case to Mr. Theophilus Agboja, the national association of PLHIV (NAP+) regional vice chairman. He then asked me to report to the Agormanya Paralegal Association and I complied.

After several fruitless mediations with the family members, paralegals wrote a letter to SSNIT and my husband’s company. I wanted to give up because one of my husband’s brothers told me that I was an illiterate and that I could not pursue such a case. The paralegals told me that they would do all the documentation on my behalf.

During mediation, the paralegals explained the PNDC 111, and the family agreed not to eject me from my matrimonial home. They did insist on the SSNIT benefit. After several meetings with SSNIT, SNNIT told the family that my husband had nominated the children and me as the beneficiaries and not the family. They gave up at this stage. Since that day, none of them have come to the house to harass the children or me. The paralegals have submitted all the required documents for the claims. SSNIT has asked for my account details for the money transfer, and they said that it would take about two month to get the money.

I am joyful because I finally have some peace and a home to live in. I know that I will receive the money soon, and I will use the money to start a business and live a better life. Thanks to FIDA paralegals for supporting me with their time and resources!
I used to live in a house that I inherited from my grandfather. I lived there with my other siblings. When they got to know of my HIV status, their attitude towards me changed. I had a salon in the house, and my younger sister started telling every customer about my HIV status. I began to lose my source of income, and my sister threatened to report me to the police and to tell the whole community that I was infecting people with HIV. People started stigmatizing me. Nobody would buy or sell to me, and my siblings refused to share anything with me, even the bathroom.

Things got worse when my siblings sacked me from the house. Even though I knew I was entitled to my portion of rooms in the house, I was scared to report my case because I feared that my siblings would use my HIV status against me. I became homeless, and I started living with a friend.

Name: Mary M. Teye
Age: 50 years
Community: Mampong Odumasi
Number of years living with HIV/AIDS: 25 years
I regained hope after attending an outreach organized by the Agormanya Paralegals at the Agormanya Millennium School. During the outreach, the paralegals spoke about the Intestate Succession Law and I learnt a lot. I realized that I had to go and claim my portion of the property. After the outreach, I narrated my story to the paralegals, and they advised me to invite my siblings for mediation. At the mediation, my siblings learned that property grabbing is illegal and criminal. During mediation, they confessed that they had rented my portion out. After the mediation, they agreed to give my property back to me.

The paralegals sensitized them on the modes of HIV transmission. They now understand that we can live together happily without me infecting them. One week after the mediation, the family called a meeting and they gave me 2 rooms. I initially had only 1. I have relocated to the house, and I now use the second room for my well-furnished salon.

I appreciate the paralegals, and I wish every rural area could benefit from community outreach. I have volunteered to join the paralegals in their outreach programs, and I am really grateful to FIDA. I am happy that the law works!
I have been married for the past 13 years. We have 4 children, but 1 died three years ago of HIV. I got to know of my status when I gave birth to my 2nd child. He died some few months after birth. My husband refused to go for the HIV test, and he claimed he was negative. We gave birth to our 3rd child and relocated to our new house. We jointly owned that piece of land. My husband is a government worker and I am a trader who sells yam. Some years before I got to know of my HIV status, we decided to operate a joint poultry farm. Since my husband was a government worker and had little time to spare on the farm, I decided to give up trading to manage the farm. I used all my earnings from trading to contribute to the poultry farm. My husband decided to pursue his education to the tertiary level. His salary could not sustain his education and he wanted to quit, but I encouraged him. I worked hard to pay his school fees and to buy his books until
he completed Sunyani Polytechnic. He changed drastically after completing his education; he refused to maintain the children and myself. He started using my HIV status to stigmatise and discriminate against me.

One evening, after a series of physical abuse, he sacked me out of the house we jointly owned. He packed all my things out and asked me never to come back. Our house is a little far from the main town, I was scared to travel on the lonely road, so I stayed in the forest until the next morning. I went back to the house but he will not let me in. He locked all the doors and travelled with the children, leaving the last baby with me. He later relocated to his family house. He said I was HIV positive and therefore he cannot live with me again. Then, he told me I will die soon and he will sell our house. I reported to the FIDA paralegals in Sunyani. After several mediations, the paralegals reported the case to Domestic Violence and Victims Sub Unit of the police service in Sunyani (DOVVSU). Afterwards, I realised I was pregnant with the 4th child. My husband wanted me to abort the pregnancy, but I refused. At DOVVSU, the paralegals and the police insisted he pay my monthly maintenance. He started by giving me Ghc15 then later he increased it to Ghc30. He insisted that I had HIV and therefore he will not allow me access to his house. The paralegals and the police insisted I have contributed to the house, so he should give me a portion of the house. He decided to give me a key to one of the rooms. Since then I have had access to the room. I am grateful to the paralegals for their support. At the start, I did not want to involve the police, but they encouraged me that it was the only way out because my husband was being aggressive. I am grateful to the FIDA paralegals. God bless them for their time and resources.
Sometimes they had to give me money just for me to afford a public transport to the next mediation session. God bless them. I still need their help. Now my husband has custody of the 2 children and I also have 1. Initially, he did not want me to even visit my own children but after the intervention of the FIDA paralegals, I had visitation rights. He has currently wedded another woman, so I want my children back. I want to have custody of them. FIDA –Ghana has promised to file the case in the family tribunal and I am very grateful.

I appreciate the support given to me and all I want to say is that, God bless FIDA GHANA and God richly bless the FIDA paralegals. At least I have my share of the house now. FIDA told me that the funds they used in supporting me is from UNWOMEN, so thank you too UNWOMEN. I will want to use this opportunity to ask for economical support for the women living with HIV. Thank you.
KEY ISSUES PERTAINING TO ACCESS TO PROPERTY AND INHERITANCE RIGHTS OF WOMEN LIVING WITH OR AFFECTED BY HIV AND AIDS

- Local perceptions regarding property related practices and trends of women
  There is a general view among Ghanaians in both matrilineal and patrilineal families that men ought to be the guardians of family property, and it is expected that they will take care of women and children as dependants.

Structural Inequalities impeeding People Living with HIV (PLHIV) access to property and inheritance

- Gender discrimination
  Gender inequality exists as a major barrier to women's property rights and access to inheritance in all three study areas. Gender discrimination in land and house ownership is based upon cultural beliefs of both patrilineal and matrilineal societies, which do not permit women to own land directly. Consequently, women's ways of owning land through family and marriage ties and low economic power tend to place them at a disadvantage.

- Stigma and Discrimination
  Stigma and Discrimination also emerged as structural barriers to women's property and inheritance rights. The study's findings showed that some women moved away from their marital homes or their communities in order to avoid being humiliated and abused. Perhaps living with the disease without property may be easier in this case than enduring humiliation in the search for property or inheritance.

- Religion, Lack of interest and Fear of the Supernatural
  Superstitious beliefs and general fear among community members of supernatural or ancestral
punishment in relation to litigation over family property rights. People are unwilling to go to court for their claims over property, for fear of spiritual reprisal from family members and other disputing parties.

- **Misperception of HIV and AIDS**
  The initial view held about HIV and AIDS as a condition that will inevitably lead to death, persists and may affect Women living with HIV access to property especially in the cases where they are widowed. Public knowledge about anti retroviral therapy (ART) remains limited and the persistent ignorance continues to increase stigma and discrimination against PLHIVs.

- **PLHIV misperceptions about Human Rights Institutions**
  Misperceptions about Human Rights Institutions and the laws protecting PLHIV's in general also emerged as a potential structural barrier.

- **Are PLHIV disadvantaged as Property owners?**
  The study confirms that traditional beliefs around inheritance as well as broad socio-economic, and gender barriers may affect the property and inheritance rights of women living with HIV and AIDS; however, the Ghana Health Service's policy of non disclosure, which prevents disclosure of HIV positive status to family members without the victim's consent, allows many PLHIV to conceal their status from members of their families and friends, and thereby circumvent challenges associated stigma and discrimination such as denial of property rights.

**Laws that Protect Women's Property and inheritance in Ghana**

- **Ratified International Human Rights Instruments promoting Access to Property and Inheritance of Women**
• 1992 Constitution
• Intestate Succession Law, (PNDCL 111)
• Customary Marriage and Divorce (Registration) Law, 1985 (PNDCL 112)
• Administration of Estates (Amendment) Law, 1985 (PNDCL 113)
• Land Title Registration Law, 1985, (PNDCL 152)

RECOMMENDATIONS

As a women's humans right organization, we advocate for the following approaches:

Multi-faceted Approach
• There are significant socio-economic and cultural barriers that affect women's ability and interest in pursuing their property rights, and these call for a multi-faceted and targeted approach.

Care and Support
• Families remain important channels for HIV positive women's access to care and support. Thus, any attempt to enhance women's property rights would have to factor in this reality in order to minimize potential threats to family solidarity.

Legal Empowerment of Women
• While some HIV positive women will not consider court action for religious, superstitious or cultural reasons, others who have been impacted through advocacy work expressed their readiness to pursue it if
necessary. There is a definite need to identify and target women, who given the necessary support, will not be afraid to pursue legal action to secure their property and inheritance rights.

**Community Level Advocacy**

- Adequate resources are needed for sustained advocacy at the community level, and there is need to expand the scope of educational activities in rural areas.
- Considerable progress has been made with regard to increasing women's knowledge and awareness of their rights. More attention needs to be paid to existing opportunities in order to further strengthen the strategies that work.

**Review of Customary Marriage Requirements**

- Customary Marriage requirements represent a major barrier to women's access to property. Therefore there is the need for planned cooperation between traditional leaders and lawmakers to review existing customs and reduce requirements to enable women attain full marital position.

**Human Rights Education**

- The level of human rights education should be intensified.
- It is important to pay attention to WLHIV survival needs more carefully vis-à-vis their legal needs while bearing in mind their low education and economic status.