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Changing Laws to Stem HIV/AIDS

When thinking about curbing the spread of HIV/AIDS, legal reform may not seem relevant. But as research shows, it should be.

Because the more unequal gender relationships are in a country, the higher its HIV prevalence rate is, according to World Bank research.

“In developing countries, women and girls are more vulnerable to HIV infection because they are often economically, culturally and socially disadvantaged,” says Elizabeth Lule, adviser in Population and Reproductive Health at the World Bank.

Females lack equal access to health care, education, employment, resources and decision making powers on their own.

Lack of information and ingrained cultural attitudes keep women subordinate.

“In many cultures, women are socialized to be submissive on matters related to sex and therefore lack the power to negotiate safe sex, negotiate condom use, and withstand sexual abuse, coercion and violence,” she adds.

Low Legal Status

The laws of countries often discriminate against women. For example:

- **Property rights:** laws generally deny women the right of inheritance
- **Employment:** laws don't provide adequate benefits for HIV/AIDS victims and their families
- **Rape, sexual harassment and coerced sex:** narrow definitions in some legal systems can transform a rape victim into a suspect. Women can also be denied their rights if they are married to the offender
- **Marriage:** some laws don't recognize co-ownership of family property and equal division of property at the end of a marriage
- **Mixed legal traditions:** in some legal traditions, differences between statutory law and customary law result in unequal treatment of women versus men

Unequal economic opportunities also contribute to women's risk of HIV infection.

Without skills to get a job and without the right to own property, women are entirely dependent on men.

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The situation becomes disastrous when the men die. Inability to inherit property has left many AIDS widows and orphans destitute and homeless, particularly in polygamous societies in Africa.

International Rights

Most members of the United Nations have ratified many documents about human rights, including women's rights. One such document is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

CEDAW says that countries will make men and women equal in their legal systems.

But it's often difficult to implement these laws in countries that have weak government institutions. For example, courts often don't function effectively—they are clogged and ill-equipped.

THINK ABOUT IT

Uganda, Lighting a Legal Path

Some countries are changing practice to make women equal to men. In Uganda, for example, policy and legal reforms have increased women's participation in community and local government. Changes in inheritance laws have given women property rights and more changes to improve women's rights are underway.

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Legal Access?

But even in countries where laws are fair, women often don't know what their rights are, or have the money to actually access the justice system.

Also, while laws may be slow to change, traditional attitudes toward women and their place in society are often even slower to change.

These attitudes often influence people who work within the justice system (for example, police officers, court officials, etc) who may not treat women equally.

It's important to sensitize legislatures, the judiciary, legal and justice sector professions and the law enforcement community to the gender dimensions of the HIV/AIDS pandemic.