

## WHY ARE HUMAN RIGHTS VIOLATIONS A CRITICAL ISSUE FOR KEY AFFECTED WOMEN AND GIRLS?

Across the region, human rights abuses and gender inequality intersect with HIV making key affected women and girls more vulnerable to the disease and its impact. Whilst many countries in the region have laws addressing HIV-related human rights violations, women and girls are still being subject to degrading and discriminatory treatment in a variety of settings. In many cases, key affected women and girls who experience human rights abuses do not attempt to seek redress through legal means. Lack of awareness, lack of access to legal services and gender bias in the justice system continue to prevent key affected women and girls from asserting their rights. Accessing justice can be particularly difficult for female and transgender sex workers, women who use drugs, and transgender women who typically won't report violations or abuses out of fear of arrest, detention, violence in police custody, and prosecution.

### HIV-related human rights violations against key affected women and girls

#### Violations of sexual and reproductive rights

Human rights violations experienced by key affected women and girls within the context of healthcare settings are being increasingly documented throughout the region. This includes abuses such as forced and coerced sterilization, forced abortion, forced disclosure of HIV status, and the denial of access to sexual and reproductive health (including family planning) information and services.

In a survey of 757 women living with HIV in Bangladesh, Cambodia, India, Indonesia, Nepal and Viet Nam, 30% reported having been advised to undergo sterilization. Many stated they did not feel they had the right to refuse the recommendation. More than half (61%) indicated these recommendations came from gynaecologists and HIV clinicians on the basis of the women's HIV-positive status.

Source: APN+ (2012). 'Positive and Pregnant: How Dare You': A study on access to reproductive and maternal health care for women living with HIV in Asia. Bangkok.

#### Relevant publications on this HIV and AIDS Data Hub site include:

- 'Positive and Pregnant: How Dare You': A study on access to reproductive and maternal health care for women living with HIV in Asia (APN+; 2012)
- Protecting the rights of key HIV-affected women and girls in health care settings: a legal scan (UNDP, APN+, SAARCLAW; 2013)
- Unzipping the Policies for Key Affected Women and Girls: Toward an integrated, gender-sensitive response to HIV and sexual and reproductive health and rights for full realization of human rights for women and girls (UNZIP the Lips; 2015)

#### Gender-based violence

Violence against women and girls remains one of the most pervasive and harmful manifestations of gender inequality across the region. In Asia and the Pacific, research shows that between 15 – 65% of women experience violence in intimate partner relationships. Violence against key affected women and girls can be both a cause and consequence of HIV.

In Indonesia, Myanmar, Nepal and Sri Lanka, female sex workers report more frequent and severe incidents of intimate partner violence than male and transgender sex workers. In most cases the violence was described as severe, routine and chronic.

Source: APN+ (2012), 'Positive and Pregnant: How Dare You': A study on access to reproductive and maternal health care for women living with HIV in Asia. Bangkok.

In addition to intimate partner violence, women and girls living with HIV as well as female sex workers, transgender women, women who use drugs and female prisoners are also at risk of gender-based violence, increasing their vulnerability to HIV. These abuses occur in the public sphere and within institutional settings and can include violence by law enforcement officials. This is particularly the case for women who sell sex and/or use drugs who may operate in settings where their work or substance abuse is criminalized and for women in closed settings such as prisons or detention centers.

- To find out more about violence experienced by key affected women and girls in the region and how it intersects with HIV visit the gender-based violence section of this website at: <http://www.aidsdatahub.org/Thematic-areas>
- Published in 2015, '*The Right(s) Evidence: Sex Work, Violence and HIV in Asia: A Multi-Country Qualitative Study*', highlights female, male and transgender sex workers' experiences of violence; the factors that increase or decrease their vulnerability to violence and how violence relates to risk of HIV transmission. The study is available to download on this website at: <http://www.aidsdatahub.org/rights-evidence-sex-work-violence-and-hiv-asia>

## Denial of inheritance and property rights

A 2010 study looking at 1,019 households of people living with HIV in Indonesia found that the majority of female widows in HIV-affected households had been denied a share in their deceased husband's property.

Source: UNDP (2011). *The Socio-Economic Impact of HIV at the Household Level in Asia: A Regional Analysis of the Impact on Women and Girls*. Bangkok.

Property rights can play a crucial role in reducing the HIV-vulnerability of women and girls and in mitigating its impact on their lives. For key affected women and girls, ownership and control over assets helps them to cope with the social and economic consequences of HIV, including medical treatment and related expenses. There is growing evidence to suggest that where women's property rights are upheld, women acting as heads and/or primary caregivers of HIV-affected households are better able to manage the impact of AIDS.

Yet, studies from the region show that women's property rights continue to be violated. Women and girls living with or affected by HIV are being excluded from inheriting, evicted from their lands and homes by in-laws, stripped of their possessions, and forced to engage in high-risk and nonconsensual sexual practices in order to keep their property. This, in turn, undermines the economic security and empowerment of key affected women and girls, increasing their vulnerability to violence, unsafe sex, and other HIV-related risk factors. Although research in this area remains limited, small-scale studies from South Asia have highlighted how property-related conflicts can lead to sexual violence in some cases. In India, a lawyer working with HIV-positive women in Andhra Pradesh noted that "We find that when the husband dies, many women are sexually harassed by family members, especially the father-in-law, because she is already considered 'bad'. Her sexual favours are used as a condition for allowing her to stay in the house".

## Denial of the right to employment, education and training

HIV-related stigma and discrimination denies key affected women and girls the right to employment, education and training. Whether it's discrimination by employers or co-workers in formal employment settings, or stigma within the community, these violations can have a profound impact on key affected women and girls. Denying key affected women and girls the right to employment, education and training impedes their access to resources that can prevent and mitigate HIV. Across the region, these rights violations are compounded by the lack of social safety mechanisms for women and girls in HIV-affected households. For example, a 2010 study in Indonesia found that twice as many girls drop out of school in HIV-affected households compared to boys. Lack of access to primary and secondary education and economic opportunities - regardless of their HIV status - limits the choices of key affected women and girls and their capacity to refuse sex, to negotiate safer sex or to resist sexual violence and coercion. Upholding their rights to employment, education and training can therefore increase their access to income and productive resources (including education) and reduce their vulnerability to HIV.

Among 454 HIV-positive women randomly sampled from HIV clinics in five provinces in Viet Nam, 8% reported that they were forced to change residence or were denied housing, nearly 9% reported that they lost a job or a source of income, and nearly 4% reported that their children were denied schooling.

Source: Viet Nam Network of People living with HIV/AIDS (VNP+). (2012). *People Living with HIV Stigma Index*. Ha Noi.

**Sources:** ASEAN Foundation, UNZIP the Lips, UNAIDS, UN Women, (2013) *Cambodia, Indonesia, Thailand and Viet Nam Country Briefs: HIV and Key Affected Women and Girls*. Bangkok; The Global Coalition on Women and AIDS, (2011) *Issue Brief: Stopping violence against women and girls for effective HIV responses*, Geneva; UNDP, (2008) *Voices and Visions: The Asia Pacific Court of Women on HIV, Inheritance and Property Rights*, Colombo; ICW (2004), *HIV Positive Women and Human Rights*, London; UNDP and UNAIDS, (2013) *Legal Protections against HIV-related Human Rights Violations*, Bangkok; The Global Coalition on Women and AIDS, (2011) *Women who use drugs, harm reduction and HIV*, Geneva; UNiTE & UN Women, (2010) *Asia-Pacific Unite to End Violence Against Women*, Bangkok; Cohen JE, Amon JJ (2008) Health and Human Rights Concerns of Drug Users in Detention in Guangxi Province, China. *PLoS Med* 5(12): e234. doi:10.1371/journal.pmed.0050234; APN+ (2012), *Positive and Pregnant: How Dare You?: A study on access to reproductive and maternal health care for women living with HIV in Asia*, Bangkok; UNDP (2011). *The Socio-Economic Impact of HIV at the Household Level in Asia: A Regional Analysis of the Impact on Women and Girls*, Bangkok; Viet Nam Network of People living with HIV/AIDS (VNP+). (2012). *People Living with HIV Stigma Index*. Ha Noi; What Works For Women & Girls, (2010) Transforming Legal Norms to Empower Women including Marriage, Inheritance and Property Rights, available at [www.whatworksforwomen.org/chapters/21-Strengthening-the-Enabling-Environment/sections/61-Transforming-Legal-Norms-to-Empower-Women-including-Marriage-Inheritance-and-Property-Rights](http://www.whatworksforwomen.org/chapters/21-Strengthening-the-Enabling-Environment/sections/61-Transforming-Legal-Norms-to-Empower-Women-including-Marriage-Inheritance-and-Property-Rights) [accessed 25 May 2013]; Hema Swaminathan, Nandita Bhatla, and Swati Chakraborty. Women's property rights and HIV & AIDS: evidence from India. <http://infochangeindia.org/hiv-aids/hiv-a-human-rights/womens-property-rights-and-hiv-a-aids-evidence-from-india.html>.