



Report of the Regional Workshop

on

HIV and AIDS and Children's Property Rights and Livelihoods in Southern and East Africa

“Unite for Children, unite against AIDS and property stripping”

FAOSAFR

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List of Abbreviations

CINDI:	Children in Distress Initiative
CRC:	Convention on the Rights of Children
FAOSAFR:	Food and Agriculture Organisation Sub-Regional office for Southern and East Africa
FOST:	Farm Orphan Support Trust
LADA:	Law and Development Association
NCPs:	Neighbourhood Care Points
NGO:	Non-Governmental Organisation
NPA	National Plan of Action
OVC:	Orphan and Vulnerable Children
PLWHA:	People Living with HIV and AIDS
PMTCT:	Prevention of Mother to Child Transmission
RWN:	Rwanda Women Network
SWAPOL:	Swazi Positive Living
ZPCDA:	Zimbabwe Parents of Children with Disabilities Association

Acknowledgement

We would like to thank FAO Zimbabwe Emergency Unit, Oxfam GB and Women Land Link Africa Project (WLLA) for co-funding the workshop. We would also wish to thank all the speakers, participants, a drama group of Zimbabwe Parents of Children with Disabilities Association, Harare Branch and Zimbabwe Widows and Orphans Trust (ZWOT) children's choir who contributed to make the workshop a success. Special thanks are given to the children who testified at the workshop, sharing with us their painful memories of the loss of their parents and property. We would like to thank Scott Drimie who facilitated the workshop, Sithabiso Gandure who compiled this workshop report and Ken Dixon who edited the report. Finally, without the tireless assistance given by Angie Matoushaya, this workshop would have never been materialised.

Kaori Izumi
FAOSAFR

1.0 Executive summary

The impact of HIV on children in the region is now alarming. According to UNAIDS, an estimated 3.2 million children were infected with HIV during 2005 in Sub-Saharan Africa. During the same period, 2.4 million children died of AIDS. The increase in AIDS related deaths have increased opportunities for property stripping. As children are orphaned, some traditional practices of inheritance are becoming a source of grief and hardship. Property stripping is breaking up homes and leaving children destitute. Preventing the loss of children's inheritance is now very urgent.

Recognizing that the issue of HIV and AIDS and Children had not been given sufficient attention, a Global Campaign on HIV and AIDS and Children – 'Unite for Children, unite against HIV and AIDS' was launched on 25 October, 2005 by UNICEF and UNAIDS. The campaign seeks to change the landscape for children affected and infected by the disease. As a contribution to the UNICEF/UNAIDS-initiated Global Campaign on HIV and AIDS and Children and as a co-convenor of the Global Coalition on HIV and AIDS and Women's Property Rights, FAO is initiating new activities on HIV and AIDS and children's property and inheritance rights. This workshop was organised as a component that will provide the basis for a new programme that will reflect the problems which children are currently facing in the context of HIV and AIDS in East and Southern Africa.

This regional workshop on HIV and AIDS, and Children's Property Rights and Livelihoods in Southern and East Africa was dominated by the voices of children sharing experiences, and concerns on issues of property rights in the face of HIV and AIDS. The Permanent Secretary for the Ministry of Public Service and Social Welfare in Zimbabwe, Mr. L Museka reiterated that the problem was so great that it was no longer possible to rely on separate uncoordinated pilot projects but required a concerted effort to respond. There were areas of concern around enactment of effective legislation that can protect the rights of children in the region and this required political will within governments. Children's rights are human rights and thus all programmes need to be carried through with children in mind. The development of child-friendly tools emerged as the key to addressing children's vulnerabilities. Community mobilization through education and awareness of bad practices as well as good practices is an important avenue for changing habits.

Various initiatives taking place at the grassroots-level through theatre, drama, education, paralegal clubs and life skills indicate that, despite the challenges, there is great resilience and determination to help children realize their rights. The workshop thus also recognized the importance of documenting these best practices so that they can be shared and disseminated within and between countries. Another key output of the workshop was a resolution on the cases of *Pretty* and *Maria*, two disabled children who cannot speak and are currently facing problems due to weak institutions and legislation. A committee has been chosen to champion their cause and make sure that their plight is addressed.

2.0 Welcome and Opening remarks

Kaori Izumi, Food and Agriculture Organization (FAO) Sub – Regional Office for Southern and Eastern Africa (SAFR) Land Tenure and Rural Institutions Officer welcomed all participants to the workshop. The workshop was organised to provide a platform for sharing experiences, knowledge and concerns especially among children. It was also hoped the workshop would provide opportunities for establishing new partnerships for addressing the many injustices of property stripping affecting children in the context of HIV and AIDS.

In the opening address, 13-year-old girl **Chiedza Gonyora** expressed gratitude to the workshop organizers for having given children the platform to debate and discuss their concerns. She reiterated how children were being given less priority in issues of HIV and AIDS especially in view of the alarming statistics of AIDS-related deaths in Sub-Saharan Africa and resulting in large numbers of orphans. Various governments in the region have weak legislation on protecting children against property stripping, and in some instances, such laws are often violated. Chiedza called for children's rights to be respected. Governments, UN organizations, NGOs and civil society were challenged to take stronger action in making children's rights a reality.

The HIV and AIDS pandemic has brought with it unique challenges. One of the consequences has been that where traditionally, orphans were absorbed into the extended family, the situation had altered significantly with such systems having been overstretched by the complex interactions with HIV and AIDS. The Permanent Secretary under the Ministry of Public Service, Labour and Social Welfare in Zimbabwe, Mr. L Museka, in his opening speech went on to express how the orphan problem in the region had reached high levels, calling for a more integrated, holistic programme within countries. There was no longer room for pilot project implementation approaches, rather the situation required a coordinated approach from all players. Governments are mandated with the coordination of National Plans of Action for Orphans and Vulnerable children. The challenge lies in the dissemination of the NPA and services available for orphans. He challenged the workshop to come up with practical and 'orphan-friendly' suggestions on how to improve the lives of children in the region. As such, it was imperative for everyone to work together in ensuring children's property rights and their sustainable livelihoods.

HIV and AIDS is an orphan-creating disease often associated with a lot of stigma. The epidemic had increased the vulnerabilities of orphans to property grabbing. **Kaori Izumi** explained how orphans in the region were suffering in a vicious cycle of poverty and HIV and AIDS. It was, however encouraging that several initiatives are being undertaken by various communities and grassroots-based organizations to protecting and strengthening children's property rights. The workshop provided a platform for exchange of experiences on how various organizations and children are responding to the challenges of the pandemic. The gathering was another attempt to accelerate initiatives already undertaken by such organizations as UNICEF and UNAIDS through the global campaign that is meant to assist children affected by AIDS.

Unite for children, unite against HIV and AIDS, unite against property stripping

Opening Speech by Chiedza Gonyora

I would like to thank all the organizers of this workshop for honouring and elevating us children to such an important level. The normal situation is to see adults debating and discussing about our concerns and setting up strategies and policies to address these and in some cases with our concerns often misrepresented. I am happy that this workshop will be dominated by the voices of children in expressing their thoughts and concerns on issues of property rights in the face of HIV and AIDS.

The impact of HIV on children is now alarming. Every minute of every day, one child dies and four children lose a parent because of AIDS-related illnesses. According to UNAIDS, an estimated 3.2 million children were infected with HIV during 2005 in Sub-Saharan Africa. During the same period, 2.4 million children died from AIDS. It is also sad to know that, twenty years into the pandemic, the area of least progress has been around children. It is also important to understand that the suffering of children starts well before the death of a parent. Children living with caregivers will often experience many negative changes in their lives and start to suffer physical and emotional neglect that can be devastating.

The increase in AIDS-related deaths has increased opportunities for property stripping. As children are orphaned, some traditional practices of inheritance are becoming a source of grief and hardship. Property stripping is breaking up homes and leaving children destitute. Preventing the loss of children's inheritance is now very urgent. I am happy to say that, in response to these problems, the UN has launched a five-year global campaign to assist children affected by AIDS. The campaign aims to:

- Reduce the spread of the HIV virus to children and young people
- Keep children and their parents alive longer and alive together
- Protect and care for children made vulnerable by AIDS

It is our hope as children that the campaign will cause a desire for everyone to get involved in changing the lives of many affected and infected children in the region.

I would like to call for children's rights to be respected. The abuses of property stripping continue because some children are afraid to speak out and because they are often not taken seriously. Even when children do make reports or the abuse is made known, those responsible are rarely investigated or prosecuted. Those in a position to take action may also be involved in the abuse. Governments in the region have made laws that are meant to protect us, but in many cases these laws are very weak and can easily be violated. At the global level, there is the Convention on the Rights of Children that gives children the right to be free from discrimination and also protects them from torture or from anything that is degrading. However, achieving these rights for us remains a challenge. Finally, on behalf of all children in the region, I would like to call upon governments, UN organizations, NGOs and the civil society to take stronger action in making children's rights a reality.

I thank you.

**Opening Remarks by Permanent Secretary of the Ministry of Public Service,
Labour and Social Welfare**
Mr. Lance Museka

Representatives from Kenya, Rwanda, Uganda, Swaziland, Mozambique, South Africa, Zambia and Zimbabwe, children's representatives here present, FAO representatives, ladies and gentlemen:

It is indeed my pleasure to be with you in this regional workshop where we have gathered as the southern and eastern region to reflect on our programmes and identify the strengths and weaknesses in our legislative and policy framework, particularly in ensuring that they include livelihood-enhancing components for orphans and vulnerable children.

You will agree with me that the HIV and AIDS pandemic has brought with it unique challenges. Traditionally, orphans were absorbed in the extended families and nobody had to worry about them, as they were well cared for. However, you will also agree with me that as much as the traditional community support networks in our countries are still strong, they are beginning to sag under pressure. In Zimbabwe, for example, where it is estimated that 1,3 million children have been orphaned, having lost one or both parents mostly as a result of AIDS, only some 5000 children are in residential care, the rest are within communities.

The magnitude of the orphan problem, ladies and gentlemen, has reached a stage where we can no longer continue to practise in an incremental manner nor continue to implement pilot projects here and there. In Southern Africa the orphan problem now requires integrated, holistic national programming. All players require to rally behind a coordinated national effort.

The challenges that are brought about by this problem include:

- Orphans cared for by grand parents who need care themselves. In most cases circumstances of children are made particularly difficult due to limited access to property, even their inheritance, not necessarily due to property grabbing but sometimes due to none-friendly legal frameworks.
- Siblings separated to be cared for by aunts/uncles, severing the bond and taking children into families they may not be familiar or comfortable to live with. In such cases care needs to be taken to find out what happens to the children's inheritance.
- Emergence of child-headed households, siblings living alone with limited adult support and protection.

The question that needs to be answered is around what happens to the children's inheritance. Do parents leave anything for the children? Common inheritance includes a house, a homestead, livestock, a piece of land like the rural areas of Zimbabwe and other resources used by parents as means of production.

There are incidences where relatives are known to take away such inheritance on the pretext that they will be used for the care of orphans. The other resources left behind;

particularly by parents who have been in formal employment, are in the form of pensions and other security schemes that the parents would have been contributing to.

My ministry as you may be aware houses the Pensions Department and the National Social Security Authority. There are incidences where a number of pensions and NSSA benefits go unclaimed after the death of the contributor. This is one indication that it is not only due to property grabbing that orphans fail to access their inheritance, perhaps the larger proportion has no access to information.

Information on availability of pension and social security schemes is important, not only for orphans, but also for all people so that they prepare for their retirement as well as when they are no more for the sake of their off springs. Our programmes should therefore have components to educate the society on such schemes, how to contribute and access them in time of need.

I hope workshops such as this will come up with practical and “orphan friendly” suggestions on how our systems may be simplified and allow orphans easy and fast access to pensions and other survival benefits. My ministry is also the arm of government that is responsible for social protection for the vulnerable groups through the implementation of social safety nets for children, older persons and people with disabilities. The Department of Social Services is responsible for the social safety nets and is the most decentralized department that is found in every district in the country. Those who need more information can always get it from their nearest social welfare offices.

In the protection of children, particularly orphans and vulnerable children, my Ministry is mandated with the coordination of a comprehensive plan, the National Plan of Action for Orphans and Vulnerable Children (NPA for OVC). The plan is a government policy document which provides a framework for interventions. It recognizes the multi-sectoral and multi-faceted nature of service provision to children in particular OVC.

The thrust of the plan is on coordination by government of the many service providers and programmes and resource mobilization. In this regard my Ministry has established a secretariat for coordination activities and resources to ensure transparency and access to resources by the target group, orphans and vulnerable children. It is towards the implementation of these national plans that I urge all of us to work together and to ensure that the children’s property rights and sustainable livelihoods are streamlined. Resources must reach children under the care of aged parents, children living in child-headed households and all households that have taken in orphans.

I hope your workshop will also come up with some innovative ways of ensuring that social protection resources being provided by government, donors, NGOs and other partners really reach the child. We need to make the money to work and protect the future of our children. Thank you.

Protection of children's property rights – A new challenge

Kaori Izumi, FAOSAFR

HIV and AIDS is an orphans-creating disease, and children's property and inheritance rights are at the high risk when parents die of AIDS partly because of stigma attached to the pandemic and also because orphans are more vulnerable to property grabbing in the absence of any guardians or where the guardian is an old grandmother who is prone to abuse and property grabbing by relatives. Many orphans move from one relative to another where they are often exposed to abuse and as a result many of them end up in the streets, some of them engaging in commercial sex. A vicious cycle of HIV and AIDS, property grabbing and poverty thus continues. However, although many tragedies are reported, there also exists a number of inspiring initiatives at the community level that attempt to protect and strengthen children's property and inheritance rights.

The workshop will provide a platform for such initiatives to be exchanged so that they can be replicated elsewhere. Today we are inviting our children and support groups from the region to relate on their stories and experiences. The testimonies that will follow illustrate important dimensions of the crisis as it is impacting specifically on children and ways in which many grassroots organizations are responding to the challenges of the pandemic. The stories and organizations that make presentations today and tomorrow in this workshop reflect the network that has emerged around our work on these issues in the region over the past years.

In 2003, Mr. Kofi Annan, the Secretary General of the United Nations set up a special task force to gain information on women, girls and HIV and AIDS. Among the 6 topics, property rights was one of the issues investigated. Some follow-up activities have initiated in some of the countries, but actions that have been taken are still fewer from what they should have been. This workshop is another attempt to stop property grabbing from children and to provide them with the necessary support and protection.

UNICEF and UNAIDS initiated a Global Campaign on Children and HIV and AIDS in October, 2005, recognizing a need to accelerate the generation of more support on this issue. As our contribution to this Global Campaign and as a co-convenor of the Global Coalition on AIDS and Women's Property Rights, we are taking up children's property rights as a new challenge.

Throughout the workshop children are invited to ask questions and make an appeal to the Master of the High Court, the chief magistrate, the Zimbabwe police, UN agencies, government departments and NGO's including grassroots organizations. We will facilitate discussions by children as much as possible as the focus of this workshop is children.

It is hoped that this workshop will support the existing initiatives, provide opportunities for establishing new partnerships and will facilitate necessary actions to be taken which will prevent land and property grabbing and strengthen children's land and property rights in the context of HIV and AIDS. It is our hope that orphaned children will live under careful supervision in properties left by their parents and recalling pleasant memories of their parents. It is hoped that the stories and

discussions from this workshop will deepen the understanding of the problems of land and property grabbing, but with the appreciation of the resilience of survivors of property grabbing and HIV and AIDS and their support groups. It is hoped that small but variable initiatives by children and their support groups will inspire other woman, other children, and organizations who are facing similar situations.

3.0 Property inheritance rights of children and their livelihoods: Presentation by Children

3.1 Presentation by a GROOTSKenya Child: Enough is enough – Let us stand up against Orphan Property Stripping: Grace Waithira Ikumbu (female- 26 years)

My name is Grace Waithira Ikumbu. My dad died in July 1999 and my mom in April 2004. They died of AIDS. Immediately after the burial of my mother, my three sisters, my brother, and I went back to school. Grief-stricken, feeling like our world was close to an end, we were hardly prepared for what met us when we went home from school. Our house had been locked with a strange padlock that we had no key to. Our grandfather stood right in front of the house, demanding that we produce a land title deed if our house was to be opened for us. My grandfather took away our cows, two uncles have been using our farms, and harvesting our coffee which was the only source of income left.

Until recently when we moved into our house, we have been living with neighbours and well-wishers. On behalf of my siblings, after our parents died, I sought assistance from the Provincial Administration but none of them heard my cry. I have reported violence cases to the police who later released my grandfather on medical grounds. I went to NGOs who have provided great insight on processes. It is only recently after my grandfather beat and hurt my sister that I pursued the case to the court. This month I will appear for a second hearing, and I hope that at this level justice can be done. I have been told that court processes can take years, and my prayer, like many such as me, is that it does not, because there are no resources to keep going to court.

Early this year, a representative of a group of Women Living with AIDS took me to the District Commissioner who wrote my uncle and grandfather a letter asking them to report to his office, and that we were to be allowed access to our house. Yet another group of women, this time a Community Watch dog group associated to GROOTS Kenya, went with me to our chief and helped me get a letter which I can use to pursue succession over our late parents' property.

I'm here on behalf of many orphans in my country, whose lives have been made a living hell by people who should be showering them with love and care. I am going to narrate to you a few of such cases:

- *The case of 18-year-old Tabitha.* She was orphaned at only 9 years and left in the care of an uncle who used her as a domestic worker, and attempted to sexually violate her. The uncle later took over the orphan's house, farms, bank account, and a vehicle left behind by her parents. He also did not pay her school fees. She lives with her maternal aunt who also educates her, and is not allowed access to any of the wealth left behind by her parents. The uncle continues to benefit from her late parents' wealth.

- *Orphaned family of four, with the eldest being only 18 years.* As soon as their parents died, their grandmother and aunts took away their household items, animals and farms, before they chased them away. They adamantly refused to move from their house, unless their dead parents' bodies were exhumed to show them where to go. That is the only reason they continue to live in their house, and farm their shambas. It is their hope that even with no documents, if they continue associating with what was left by their parents; one day they will find a way to claim it for themselves.
- *The case of 21 year old Valentine* who is out of school and vending newspapers to care for his younger two siblings. They are not allowed to farm their own land. After his parents died of AIDS in 1997, his grandfather threw them out of their house, and wiped clean the National Social Security Fund benefits, as well as all the money left in the bank account. Their aunt, the only person who attempted to help them, was threatened with death and chased away from home by her own father, their grandfather.
- *There are others like 23-year-old Linda who lives with her grandmother.* She has to tolerate her uncle who is after the late parents' National Social Security Fund (NSSF) and who has emptied the bank account. He keeps all original documents, and has only given Linda photocopies. Linda does not even know where to start.

We are many, but we are scattered. We cry, but the cry is not heard because we are scattered.

Orphans are often children who have not attained an age at which they independently take charge of their lives. Society regards them as powerless children who cannot stand up for their rights. Therefore, those who want to disregard such rights take advantage. Relatives who are greedy take what does not belong to them. If no one stands up against such people, then the result is property stripping. Often, people watch but do not take any action. If there were people in the society responsible to not only watch but also act, this would be put to an end.

As I stand in your midst today, what happened to me in the past, I cannot change. But I can change that it does not happen to someone else, and that it does not take away a bright future for many who are orphans. I am here because I want to champion change in our community, against orphan property stripping. I don't expect it to be easy, but I am determined to do it.

- After this conference, I will go back to my village, where I know there are up to 12 orphans, and mobilize them to form a group which can speak out as one voice against orphans' property stripping. If we come together, our cries will no longer go unheard. Collectively we can be heard, and someone will listen and do something.
- In my area, there is a group of women and men who have formed a Community Watch Group that helps widows and orphans repossess property that has been taken away from them. This group has a chief, a land tribunal representative, a paralegal, village elders, and community volunteers who offer free advice on which offices to go to for intervention, as well as what documents to have. They helped me get a letter from my area chief and soon I can follow up on the succession process, as soon as the court process is over, to ensure that my siblings and I are legal owners of our late parents' property.

After mobilizing other orphans like me, I hope that we can work, not in isolation, but together with the Community Watch Group. We can add our voices to theirs and lobby to have better government policies that guard orphans' from property grabbing. We can benefit from their counsel, and also work closely with the chief who is a mentor to the group. He is a representative of the government, and he is a unique chief who has time to listen to people, and dedicate his time and resources to help them. He creates forums to educate the public and we can use the opportunity to educate the public on the ills of stripping orphans off their property.

We can help in creating awareness on issues to do with HIV and AIDS and property grabbing from widows and orphans. We can do that through performing plays, songs and poems. We can also accompany the Community Watch Group to public meetings where we can tell people what property stripping does to orphans and the community in general. Property stripping knocks off the foundation of children and they have no place to hold themselves up and grow normally. It inflicts mental injuries and affects the confidence they should have in their ability, in their neighbours, and in the society as a whole. It eradicates the values of a community to watch over their own.

If we all lived in a world where, orphans have no fear of having their land, houses, utensils, and chicken taken away by their grandfathers, and their uncles, then we would enjoy nights and days of comfort. If we lived in a world where orphans have no fear of being fought by grandfathers and uncles, then we would enjoy protection. If we lived in a world where orphans have no fear of physical injuries, then we would be happy and our confidence would not be taken away. It would be like our parents were just gone away on safari, leaving us in the care of a responsible community.

No child wants to prepare for the death of their parents because they would want them to live long. Still, today, HIV and AIDS has forced many of us to accept that we have to prepare to live without parents. It is a sad process, but it brings more peace in the end. There are several benefits for families if parents prepare for their death such as:

- Learning more about HIV and AIDS is helpful in understanding what parents who are ailing are going through.
- Both children and parents could go for counselling together to learn more on how to cope with the situation.
- Home-based care giving is one way to prepare. When a parent is ailing, it is helpful if the children are involved in taking care of them. It helps the children prepare psychologically as they interact with the status of the disease.
- Children should take a bold step to know from their parents how, in the event of their death, they are expected to take care of themselves, and how they would be involved in the administration of the property.
- Both parents and children should participate in preparing the memory book which helps children prepare and handle the pre and post death periods. It is also beneficial in informing children on who their kin is, and who would be the likely next-of-kin in property management issues.

For children who have been stripped, all is not lost. You may not be having a roof under your head, you may not be having something to eat, and you may not be attending school as you wish. The important thing is: Do not let it steal your vision.

Pursue your goals by associating with individuals, groups, and organisations that are involved in worthwhile causes.

Government, NGOs and others can help in the following ways:

- Specifically, Kenya Human Rights Commission, and government human right departments in general, have the responsibility to educate the public at grassroots level on orphan's rights, on creating awareness on steps to take to protect orphans from property stripping, and to prepare children to take over property at the death of their parents.
- Governments should consult adequately with structures within communities in order to put in place the right policies for orphans.
- NGOs working in areas of HIV and AIDS and/or property rights should incorporate the component of orphans, or at least have referral methods to link the orphans to others working in their area of concern; violence against orphans, and property grabbing among others. It is the mandate of such NGOs to educate orphans and families of PLWHAs on land/property rights. It is also their mandate to identify initiatives by orphans and support them so that the orphans can take care of themselves.
- Parents should write wills, clearly leaving their property with their children. Otherwise, they should transfer the ownership of property to their children who have attained the age recognised by the government (18 years in Kenya).
- It is time the society stopped treating orphans as mere children. It is time they got recognised, because of their plight, as children-made-adults-by-death, who have a right to manage their property. As it is, most of us have experienced more than adults who do not have to visit Provincial Administrations (Pas), courts, paralegals, and NGO offices seeking intervention. It is because we basically have no one to look out for us; we have to do it ourselves. When the society treats us as powerless individuals who have no clue about property management and then neglect us and subject us to frequent abuse, then it goes against its own values. Long ago orphans were not left to fend for themselves, and therefore there was no such outcry. Today, the society has neglected one of its roles, to care for widows and orphans. Every individual looking out for themselves. Maybe it is time society lived true to the times that have changed, and gave the mandate of management of orphans to them by recognising their right to own, and manage their dead parents' property.
- Children should be introduced to their relatives especially in urban centres.
- The Society should not take orphans as burdens. No child wants to be an orphan, and no parent wants his or her child to be orphaned. It can happen to anyone.

I have come to learn from what others have been doing. Before the Community Watch Group in my area came across me, I was working in isolation. I have already seen the benefit of working with others to address problems. I hope to make friends and form networks with partners who will add value to the pursuit of a world that takes care of orphans, and protects them from property stripping. Thank you.

3.2 Presentation by Rwanda Women's Network Child: *Mary Mukamana, Rwanda (female – 24 years)*¹

I am Mary Mukamana, 24 years old born in a family of 11 people. Of this family, I am the only one still alive. My parents and eight brothers died when I was 12 years old during the 1994 Rwandan genocide. I took over the household and care for my cousins who lost their parents during the killings of 1994. We live in Kigali city. Since the death of my parents and brothers in 1994, I have continued to live a challenging life as an orphan, a victim of sexual gender violence and also living with HIV. This was made worse by taking on the responsibility of looking after my cousins without the means to do so.

During the 1994 genocide also, I was pierced with a spear and cut around the body with machetes. Up to now, I still suffer from these cuts as they penetrated deep into my back. However, with all the above challenges, I have managed to somehow rise above them and continue to study. This has not been easy but with the help from different corners including Rwanda Women's Network (RWN), which has especially supported me psychologically, provided free medical care for me and my family from 2003, I am looking ahead to a brighter future.

In 1996, two years after the death of my parents, my paternal uncle came back from Congo where he had been in exile and took our land and forest in the current Western Province. I reported the matter to the local authorities that helped me regain our property in 1997. Unfortunately, when the authorities changed, my uncle again took the property and still has it. Apart from the RWN assistance on counselling and medical care, I have not received assistance on the case mainly because I had not shared the problem. The property is still being utilized by my uncle because I failed to keep raising transport money to go to Cyangugu to follow this up.

Currently I face challenges on transport assistance to move to Cyangugu as I follow the case. I also lack professional and moral support to assist with documentation of my case so that I do not have to communicate about it by word of mouth. A mechanism needs to be put in place to make sure that once decisions are made, they are not reversed. There is a need for necessary training on the structures and mechanisms in order for me to know exactly where to go for certain issues.

Relatives take property because they are greedy and take advantage of the children. Culture allows such practices and considers them normal. Lack of awareness by relatives on children's rights, laws and structures that protect children's rights and disrespect of children's rights is another challenging issue. Children should be encouraged to request their parents to give them property before they die as well as sensitise them to leave written wills that are gender sensitive.

I would like to challenge governments, NGOs and the UN to ensure that laws protecting the rights of children are put in place and implemented.

¹ This is a false name.

3.3 Presentation by Swazi Positive Living (SWAPOL) child representative:
Thandeka Motsa (girl- 14 years), Swaziland

My name is Thandeka Motsa, 14 years of age. My parents died in 2003. My parents were not staying together and we grew up staying with my mother at her parental home. My mother discovered that she was HIV positive after she became ill for a long time. She heard about the organisation Swazi Positive Living (SWAPOL). She then decided to become a full time member in 2002. Whilst still a member she was very active especially attending meetings and taking part in activities that were carried out by the organisation. In 2003, the sickness advanced and she was admitted in Mankanyane Hospital. There was no one to take care of her when she was in hospital so I was responsible for taking care of her. I was bathing her, assisting her in taking medication and changing her clothing. Sometimes it would require me to be absent from school to attend to her while she was in hospital. She was later discharged from hospital because she was not responding to medication

At the time, there were no ARVs so there was no option available for HIV positive patients. My mother was not married, she was a single parent. Finally my mother died, leaving myself and young siblings. After her death, my uncles chased us from home and told us to go to our father's home. This was very difficult for me and my young sisters because we did not know where our father stayed. I used to run away and seek help from neighbours. My father died too in 2003 and myself and sisters were adopted by one of the community members within the area of Mahlangatsa. It is where we are staying to date.

3.4 Presentation by LADA child representative: The cry of an Orphan:
Namoonga Hazeze (girl-14 years), Zambia

I am Namoonga Hazeze, 14 year old pupil at Chikuni Girls High School in Zambia. I was born into a well to do family and I am the first-born. From my mother's side we are only two and my young brother lives in another town (Choma). Before the year 2000, I had no problem at all. My father had a girl friend and as a result this created disputes with my mother and my parents eventually divorced.

At the time of the divorce, my parents shared the property and since my mother was very sick and was suffering from T.B, she just got a few things and went to stay in another township but later died the same year 2000. My father also developed a problem and had a stroke, which paralysed him. He later got married to his girl friend who became my stepmother. They have only one child and are already on separation.

I stayed with my stepmother who was very cruel to me. She denied me food and gave lots of work to do before going to school. At the time, I was very young to perform all household duties a woman is customarily expected to do such as; sweeping the house, washing all dirty clothes including baby nappies and cooking. This affected my performance at school. I shared my problems with my class teacher and my schoolmates who gave me encouragement. My stepmother was hard on me and the major problem was that I never learnt anything from my mother or got any experience from her. My father could not say anything despite the hardships I experienced. It like he wanted to please the wife more than looking into the affairs of his children.

My father bought a very good house and had money of which my stepmother did not want us to enjoy. When my mother died, life became even more difficult and my father took me to his young brother in the village where I am staying now. At the village, people are not friendly and my aunt is very cruel to me. She does not consider the journey I have to walk to school every day. My school is about 7km away from the village but she gives me a lot of work to do before I start off for school. Meaning that, I have to wake up early in the morning every-day to complete my household chores before going to school. Sometimes I have to do my work in the night in order to give myself time to start early for school the following day.

The uncle I am staying with does not support me, my father too does not send any money and I do not know how they expect me to survive and continue with my education. Any simple mistake I make I am harassed by my aunt instead of correcting me. I know children make mistakes and need to be corrected. She goes out telling other villagers about me and I feel hurt about this. If my mother was around I do not think she would do the same.

Since my mother had a good job, she had acquired a lot of wealth. After she died, her relatives grabbed everything starting from the household goods and money she had in the bank. You can imagine how depressed I am as a result of all these sad developments: its like from riches to rags yet my father is still alive although his status has also betrayed me. Worse still, my father is still trying to sell the only house he has and what would happen if he died. I told him that he was making a big mistake by trying to sell the house. I know he needs the money for his medication and at the same time, we need support. I feel he should not do that just for the sake of his children.

There are other stories that could be worse than mine. It's up to the NGOs, groups of people and individuals to come to the aid of orphans. In Zambia, LADA has taken the lead by introducing the Paralegal Kid's Project where we are taught of children's rights, child abuse, how to address the issue of property grabbing and what to do when your rights are violated. Already this project has empowered us to a level we are able to raise our voices loud to be heard by decision makers.

I challenge NGOs, government and donors to strategize on how best to address the issues of property grabbing. Children should start talking and encouraging parents to start writing wills. More children all over the region should join groups like the Paralegal Kids Project so that they can learn and know more about the law and their rights.

3.5 Presentation by Children in Distress Initiative (CINDI) child: *Mwaya Kadale (boy -17 years), Zambia*

I would like to thank FAO for organising this rare event and granting me the chance to speak out on issues that have affected the lives of orphans for a very long time.

My name is Mwaya Kadale , a boy aged 17 years old and doing grade 12 at Mukuba Secondary school in Kitwe, Copperbelt Province of Zambia. I am the last born in a family of eight of whom two are deceased. I now have two brothers and three sisters. My parents died 13 years ago, my father died in 1992 and my mother in 1993 (I was 4

years when my father died). We were at the time what I call a middle class family. My parents left a will after their demise but even with this, we became vulnerable to property stripping and this is the story I want to share with you today. This will was actually not the initial will my father had written. When he was sick, my grandmother learnt that my father had written a will and so she travelled from the village and demanded to see the contents of the will and she was not happy at what was in it and so forced my father to write a new will. In the new will my grandmother became the major beneficiary of his estate leaving us with very little to survive and continue our education. We were abandoned and all that was not in the will was grabbed by the dependents – my father’s brothers and sisters that depended on him. The situation forced my elder brother (Naphy) to stop school in order to do a bit of business to feed the family. He started selling a local brew in our country called Chibuku. He managed to rent a small tavern but this did not go far as capital to sustain the business was hard to find. He later left for the capital city Lusaka to look for a job. He unfortunately became sick and died of TB in 2001. My eldest sister also left school in grade nine and got married as a way of trying to help the family. Unfortunately, she too contracted TB and later died in 1999.

Life became hard and so my mother’s sister in Lusaka took me in for shelter and school together with my immediate older brother. Meanwhile, my other sisters and brothers in Kitwe became a child headed household and managed on their own. It was at this point in 2000 that CINDI, the organisation that is responsible for bringing me here, took note of us as orphans in our home town and assisted us with education and food. My late brother played an important role in having us registered with CINDI. As a family, we have all been educated by CINDI through school bursaries for OVC. My other brother completed a teacher-training course last year through CINDI support and we hope his income will help meet some of our family needs. My other three sisters have not gone to college but survive on selling wines and spirits and a bit of other supplies to help sustain the family.

Speaking of property grabbing – my family and I were stripped even before and after my parents died. My uncle forced my sick father to give him the TV and VCR we had, we tried to stop him but failed. Other things that were grabbed were items that were not listed or mentioned in the will by my father. Livestock of up to 20 goats were taken by my grandmother, two cars were taken by my uncle and many other items despite the will.

The problems being faced by most of us orphans are lack of adequate education, shelter and food and that is why the number of street kids is increasing because of lack of shelter. Through education, most of these problems can be reduced. Once educated a child would get employment and be independent thereafter.

Most orphans are not told or are not aware of their rights as children against the property stripping from relatives. Relatives are dependent on their bread winner and when their breadwinner dies, they tend to grab his or her remaining property and share amongst themselves leaving out the children of the deceased. The solution to this is sensitising the public and stiffening the rules and laws against property grabbing and the possible punishment they can face when these laws are broken.

Children need to be made aware of the inheritance laws by introducing these topics in our school syllabus from grade 1-9 in order for us to prepare for such eventualities. Children must also know their rights and what to do in the event of property grabbing by relatives. They need to report to relevant authorities in case of property grabbing. My appeal to governments, NGOs, the UN and the general public is to have a massive education campaign about children's property rights, stiff punishment for property grabbers including will writing that has proper legal backing. It is my hope that after this workshop, practical solutions and strategies will be developed to protect the rights of children.

3.6 Presentation from a child representative from Uganda: Life versus property: the experience of orphans with property stripping in the context of HIV and AIDS: *Martha Judith Naigwa (girl -18 years)*

I am Martha Naigwa, 18 years old and an orphan. My father lost a battle to AIDS in 1995 at the time when I was 8 years. After 3 years, my mother did the same when I was 11 years leaving behind seven children out of whom two of us are HIV positive.

At the time of my father's death I and my brother were always sick. My mother had a battle with her status and that of her children which she did not probably want to come to terms with as she died before disclosing to us. She had to struggle to bring up the seven children with support from the in-laws. Our uncles and aunts were busy grabbing whatever they could get apart from an incomplete house left by my father (which lies in that state to date). My mother (though she did not tell me much) must have had a big struggle and probably that is why she did not live for long after our father's death. She must have had to take a decision to either follow up property at the expense of struggling for her life and the two positive children plus the upbringing and maintenance of the family.

After my mother's death we lived in a rented house with no income. None of us was working. It was all about sharing the children. Before we could completely mourn our mother and talk to each other for encouragement, we were shared among relatives. After the sharing of the children then everybody would guess what would happen to the property. As you are being taken under another family's roof you consider yourself lucky as you have a chance to go to school, eat food and have shelter. Property protection becomes secondary or else you raise conflict, which is likely to jeopardize your studies and peaceful stay with your foster parents.

I was taken up by my aunt. Because of my ill health she took me to hospital for an HIV test. I tested positive! I was left to the counsellors! I had nobody to support me into what I was going through. I had nobody to explain to me why I was positive while others were not. In this state, my life was all about how to resolve my positive status with no support. My life was full of discrimination. Up to now, at home I can't drink from the same glass or a cup with others. I can't share food on the same plate with other people or else I give them my 'HIV thing'. Under such circumstances, I could not think about property when I was not sure of my future.

Today I am happily living positively and with the support from Mildmay Centre where I am getting my ARVs, treatment and my tuition fees. I feel useful but I still long to have my own property. Currently I am completing my nursery teaching course

and I will soon leave hostel. I would want to start my own life. I do not want to stay under people's roofs to take me through stigma and discrimination. However, how do I start this? I wish my mother's bed and mattress was available, I would have a starting point. I need the property today but how do I get it? Who can I appeal to?

My humble appeal to NGOs is for them to have pro-active actions to stop property grabbing because the NGOs are within communities where these practices are happening everyday. The re-active strategy is costly and it usually brings conflicts in families and leaves the affected children in dilemma with their greedy relatives and no NGO is ready to come in to give support.

There are many interventions designed for OVCs with large sums of money but the impact is negligible. My appeal to governments is to involve the affected children in their program design and monitoring for a more efficient utilization of funds. Government should support positive children's support groups as they give psychological support. I also appeal for more ARVs to be made available for children. Most of the children living with HIV are orphans and their relatives have already declared a death sentence upon them. They cannot therefore spend money for treatment on dying children.

3.7 Discussion

In discussion, it was clear that the laws in the region are imperfect and leave room for being subverted. The legal frameworks and systems are not in place and are translated at the local level. As a result, caregivers are sometimes vulnerable. There was a consensus on the following key issues:

- The need for education: directed to communities especially on will writing and children's property rights as well as on bad cultural practises. Children needed to be educated on property rights through the school curriculum.
- Finding recourse through social networks such as teachers and traditional leaders was critical in reducing the vulnerability of affected children
- Projects were the key to alleviating children's plights e.g. the paralegals project in Zambia. There was still the challenge of bridging the gap between best practices at grassroots and the policy level. The need to come up with Mechanisms that can be used at grassroots level to inform policy needs should be explored.
- Harsher laws were a necessity with stiffer punishment for property grabbing. Very strong words were expressed such as "*Do we have governments? Are the governments listening?*" dominated the discussion. There was a call for coming up with mechanisms that are not reversible but tools that are easily accessible to children. Civil society needs to take the lead in supporting the children and in the process make government 'wake up'.
- There was a need for more resources to be directed to the grassroots.

4.0 Key issues and inspiring initiatives by community-based organisations

4.1 Children in Distress Initiatives (CINDI), Zambia – *Anne V Mumbi*

CINDI was established with an initial focus on Home-based Care provision. Anne explained how this focus has evolved over the years due to several other factors such as an increase in the number of orphans, contributing to a high number of children being forced to abandon school. As such, CINDI has now expanded its focus to address issues of orphans and vulnerable children as well as support for access to basic education.

Through the orphan, care and support programme, CINDI aims to strengthen the capacities of communities to managing and meeting the needs of orphans. Within the same programme, the organisation also provides material and psychological support through intensive resource mobilisation. Anne clearly agreed that issues of property grabbing were increasingly becoming of concern, and, as an organisation they were planning to influence the school curriculum to have a component on property rights and if this proved to be a long route, they would initiate the process through school clubs. She stressed the need to abolish school uniforms because this requirement was keeping many children away from school. It was necessary for government to also consider abolishing school fees from grade 8 to grade 12.

4.2 Swazi initiatives for orphans' support, Swaziland: *Tenetile Hlophe*

SWAPOL's main focus is to provide support to improve the quality of life for people living with and affected by HIV and AIDS in an effective and efficient way. According to Tenetile, SWAPOL does this through the establishment of child protection committees within their respective communities. The committees are chosen through the inner council at Umphatlcatsi level, where every sub area which makes up that Umphatlcatsi is represented. In every area, five members are chosen. Their responsibilities include the registering of every orphan and ensuring the safety of the children by reporting cases of child abuse. The committees also ensure that the basic needs of the children are met through the help of SWAPOL and the income-generating projects. Within the same programme, there are elements of capacity-building that comprise physical development, basic facts about HIV and AIDS, self-esteem and psychosocial support.

One of SWAPOL's thrusts is the area of education where they pay school fees for orphans and provide school uniforms through assistance from a Canadian woman Karen. SWAPOL is currently supporting five Neighbourhood Care Points (NCPs) at Mahlangatsa Inkhundla where they provide two meals a day. This project is made possible by courtesy of Stephen Lewis Foundation. Child-headed households are also trained in life skills in the form of backyard gardens. SWAPOL provides fencing materials and garden tools and seedlings to start the gardens. This form of assistance comes through support from the global fund, NERCHA. The organisation has also encouraged other income generating activities and these have benefited orphans as well.

4.3 Rwanda Women's Network Initiative, Rwanda: Eugene Kabatayi Knight

Rwanda Women Network (RWN) is a national non-governmental organisation working in Rwanda since 1997. There is a general lack of respect of children's rights in Rwanda. According to Eugene Knight, inheritance and children's property rights are guided more by social and cultural norms other than the laws in place. The effects of the 1994 genocide that include psychosocial trauma and widespread HIV and AIDS as well as disintegrated families, have increased vulnerability to property grabbing among children. The limitation of the legal framework (e.g. the current age limit in court does not allow children to follow up their cases) has added another dimension to the problem.

In response to these diverse problems, Eugene explained how RWN has embarked on a massive education and awareness campaign on children's rights, HIV and AIDS, the inheritance and succession law. The network provides legal counselling by paralegals who accompany children with different disputes to different structures that dispense justice. Trauma centres have been set up for providing service to families affected by the 1994 genocide. The network has benefited from collaborating with the Centre on Housing Rights and Evictions (COHRE), International Centre for Research on Women (ICRW), Women Land Link Africa (WLLA) and other local partners and NGOs.

4.4 GROOTS Kenya initiatives on community watchdog, Kenya: Jacqueline Kaari

GROOTS Kenya is a network of grassroots women representing self-help groups and community-based organizations across Kenya. It was founded in 1995, and is today a network of more than 2000 women members from different women's organizations throughout Kenya. The different groups have different projects and activities are a result of their own initiatives. GROOTS Kenya only adds value to them through capacity-building and enabling their direct participation in decision-making processes.

Jacqueline explained how, generally, the behaviour and attitude of society towards children's rights have been major causes contributing towards orphan property stripping. There are also cultural based values that previously supported orphans and protected them from being stripped of their property, but the fading of some of these values in the African society has meant that the interests they served now suffer. With increasing poverty, the cases of orphan property stripping will continue to increase. There is need for stakeholders in the orphan issues to contribute to orphan friendly policies and combat this evil that is being perpetrated against a most vulnerable group of our society.

Various issues have been addressed by various projects under the sub-programme of the orphans and vulnerable children (OVC) at GROOTS Kenya such as:

- a. **Livelihoods:** A group in Nyeri district supports orphans into growing tree nursery beds as an income generating activity. The orphans grow tree nurseries and sell the seedlings to the Green Belt Movement which reclaims forests. Home-based Care (HBC) gives help them search for indigenous tree seeds and

also to market their seedlings. One of the caregivers has donated the land to the orphans.

- b. **Education:** There are bursary programmes such as the one for Mathare, a slum in Nairobi
- c. **Occupational training:** The knitting programme for orphaned girls

The main challenge, as explained by Jacqueline, is thinking how to develop a strategy to effectively communicate experiences to inform policy issues. There is dire need to inform policy development using community-oriented and tested strategies.

4.5 LADA initiative on Paralegal Kids Programme, Zambia: *Eslony Hatimbula*

In response to the increasing impact of HIV and AIDS associated with high levels of property grabbing, the Law and Development Association (LADA) began a Paralegal Kid's Project in 2004. According to Eslony, the project aims at the following:

- Bringing together children from both urban and rural areas to discuss and share ideas on human rights, child rights, HIV and AIDS and its impact on children
- Providing a forum for children to express their opinions, thoughts and fears and dreams
- Creating awareness on problems arising from violations of children's' rights and other laws
- Promoting a sense of respect among and between boys and girls
- Providing free legal assistance and finally creating legal advice centres in their respective schools
- Facilitating action teams amongst children designed to take strategies back to their schools and encourage children to become strong members of civil society
- Stimulating creative expression through group and individual assignments
- Providing a safe environment for the discussion on issues of HIV and AIDS

LADA is thus actively involved in creating awareness to communities specifically targeting key people like the traditional leaders. Various types of media have played a critical role in making the rights of children known. Other forms of assistance have focused on empowering children themselves through income generating activities such as poultry, and goat rearing and gardening. Through these initiatives, LADA has managed to penetrate the bad customs and is successfully bringing about a change in attitudes. Children are aware of their rights and where to seek help and this has enabled kids to form paralegal clubs in their respective schools.

Eslony expounded on the challenges they face as an organisation. These include limited resources, lack of transport to follow up reported cases of child abuse, property grabbing, child labour, defilement and early and forced marriages. LADA strives to work in remote areas and this poses a challenge in communication and on monitoring Paralegal Kids Clubs. Resistance from members of the society is still very high because the idea of sensitising children about their rights is still unpopular.

LADA strongly believes that organisations need to collaborate in addressing children’s challenges as these problems are proving to be immense and complex.

4.6 Protection of children’s property and livelihoods by parents living with HIV and AIDS in Uganda: An extract from the Memory Project Initiative

– *Flavia Kyomukama (National Forum for People Living with HIV in Uganda*

– *NAFOPHANU)*

In a stimulating and encouraging testimony, Flavia narrated how she had been traumatised and stripped of all property including her personal education certificates by her husband. Determined to excel, she managed to conquer all odds by attaining her desired goals of attaining a degree. She is currently living positively with HIV together with her 15 year old son.

In all this, Flavia’s children have been the most affected as they have moved from school to school every year. In addition, her children have moved from different accommodation about three times since she left her matrimonial home. The stress, distance and costs associated with following cases on property stripping have led Flavia to conclude that it is not worth compromising one’s health for. Besides, in her experience the law is a male domain and very patriarchal starting from the police to the judiciary. As such, she has resolved to protect her children for the future through the ‘memory book’ initiative (box 1)

Box 1: Memory book project initiative

Through the memory project:

- Practical information is given about their family background, children know whom they are, where they are from, their traditions and beliefs, skills transfer based on cultures and traditions.
- The focus is no longer on preparation for death but information about preparation for the future. Children understand their past and face the future with truth and energy. Such skills include confidence, communication, involvement in and decision-making in family matters, preparation for separation, care and support skills to sick members of the family.
- Parents are able to disclose to their children their HIV positive serostatus and the children learn coping skills and get courage to participate in planning e.g. identification of foster parents. Eventually parents make implied and written wills to protect their children’s property and livelihoods
- It also opens doors for less gifted children to be placed in vocational skills training to encourage self-sustenance.

According to Flavia, it is just a manageable challenge. Confidence and life skills can help protect children’s property rights and livelihoods. In her final remarks, she had this to say “*Let’s stop AIDS, let’s keep the promise to protect orphans and vulnerable children. Remember, HIV is a preventable and HIV is manageable*”.

4.7 Initiatives from Mozambique: Ms. Mafuito and Ms. Sofale

There is currently no specific legislation associated with HIV and AIDS and children in Mozambique. However, the legislation is being revised and UNICEF has since

sponsored a study that includes a review on the protection of children's rights. The HIV prevalence rate in Mozambique is currently at 16.2% but is still growing. The National Plans of Action (NPA) concerning OVCs was initiated in 2000 to try to address the escalating challenges of growing numbers of orphans in Mozambique.

Government's efforts through the National Plan of Action (NPA) have been specifically directed at creating a conducive environment for reducing the impact of HIV and AIDS on OVCs, reinforcing the capacity of families and communities and stabilising and reinforcing systems of research that can provide information on addressing issues affecting children. The laws require that all children are protected. The challenge in Mozambique is to make sure that all activities are coordinated within and among various stakeholders and making sure, that children's rights are protected.

5.0 Messages from the United Nations to Children

5.1 Achieving Scale: The Global Campaign on Children and AIDS: *Festo Kavishe, UNICEF Representative, Zimbabwe*

The global campaign has been launched in response to the devastating impacts of HIV and AIDS on the world's children and adolescents (Box 2 below). Festo Kavishe, the UNICEF Representative emphasised on how HIV and AIDS is undermining all efforts in the areas of child survival and development in health, childhood care, nutrition, education and social protection (including sexual abuse, child labour and property stripping). Using Zimbabwe as an example in the region, the prevalence seems to be going down and yet the number of orphans is still expected to rise in the coming years. According to Festo Kavishe, for Zimbabwe the worst is still to come.

Mr. Kavishe stressed on how it is necessary to build on existing and ongoing initiatives in the region. For Zimbabwe, several initiatives and policies are in place that can drive the global campaign. Some of these include the National Orphan Care Policy (1999), National AIDS policy (1999) and the recently launched National Plan of Action (NPA) in September 2005. UNICEF is therefore key in mobilising partners and resources while focusing on common challenges and priorities. The need to mobilise commitments from all spheres, at a high scale and level is central to the global campaign. This is meant to place children more prominently on various levels as well as contribute to meeting the Millennium Development Goals.

Box 2: Why the Campaign?

Children and adolescents infected in Zimbabwe

- Child deaths due to AIDS in 2004 510,000
- New HIV infections in 2004 640,000
- Children living with HIV: 2,2million

Children infected:

- Children orphaned by AIDS: 15 million

The programme of intervention is to be initiated around the five "Ps" that comprise Prevention, PMTCT Plus, Paediatric treatment, Protection, care and support for children affected by HIV and AIDS, as well as building Partnerships. Interventions on orphans and children will cover areas of education, nutrition, health care, family support, community support and various other social protection issues. Mr. Kavishe also called for better documentation and dissemination of new knowledge and best practices for evidence-based and results- based advocacy.

5.2 Convention on the Rights of the Child and Property Rights: Siraj Saiti, UNHABITAT, (legal expert), Kenya

A rights based approach to addressing children's vulnerabilities was analysed and presented by Siraj Saiti. In understanding the property rights issues facing children, Sarij explained that the key areas around which children need answers, are thus:

- Do adults understand children's property issues?
- Do adults listen to children's property experiences?
- Do adults value children's property rights?
- Do adults promote children's property rights?
- Do children's property rights really matter?

Children's inheritance and property issues revolve around a vulnerability cycle often associated with weak laws or legislation, lack of education/awareness, nutrition and health, abuse and child labour, social security and family care as well as existing harmful practices that are a source of grief and pain. When considering issues of children's rights, Siraj stressed that children need to be viewed as actors because children have their own expectations. Individual countries have also agreed on international treaties that protect the rights of children, for example, the 1989 Convention on the Rights of Children (CRC), which is the most widely ratified by countries.

It is critical that rights are made a reality by developing child-friendly tools and this follows a process of listening to and understanding children's needs and problems, documenting this and finally leading to disseminating it. The next stage involves developing capacity and then the tools for addressing the problems. The remedies are then evaluated before the implementation process. The development of child friendly tools around property rights, for example, engages different stakeholders such as professionals/experts, state officials, development agencies, NGO/CBOs as well as the children themselves.

6.0 Zimbabwe's experiences on HIV & AIDS, children's property rights & livelihoods

6.1 Ntengwe initiative on orphans' property rights, Binga Zimbabwe: Elizabeth Markham (Director, Ntengwe)

Ntengwe is a community-based organisation currently working from Binga but planning to move to Manjolo Growth Point. Elizabeth Markham, the Director of Ntengwe for Community Development explained how the organisation is committed to community development by working with 900 orphaned children across seven wards in Binga District. Most of the organization's projects are based in the arts, including film, music, writing and theatre. Creative arts projects open up ways for young people to explore their lives and feelings.

Through the "*Tuli bamuchala*" project, meaning '*we are orphans*' in Tonga, Ntengwe has been able to recognise children's rights. The project empowered children to defend their identity and strength. As a result of this project, Ntengwe has moved into

a clearly defined initiative under the ‘wills and inheritance’ work which currently has four elements that include:

1. The creation of memory boxes, an ongoing project that began in 2004
2. A drama film exploring issues of wills and inheritance through the experience of a young boy
3. A children’s book on wills and inheritance which will record the lives of children in Binga in a range of forms, to share with children in other parts of the world; and
4. ‘Voices for Positive Choices’, a newly launched advocacy project aimed at making people aware of existing Zimbabwean laws on inheritance rights and encouraging their use. Through this initiative, people will be encouraged to write wills and to ensure that they are enforced

Elizabeth emphasised the central role played by the community and children in all their projects.

6.2 Memory book project for protecting children’s inheritance and property rights: *Laiza Mapepa, Zimbabwe Red Cross*

The Zimbabwe Red Cross, HIV and AIDS integrated approach offered to vulnerable children, as explained by Laiza, has increasingly involved the memory book project. The memory work has proven to be a useful form of therapy for both children and parents. In addition, it has helped link children with their past, present and future. This information, which is mainly about parents, and family history includes photographs, drawings and other memories. It is called a ‘treasure chest’ of family information.

Through the organisation’s involvement in this project, there has been evidence for the help the books are providing to children facing loss or separation from parents. The children have been able to understand the past and feel more secure about their future if the parents eventually die. It has also provided a sense of identity and belonging and as such, the children can plan. There have been noticeable linkages between memory work and inheritance issues. Through will-writing, parents are trained to share their future plans with children. Eventually, children come to understand their parents’ views and wishes such that even after their death, they are empowered on issues of property inheritance, and hence are able to cope with issues of property grabbing.

6.3 HIV and AIDS and the property rights of disabled children: *Theresa Makwara (Zimbabwe Parents of Children with Disability Association), Coordinator, Harare Branch*

Theresa Makwara, the coordinator for Zimbabwe Parents of Children with Disability (ZPCDA), reiterated the extent of the stigma and discrimination associated with children and parents of disabled children in the region. As such, their plights have often been ignored and hence they have been excluded from participating in many development programmes. Despite the many HIV and AIDS services available in communities, these have not been utilised by parents of disabled children because of the time required to take care of their disabled children and also because these programmes are still not addressing their needs.

There is a need to improve on laws that cater for the disabled such as those concerning wills. Theresa narrated the case of a disabled child found residing in the graveyard of his deceased parents after being evicted by a tenant from his parents' house. Such distressing cases have contributed to the deaths of a number of disabled children. Theresa challenged organisations to form partnerships and coordinate in many activities in order to improve the lives of disabled children and their parents.

7.0 Testimonies by children

7.1 Presentation by Farm Orphans Support Trust (FOST) child, Zimbabwe: *Mutsawashe Mutasa (girl – 18 years)*

Property grabbing is a common practice that happens in our Shona culture. The people, who often practise this, view it as a good practice that should be done yet it has a negative effect on the lives of children of the deceased. My name is Mutasa Mutasa aged 18 years old. I am the last born of a family of four. Our origins are from Murapa in Mukanda village. Now I am staying with my mother who stays at five Streams farm located in Mutasa District of Manicaland. My mother, Roseline is looking after her sister who is disabled.

My father died in 1987, and soon after his death, our relatives shared the belongings that included a radio, blankets, pots, plates, cups and goats. Because we were still young, there was nothing we could do about it and my mother could not say anything. When the radio was taken away, they told us it was going for repair but since then they have not brought it back. This really hurt us that on top of losing our loved one our belongings were also taken from us leaving us with nothing. This was also purposely to push my mother to leave the family and go back to her rural home where her paternal parents stay.

My mother struggled to fend for the family. She had to do piece work and sell dried wood for us to survive. We also assisted her by selling vegetables and fruits. Our main challenge at the moment is having enough resources to continue with our education. We have continued to do piece work to supplement our mother's salary. I no longer have any hope of getting back the property that was taken by my relatives. All that I now hope for is to be able to support my mother in the future. I believe that with support I will have a bright future.

Personally, I feel that property grabbing is a bad practice because it increases the levels of trauma in both children and the other surviving parent. In most cases it is women and children who are victims of property grabbing although these days men have also become victims as well. The people who practise property grabbing normally want to pretend that they are practising culture yet jealousy and greediness drive their actions. I strongly feel having been one of the victims that policy makers should come up with an Act that does not allow relatives to take any property from a household when either parent dies but leaves custody of the property with the immediate family that has lost a parent.

I feel that parents should be aware of the importance of writing wills before one of them dies. This will protect the family from property grabbing. I feel that other stakeholders can support children who are in the same situation like me by paying for

their fees so that they can get educated and have a brighter future. In addition, people who influence policy should have this matter brought to their attention so that they can formulate laws that protect children from such practices like property grabbing.

7.2 Presentation by children from Zimbabwe Parents of Zimbabwe Children with Disabilities Association

7.2.1 Testimony by Maria Kamusewu (girl -15 years old)

Maria's testimony was narrated by her mother Katharine because she cannot speak. Maria is a 15 year old girl. Katharine's husband died in 1994 when Maria was 2 weeks old. Soon after her husband's death, Maria was always sick. Katharine endured stressful visits to Harare hospital requesting Maria to be tested for HIV because of her own HIV positive status. In all cases, they turned her down until after one and a half years when they finally revealed that Maria was HIV positive.

Katharine has been experiencing problems with relatives over property as they believe that a disabled child cannot inherit. She has also realised that available programmes are targeted at disability and not on problems experienced around property grabbing. Deliberate efforts need to be made to address such challenges among the disabled. Katharine currently stays in Mbare flats with her daughter on the third floor. She has been carrying Maria everyday to the ground floor so that she could go to school. Of late, this has not been possible because Katharine's health has also deteriorated and she cannot carry her anymore. As a result, Maria is no longer attending school and also help from neighbours and friends has become increasingly limited.

7.2.2 Testimony by Pretty Charowa (16 years old)

Pretty is another disabled child who cannot speak and her mother who is also HIV positive narrated her testimony. Pretty's disability became acute when she was four years old and she has been attending special classes up to Grade 7. Pretty is unable to read and write but enjoys craftwork offered at ZIMCARE Trust. Her father died of AIDS in 2002 and left some businesses comprising of shops, hardware and a grinding mill. Because Pretty's mother was separated before her father's death, she was not included as one of the beneficiaries. The relatives grabbed everything and they are also currently running the businesses.

Despite the costly nature of the special school that Pretty is attending, the relatives have been unwilling to help. She has potential for vocational skills but there is a lack of money to continue sending her to school. Pretty's parents had a rural home with cattle and other farm implements, but then, a family friend is looking after the rural home until Pretty's brother turns 18 years old. Recently, Pretty and her mother have been staying in the open since May last year and it is only now that they stay with a friend.

7.3 Presentation by Zimbabwe Widows and Orphans Trust (ZWOT) child representative: Chiedza Gonyora (girl – 13 years)

Growing up with a happy loving family is the dream of every child born into this world. That too was my dream. My name is Chiedza Gonyora. I am 13 years old. I

was born at Hwange colliery Hospital on 23 March 1993 because my father used to work in Hwange for National Railways of Zimbabwe and my mother had no job. In 1999 we moved from Hwange to Bulawayo where I started Grade one at a school called Henry Low Primary School. I loved school very much. In 2002 when I was in grade three, I was told I had pneumonia and tuberculosis, and I was put on TB treatments. I was told that I was not allowed to take part in sporting activities because I was not fit enough. I was put on medication which I take every Friday, Saturday and Sunday until now.

My father got sick after a year. He was admitted in hospital and we were told he had lung cancer and was HIV positive. I did not know what it meant. He became sick and weak. His legs and body got swollen because of the illness. After a month on 27 July 2003 he died. When he died, I was sitting with him in the sitting room on a Sunday afternoon watching soccer his favourite game. I went to the kitchen and when I came back, I was confused when I saw my mother crying. At that moment, the only thing I did was to run out and call for neighbours. When I came back with them, they told us that my father had died. It was very painful for me that moment. I will never forget.

On 29 July after his burial, my father's relatives came to our house claiming all our property and harassing my mother. They wanted to take us from our mother. Our family car was taken away. My grandmother on hearing the story and scared for our safety told us to come and stay with her in Harare. All my happiness had gone and only sorrow and pain remained in me. It is very hard to be an orphan. Now I have heard my father's death was due to AIDS, which meant my mother and myself are also HIV positive. My dream is to become a scientist so that I can study about AIDS and its cure, for the sake of my fellow infected orphans and innocent victims who have contracted the virus one way or another. For I believe nothing is impossible in God's hands.

The major problem with regard to children's property rights in general is that even if your father dies and had a second wife, she has right to all the property. Of course its just mentioned in passing that it is shared among kids as well but who ensures that this is carried out and who do we speak to if this is not done without conflict. Why many relatives take property is because they desire the fruits of other families' labour and also for their own personal gain.

My first question comes from my personal experience a couple of months ago when my school said it was compulsory for us to have a school tracksuit. Paying my fees is a struggle. What can government do so that our right of education cannot be violated because of a mere tracksuit which costs more than our school fees?

There is no immediate solution to stopping this problem except by starting to teach and instil values in people so that they appreciate families left behind by the deceased. I think that other children should ensure that their parents have written wills of which they can also keep a copy for themselves. For children who are going through property stripping I say hold on, pray, and do not let your relatives bring you down because you can become anything you want no matter how difficult the road is.

All I ask from NGOs, government and the UN is to set up organisations that are children friendly to assist in our problems and also carry out campaigns on educating

all those property grabbing relatives that what they are doing is wrong. More awareness campaigns in schools should set up rules that do not victimise HIV and AIDS affected children. My expectation from this workshop is to grow stronger through my fellow orphans' experience and also learn and appreciate how HIV and AIDS virus has affected my fellow orphans and how we can help each other to overcome this diseases. The task lies on fighting and combating all problems relating to this disease and children's rights. My special thanks to ZWOT director Mrs Susan Zwinoira for our welfare and for encouraging us to live positively and my pastor Mathew Kazadi for spiritual guidance.

7.4 Presentation by Zimbabwe Red Cross Child: Christian Nyawungwa (boy-17 years old)

All protocol observed. Good morning ladies and gentlemen, mothers and fathers of tomorrow. My name is Christian Nyawungwa and I am doing form 4 in Chitungwiza and turning 17 years this year. Before I get into today's business, I would like to relate a brief history of my life. We were a family of seven members. When I was in grade one in 1996, my father died. When I was in grade six my mother eventually passed away too. Here, my father's elder brother decided to take my twin brother and me to the rural areas but our big brothers defended against the idea. To them I give a word of thanks.

I am very proud to be HIV positive. Why do I say so? It's because I know where I stand, where I am going and my future of tomorrow. If we were to look at the statistics of this country we find that almost $\frac{3}{4}$ of the population is affected. However, if we were to look again, how many are able to disclose their status to their families or relatives, we will only have a $\frac{1}{4}$ of the population. What makes them fear to disclose? It's because the community and the relatives of family think that if a person is tested positive the next thing is to die. They believe that he/she will not have their own families or will not live long. The other issue is stigma and discrimination of the community and relatives because they are ignorant about the ways of transmission, for example:

1. Parent to child transmission: this is where a parent gives a child this virus through breast feeding or when the mother is giving birth.
2. Breast feeding: this is where the breast of the mother develops sores on it so when the child is infected while drinking her/his milk.
3. When the mother is giving birth, her child might have cracks on the skin. In Shona we say "*kusvuvuka*". However, thanks to the Ministry of Health and Child Welfare by introducing the drug Nevirapine that prevents the transmission to the child and most women who are positive use this way of prevention.

However, what should we do to stop this stigma and discrimination issue? The only solution is to put our hands together to fight against it. To my colleagues if you do not want to fight or if you are afraid, I will stand up and fight the battle. In terms of food, the situation is terrible. Most children have little food and they need to take six to seven drugs a day. Some of them do not work and end up dying of hunger. They are no longer employed because of their HIV status. However, why is the government

oppressing people who are HIV positive? There is the AIDS levy, where does it go? We do not know.

Another issue is on ARVs and herbal therapy. If I want to get the ARVs there are certain tests, which must be observed. First is the CD4 cell count, which means they have to look at how many solders are left in my body. Second, is the FBC the quantity or amount of blood in your body. Third is the LFT meaning liver function test and most of the clients are dying because of poor quality machines used for this test. On the issue of herbs, they are available but there is no education on how to use them and identify them. However, do not worry people, when I finish school I will teach you all.

Ladies and gentlemen, bear with me because this HIV and AIDS issue pains me a lot because of a number of orphans affected by this disease. When it comes to the HIV and AIDS issue I am a good lecturer. Last but not least, I would like to say I have an opportunity to save the children of my country. To those who are voiceless I will support you and I won't let you down. The memory book helps a lot but unfortunately my parents were not involved in the memory work because they were deceased. They did not have a will but we were privileged because their relatives did not leave us empty handed.

7.5 Discussion

The stories presented by children were described as disturbing and enough to arouse a sense of urgency and responsibility for everyone to act and be involved in ameliorating their plight. The need to involve children was expressed in the following phrase “*Anything for us without us is against us*”. A question was directed to the Ministry of Public Service, Labour and Social welfare on how they solve complex issues within the National Plan of Action (NPA). In response, the representative made it clear that issues were dealt with case by case and using proactive mechanisms such as educating the public before children are exposed to abuse. There was also a fear that African culture was being infiltrated and diluted by other cultures which are undermining the family unit. Massive sensitisation of communities was necessary to gradually discourage bad practises.

It was surprising to recognise that there was little awareness of the NPA on OVC in Zimbabwe. The government admitted that the gap had already been identified, and working with UNICEF, initiatives were already taking place on dissemination of the NPA.

8.0 Message from Government Authorities to Children

8.1 Zimbabwe's National Plan of Action for Orphans and other Vulnerable Children: *T.A Chinake, Deputy Director of Social Services, Ministry of Public Service, Labour and Social Welfare*

The NPA for OVC's key focus areas include areas of education, increasing access to food, health services, water and sanitation, increasing the numbers of children with birth certificates, providing a healthy family environment as well as protecting children from abuse. The deputy director, Mr Chinake, stressed the importance of

increasing child participation in planning and implementing programmes. This obviously is made possible also through strengthening existing coordination structures for OVC programmes as well as increasing resource mobilisation for effective programme implementation.

The NPA for OVC is thus a government programme that seeks to intensify the implementation of national legislation and policies pertinent to the protection of children. Consequently, as Mr Chinake expressed, the government sets standards and guidelines for all stakeholders. The main policies presently guiding OVCs include the Zimbabwe National Orphan Care Policy of 1999, National AIDS Policy (1999) and the National Plan of Action for Orphans and other Vulnerable Children (NPA for OVC) – August 2004. Government endeavours through its programmes to include community participation at the lowest level possible. Hence, the Child Protection Committees at the district level are composed of government line ministries, the private sector, donors, faith based organisations, community representatives and anyone willing to take part. The greatest challenge according to Mr Chinake, is getting the resources to the children at the community level as well as ensuring that grants are accessed by the families that have taken in orphans.

8.2 Protecting children’s property rights: Charles Nyatanga, Master of High Court, Zimbabwe

The Master of High Court, Charles Nyatanga introduced his talk by challenging the workshop to come up with practical solutions and strategies to address the plight of children. The key to most children’s problems in the region was due to the deep-rooted cultural practices. In Zimbabwe, for example some people do not accept that a minor child let alone a girl child can inherit property of any value ahead of uncles (father’s brother). Uncles always strip these children of their inheritances under the guise that the assets (both movable and immovable) will be kept in trust.

Others will opt to take these children into their custody and then strip them of their inheritances. The more cruel ones will expose the girl child to prostitution and boy child to the streets. Mr. Nyatanga expressed the urgent need for government to educate the community and as such there needs to be a “cultural revolution”. He admitted that this was not an easy task but a necessary one. The role of traditional leaders in perpetrating child abuses is increasingly becoming the norm and needed to be dealt with severely. Minors have every right to inherit property in Zimbabwe with various provisions that are in place, and the community should be educated on these.

To some extent, children’s rights are protected in Zimbabwe but there is still more to be done. Several initiatives have been undertaken by the Master of High Court to move towards achieving children’s rights, such as their right to be heard through the Widows’ days on every Tuesday. There are also suggestions that are coming up on creating an enabling legislation such as criminalizing property grabbing. This suggestion has been referred to the Law Development Commission who are drafting the legislation.

8.3 Customary Law and children's property rights: *Mr Mandeya, Chief Magistrate, Zimbabwe*

Mr. Mandeya outlined the key principles that influence children's access to inheritance and property rights. Basically, children have all the rights accorded to every citizen by the constitution, statutes and the common laws in the country. But the following guidelines apply:

- A child needs her/his parent's or guardian's assistance to undertake legal transactions such as acquiring property and disposing of property
- Property acquired in the child's name becomes that child's property. But the child cannot dispose of it without the guardian's consent.

Mr. Mandeya discussed how social norms of reciprocity and helping each other were being affected by the rising cost of living especially being faced in Zimbabwe. This has allowed for infiltration of western culture and loss of positive African values. The erosion of social norms have increased the vulnerability of children leaving them with little or no forms of support. On the other hand, Mr. Mandeya explained that Zimbabwe has statutory law that is meant to protect children but the problem was that people were not aware of its existence. However, he also noted that there are still some loopholes within the law that greedy relatives are able to manipulate to the disadvantage of the children.

8.4 Police Support to property rights of children: *Jeremiah Doyce, Deputy Chaplain, Zimbabwe Republic Police (ZRP)*

The Deputy Chaplain, Jeremiah Doyce, also emphasized that it was important treat the subject of property rights of children with the seriousness it deserves. In pursuit of this goal, the Zimbabwe Republic Police has been vigilant in educating its members on the registering of spouses and children as well as wide-ranging campaigns on property rights and inheritance issues. This has been possible through massive workshops throughout the country.

The ZRP has been working in close collaboration with key stakeholders such as the Zimbabwe Widows Orphans Trust (ZWOT), the Master of High Court, the Chief Magistrate's Office, the Registrar General's Office and the Pensions Office to ensure effective law enforcement. This relationship has been useful in addressing children's problems associated with property grabbing.

8.5 Drama by Zimbabwe Parents of Children with Disability Association (ZPCDA)

Global Campaign Drama by ZPCDA

Property grabbing in the context of disability and HIV and AIDS

This is a story of a family that had worked tirelessly for a better living. The family includes a husband, wife and three children. Unfortunately all children were girls. The man started to go out with many girlfriends so that he would have a baby boy who would one day inherit his wealth. By so doing, he contracted HIV and AIDS and later transmitted it to his wife. The man forced his wife to get pregnant and have another child. The wife tried to tell their family friend so that he could let him know his HIV status before getting pregnant. She however got pregnant anyway and gave birth to a disabled boy.

Later, the man died of AIDS and the man's brother came and grabbed the widow's property together with the children who were not disabled. The widow was left alone with her disabled child. She was chased away from her beautiful house after all the effort she had put with her husband in building their house. The widow later dies from poverty, stress and AIDS. The child was left with no one to look after him and no one even feels obliged to look after this poor disabled boy. He was sent to the grandmother in the rural area.

Then here comes Zimbabwe Parents of Children with Disability Association (ZPCDA) to rescue the child. Zimbabwe Widows and Orphans Trust (ZWOT) also arrives to recover the grabbed property.

9.0 Key Recommendations

It was made clear throughout the workshop that the complexity of issues surrounding children's property rights and HIV and AIDS was because they are often embedded in power relations and greed. Emerging from all deliberations was the need to be more practical and serious in dealing with children's problems. As such, key themes on issues that need addressing were discussed and the following recommendations were made:

9.1 The need for effective legislation

Many governments in the region have made laws, statutes and policies directed specifically to Orphans and Vulnerable Children (OVC), such as those pertaining to birth, death, and marriage registration, the legal age of consent and majority, sexual offences and inheritance, all intended to protect the rights of children. Despite the existence of legislation in the region, in many cases these laws are weak and subject to violation. The interaction between customary law and statutory law generally governs children's property rights. In many instances, these laws are chosen to be deliberately ignored or people are not aware of them. Cultural norms are increasingly suppressing the law and corruption has affected implementation of laws in the region.

It is thus clear, that laws in the region are imperfect and leave scope for being manipulated and subverted. The legal frameworks and systems are not in place and translated at the local level. Hence, there is a call for a "cultural revolution" that is apparently not very easy but necessary for creating an enabling environment for children's rights. There is a need to strengthen the legal framework to allow for stiffer punishment. Zimbabwe is beginning this process through the introduction of criminalization of property grabbing which is still under consideration with the Law Development Commission.

9.2 Strengthening of law enforcement mechanisms

There is a general weakness around enforcement of laws protecting children in the region, often associated with ineffective systems currently in place. Thus, there is a growing need to make laws real in the lives of the most vulnerable groups. Enforcement mechanisms need more than tougher sentencing and litigation but also the development of child –friendly tools that enable the right holders to know and access the options they have. National governments in the region were encouraged to give priority to OVC in national policies, budgets and legislation working in collaboration with non-governmental and community organizations to ensure that efforts are well coordinated and implemented. This immense task calls for the mobilization of political will among national governments.

9.3 The development of child-friendly tools

There is a need to create a conducive environment for children to talk by convincing governments to create such platforms. In this regard, governments should appoint committed personnel to deal with issues concerning children, not someone politically motivated. The law needs to be child-friendly including Juvenile Courts being more proactive and dealing with inheritance and property rights. Special sessions could be allocated to children’s issues so that property disposal should be within the interest of the minors.

Documentation of children’s issues in their own language that can be easily understood and is easily accessible is another area that needs attention. This can include issues around the upholding of good cultural practices.

9.4 Sensitization of the public through community mobilisation

Communities are integral to a meaningful response to the issues around HIV and AIDS and children’s property rights. Building their capacity to protect and care for orphans and vulnerable children in the face of extreme levels of property grabbing is paramount. In this endeavour, children and young people should not be viewed as a passive, powerless group waiting for assistance. They can and must play an active role in any interventions aimed to help them. Children can provide valuable insights into the problems faced by orphans and vulnerable children. There is a need to create a conducive environment for children to talk openly to communities “*children’s voices need to be heard*”. During this process, children can be able to engage in constructive discussions on the negative impacts of culture on the inheritance rights of children.

There are several community programmes that have been implemented to support Orphans and Vulnerable Children. Good initiatives are being championed by grassroots organizations, NGOs and faith based organizations in the areas of children’s rights, HIV and livelihoods. These need to be captured and exchanged within and between countries and thus create an effective environment for coordination and collaboration. Other support structures within communities currently protecting children’s rights need to be supported and encouraged. On the other hand, community education and awareness programmes against bad practices that exacerbate the plights of orphans and other vulnerable children is a necessary priority.

9.5 Specific recommendation on disabled children's inheritance rights: *Pretty and Maria Cases*

The participants recommended the need to visit the Department of Social Services and plea for the cases to be addressed. There should be a specific request for Pretty's mother to be reallocated a room on the ground floor. A committee comprising of Theresa Makwara, Irene Banda and Susan Zwinoira was proposed to take the issue further. Kaori Izumi will mobilise funds for these cases to be addressed.

9.6 Closing remarks

Certainly, as noted by Aubrey Harris, Acting FAO representative, the issues around children, HIV and AIDS and property rights have been rightly described as alarming, tragic and an emerging emergency. The need for political will has emerged as a clear theme especially in making sure legislation is strengthened and enforced. Thus he challenged the workshop to take the written resolutions further by making sure that these are implemented for the benefits of the children. FAO is therefore committed to contributing to the global campaign on children in ensuring that property rights become a major emphasis. Finally, Mr. Harris stressed that preventing the loss of children's inheritance is now very urgent.

9.7 Closing Speech: Sub-Regional Acting Representative, FAO Sub-Regional Office for Southern and East Africa: *Aubrey Harris*

It is my great pleasure to be invited to take part in the closing ceremony of this important regional workshop on HIV and AIDS, Children's Property Rights and Livelihoods in Southern and East Africa. Many of the presentations throughout the workshop have outlined the general problem around the issues of children, HIV and AIDS and property rights using expressions such as "*alarming*", "*tragic*" "*an emerging emergency*". This meeting has taken this language further, giving these figures a "*human face*" through the various testimonies and experiences that have been shared between participants. The emphasis on the voices of the children themselves has given a new impetus to ensuring policies and strategies recognize the views of this vulnerable group.

The impact of HIV on children is now alarming. Every minute of every day, one child dies and four children lose a parent because of AIDS-related illnesses. According to UNAIDS, an estimated 3.2 million children were infected with HIV during 2005 in Sub-Saharan Africa. During the same period, 2.4 million children died from AIDS. It is also sad to know that, twenty years into the pandemic, the area of least progress has been around children. It is also important to understand that the suffering of children starts well before the death of a parent. Children living with caregivers will often experience many negative changes in their lives and start to suffer physical and emotional neglect that can be devastating.

The need for political will has emerged as a clear theme in this workshop, demonstrated by the presence of the Master of the High Court, the Chief Magistrate, various senior representatives of the United Nations, decision makers in various Non-governmental Organisations and regional representatives. Without political will, the objectives of this workshop will come to nothing and therefore the challenge now lies

with us in taking forward these important discussions, many of which have been led and influenced by children themselves.

It is these messages from children who have been directly impacted by the epidemic that must be given voice in our resolutions. Our various discussions around what to do to stop property stripping, protect children's property and inheritance rights and support the children affected by HIV and AIDS must not be left as neatly written resolutions on the workshop report.

The workshop recognized that many governments in the region have made laws that are meant to protect children but in many cases, these laws are weak and can be easily violated. As the Master of the High Court emphasised, we need effective enforcement mechanisms to make these laws real in the lives of the most vulnerable groups. Enforcement mechanisms are more than tougher sentencing and litigation but also child-friendly tools that enable the right-holders to know what options they have and to easily access these. In addition, community mobilisation and education is necessary for an effective grassroots response to protecting children and preventing property stripping from taking place.

At the global level, we recognize the Convention on the Rights of Children that gives children the right to be free from discrimination and protects them from torture or from anything that is degrading. However, achieving these rights remains a challenge. The UN launch and commitment to a five-year global campaign to assist children affected by AIDS is one way that the FAO will continue to engage with some of these issues. It is our commitment to continue working to ensure that property rights become a major emphasis of this campaign. Testimony after testimony confirmed reports from the field that the increase in AIDS-related deaths has increased opportunities for property stripping. Preventing the loss of children's inheritance is now very urgent.

Finally I would like to express thanks to all presenters especially children and for all of your constructive and meaningful participation. I wish you a safe journey.

I thank you.

Retreat at Dombawera Game Park²

Bindura

9-10 March, 2006

Introduction

After the workshop was over, a retreat was organized at a Dombawera game lodge in Bindura. The children interacted with each other and a group discussion was held to discuss their lives, the saddest experiences, the happiest moment, their dreams and the biggest wishes.

Kaori Izumi (FAO)

Okay, now we are in Dombowera, we have finished the workshop on HIV and AIDS and Children and Property Rights and it was very good. We had honourable guests from different countries; from Swaziland, Zambia, Uganda, Rwanda, Kenya, and Zimbabwe. What did you think of the workshop?

Judith Martha Naigwa (Uganda)

It's not only me but other kids are going through the same thing.

Grace Waithira Ikumbu (Kenya)

It really encouraged me to think that other children younger than me are still suffering and have courage to face life.

Chiedza Gonyora (Zimbabwe)

We learnt a lot of things that some children are going through the same situation I am going through. I thought I was the only one going through the situation but now I know we are many.

WHAT ARE YOUR PLANS AFTER THE WORKSHOP ?

Namoonga Hazeze (Zambia)

Exchange ideas about some of the problems that orphan children face in our various countries. For instance, I can write to Martha and ask her if there is another child in her country who is going through the same situation and then she can also write back to me and then we can start exchanging ideas and come up with a solution and if the problem is too hard for us to take, maybe we can write to NGOs such as FAO, LADA and other NGOs that we learnt about and we knew when we went to the workshop in Harare. We can't do everything on our own, we need guidance from someone older than us. We are not that capable. So I think they should stay hand in hand with us and help us.

Kaori Izumi (FAO)

So, are you going to tell other children in Ntengwe about the workshop?

Constance Binga (Zimbabwe)

² DVD video on this discussion is available from FAOSAFR.

Now that many children in Binga are facing the same problem, I will also tell them that it's not only in Binga, it's in different countries. I will tell them what we learnt during the workshop.

Mwaya Kadale (Zambia)

We have learnt about our rights and what can be done and we heard about other people, other children's problems that they are facing. It's now our responsibility to go and feed out this message that we have been fed by the organization.

Kaori Izumi (FAO)

So, in a way you have been prepared to become a messenger?

Mwaya Kadale (Zambia)

Yes, yes, it's like you feed us the message that we are supposed to take. You have given us all the information that we needed. Now it's our responsibility to take it to our countries to various kids facing the same problems.

Kaori Izumi (FAO)

So, when you go back to Zambia to CINDI what are you going to do first?

Mwaya Kadale (Zambia)

I will tell them what was happening, what kind of fun we had and how educative it was.

Kaori Izumi (FAO)

What was the most interesting or new thing you learnt at the workshop?

Mwaya Kadale (Zambia)

The most interesting is inheritance of property. It's very touching and I feel a lot of things are going to be done.

Kaori Izumi (FAO)

What did you learn? Was there something new for you which you didn't know? What did you find most important?

Mutsawashe Mutasa (Zimbabwe)

They taught me how to live positively in many ways and that you can live for longer.

Kaori Izumi (FAO)

What do you think should be emphasised? What are the most important things to be done on HIV and property grabbing for you to have a better life, happier life?

Mutsawashe Mutasa (Zimbabwe)

Mostly, in property grabbing, I think they should harden their laws on property grabbing so that there will not be property grabbing for us children to have a better life.

Kaori Izumi (FAO)

What was the most painful experience in your life, although you have not lived as many years as I have lived?

Judith Martha Naigwa (Uganda)

Losing both parents and being HIV positive.

Namoonga Hazeze (Zambia)

When I lost my mother and when my father got paralysed, it pains me. It feels like he is being discriminated against in the community. He is no longer accepted as he used to be a long time ago.

Thandeka Motsa (Swaziland)

When my mother died.

Grace Waithira Ikumbu (Kenya)

I took my mother to the hospital. We slept for two days and then she died. She died in my hands. That was the hardest moment I had in my life.

Mutsawashe Mutasa (Zimbabwe)

I don't know my father. He died when my mother was pregnant with me, so it's painful. I even know him on photos but not to see him alive.

Chiedza Gonyora (Zimbabwe)

When my father died, I was with him when he died. I just went out and when I came back I was surprised to see my mother crying. That's when she told me my father had died. It was very painful because I did not know what it meant.

Mwaya Kadale (Zambia),

The most painful moment was when I heard that my brother who was taking care of my other sisters and brothers had passed away. It really pained me because I was thinking, 'who is going to take care of us?'

Kaori Izumi (FAO)

When was the happiest moment?

Namoonga Hazeze (Zambia)

I can't recall clearly, but my happiest moments are when I was with my mother; she was always on my side, she gave me food when I needed it. She gave me help when I was in need, she clothed me and now there is no-one responsible for that in my life.

Judith Martha Naigwa (Uganda)

The happiest moments in my life is when my parents were living and we were happy and the happiest moments right now are when I am going to school and growing up. Very soon I will be finishing and continuing with my studies. That is the happiest moment. The fact is I have suffered and am still suffering but I have the fees and have food to eat which makes me okay and happy.

Constance Binga (Zimbabwe)

After my mother died I was very happy when Ntengwe was introduced in our district. This is because during the running of the programme I was adopted by Juliana and I couldn't suffer as before I was suffering before the programme.

Mutsawashe Mutasa (Zimbabwe)

My happiest moment in my life is even when my father died, my mother was able to look after us and give us all what we needed.

Chiedza Gonyora (Zimbabwe)

I am happy that my mother is still alive and I hope she will live longer so that I can have more happy moments.

Mwaya Kadale (Zambia)

The time that I heard my sister and brothers wanted me and my little sister back at the family again. I was very happy to me, I was very encouraged and I was just happy. It's like I felt like we were going to get back as a family the way it was, except the voices of my parents not being there but I was happy getting back as a family again.

OUR DREAMS

Namoonga Hazeze (Zambia)

To help the children in need and to stop issues of property grabbing so that children who are yet to come cannot suffer the way I am suffering.

Judith Martha Naigwa (Uganda)

I want to be a teacher, basing in young children - that is nursery teaching and I want to do counselling and guidance especially for the children because I can handle the children.

Thandeka Motsa (Swaziland)

I want to be a nurse to help those people who are like me, provide them with food, clothes and shelter.

Grace Waithira Ikumbu (Kenya)

To become a professor or nurse and help people with HIV and get money and invest and help orphans in our area.

Constance Binga (Zimbabwe)

I really want to be a nurse and help those people living positively and those people who are suffering from other different diseases and also earn some money so that I can help other orphans in my community because its not only me who is suffering. There are also many of them there.

Mutsawashe Mutasa (Zimbabwe)

To continue with my education so that I will became a nurse and help my mother in the future.

Chiedza Gonyora (Zimbabwe)

My dream is to become a scientist so that I can study the AIDS virus and its cure for the sake of my fellow orphans and other innocent infected victims who have contracted the disease one way or another.

Mwaya Kadale (Zambia)

I want to have a successful life and do good and help people who are growing in the same situation as I am.

OUR BEST WISHES

Judith Martha Naigwa (Uganda)

I wish to have someone who I can call a mother and to guide me, protect me and love in a way my parents loved me and help me in a way she can.

Namoonga Hazeze (Zambia)

That there can be someone who can support me with my education so that I can reach my destination safely so that I can also help the other people like you are helping us right now.

Thandeka Motsa (Swaziland)

I wish to have someone to stay with.

Grace Waithira Ikumbu (Kenya)

I wish if I can have someone who can help my sisters who are behind me.

Constance Binga (Zimbabwe)

I wish if I can have someone to adopt my two young sisters who are behind me.

Mutsawashe Mutasa (Zimbabwe)

I wish to help others even the orphans like me by giving them clothes, money, even help them to teach them living positively or negatively.

Chiedza Gonyora (Zimbabwe)

I wish to have someone to help me so that I can continue with my education because my mother can't afford all the expenses which are needed from the school.

Mwaya Kadale (Zambia)

I wish there was no such life as being orphaned, no such life like we are experiencing.

Kaori Izumi (FAO)

The world without orphans?

Mwaya Kadale (Zambia)

Yes, a world without orphans, yes, because it pains.

Kaori Izumi (FAO)

When do you think we should meet next time?

Namoonga Hazeze (Zambia)

I think we should have it next year so that we can prepare. We will have more to share, what type of work we have done in our countries.

Kaori Izumi (FAO)

So we will discuss where to meet. Thank you very much everybody.

Annex 1: Working Group Deliberations

The working groups encompassed the key issues affecting children around property rights and HIV and AIDS. Each working group included children participants who were key in debates, sharing their stories and helping find solutions. As such the process was driven by children including reporting back on the group deliberations. Each working group was guided by key questions that directed the discussions making sure that key issues discussed in the workshop were all covered.

Working Group One: Inheritance of land, housing and property rights

1. Education/schools

- Free universal education and must reach all affected children
- Watch out for ‘hidden’ costs
- School HIV and AIDS policy in the curriculum, training teachers, counselling, Parents-Teacher Association (PTAs), fees for those affected?
- Teach and learn “rights”

2. Community sensitization

- Media, posters, drama
- Best practice- what works?
- Community based ‘barazas’, grassroots
- Scalable, replicable, must be effective
- UNICEF (child rights), FAO and others like UN-HABITAT to coordinate
- Must be child- centred

Law and policy

- Legislation needs awareness
- Expect children to discuss review
- Laws to be based on ‘rights’
- Involve all stakeholders
- Laws not only words but must achieve results

Child friendly tools

- Need to convert law and policy into ‘tools’ – how to do things
- Child friendly – involve children
- FAO, UNICEF, UN-HABITAT, WHO etc experts
- Grassroots organizations and governments
- Test: Do children know and use it?
- Global Land Tool network for children

Working Group 2: Livelihood strategies and support

The discussion was guided by the following questions:

1. How does property stripping (in the context of HIV and AIDS) affect children’s livelihoods?
2. What can be done to support these livelihoods, use practical examples from own experiences?

3. What are clear strategies, which should be prioritised for this workshop to take forward?

1. Property Stripping in the context of HIV and AIDS and children's livelihoods

- Property stripping has increased in the context of HIV and AIDS
- Children suffer stigma and discrimination
- Breakdown in social relations, loss of belonging
- Forced into unsafe practices, begging, prostitution, poverty and unemployment
- An increase in child-headed households
- Affects children's education and welfare
- Children left to be destitutes e.g. an increase in the number of street children
- Lack of basic necessities such as food and clothing
- Children are not aware of where to receive relevant information

2. What can be done to support children's livelihoods?

- Introduction of property rights issues in school curricula
- Training of children in basic life skills such as development of nutrition gardens. This improves their food security and nutrition
- Encouragement of children to join clubs (e.g. paralegals) in their local area as well as at schools.
- Empowerment of community members through child care
- Training children in the use of memory boxes or books for emotional support
- Lobbying within government to make sure that funds targeted to OVC reach the intended beneficiaries e.g. AIDS levies.

3. Clear priority strategies to be taken forward

- NGOs should be encouraged to take up issues of property rights in their daily work
- Children to be trained in life skills
- Provide emergency support
- Governments should give priority to children's rights including property rights issues.

Working Group 3: Emergency response

Recognising the emergency nature of property stripping in southern Africa and the impact this is having on children, what should be done?

- Practical support measures immediately available
- Access to justice
- Community support structures

The discussion came with the following recommendations

1. Emergency Preparedness

- Registration of marriages
- Registration of children
- Develop a memory book
- Make a will
- Joining various support groups

It is critical that in emergency situations the following be made accessible such as

- Practical support measures
- Secure important documents e.g. marriage certificates
- Register deaths
- Register movable and immovable property
- Management of bereavement funds
- Family support e.g. food, transport, shelter, medicine, water, energy, clothing, school fees etc

2. Access to justice

- Identify support groups for counselling and legal information
- Involve village chiefs and headmen
- Report to police with public relations officer and Victim-friendly unit
- Report to the courts of law

3. Community support structures

- Social support groups
- Psychosocial support
- Faith-based groups
- Groups of widows
- Groups of People Living with HIV and AIDS (PLWHA)
- Income-generating activity clubs for children

4. Other support structures

- Gratuities
- Social security funds

Working Group 4: Support to disabled children and their family

Building on the testimonies presented (Pretty and Maria) what are the immediate practical steps that can be taken to mitigate the situation? What are the lessons for other cases of this nature?

Support for disabled children

- Go back to Master of the High Court
- Counselling
- To continue to belong to support groups e.g. ZPCDA
- Advocacy for alternative accommodation
- Awareness and sensitization on inheritance and property rights of disabled children
- Social Welfare public assistance

Working Group 5: Advocacy and sensitisation programmes

The group was engaged in identifying the steps in developing a strategy on advocating and sensitising decision makers and communities on improving children's property rights and livelihoods affected by HIV and AIDS. As such the discussion was guided by the following key questions:

1. What are the key messages and issues for advocacy?
2. What are the target groups?

3. What methods should be used?
4. What opportunities already exist for advocacy?

Key outcome of the advocacy strategy: Recognition and upholding of children's property rights and livelihoods

Key issues	Target group	Methods	opportunities
Poor legislation	Decision makers – parliamentarians	Dialogue Open forums Petitioning	Civil societies Portfolio committees Existing legislation
Lack of information	Traditional leaders Community Social institutions Parents	Workshops Theatre Media campaigns Stakeholder forums Public meetings	Existing structures Presence of civil society
Lack of knowledge on property rights	Children	Mass sensitization Workshops on child paralegals Edutainment - day of the African Child celebrations	Existing structures e.g. clubs, schools Local experts
Messages: <ul style="list-style-type: none"> • Property rights are children's rights • Write wills and safeguard your children's future • Children's property rights are human rights 			

Annex 2: Press Release

On the 7-8 March a National Workshop on HIV and AIDS, Children's Property Rights and Livelihoods took place at the Bronte Hotel in Harare. Opening the workshop, the Permanent Secretary of the Ministry of Public Service, Labour and Social Welfare, drew attention to particularly vulnerable groups, orphans and other vulnerable children, noting that the HIV and AIDS pandemic is increasing their numbers and that they face increasing challenges around property stripping

The organizers of the Workshop, the Food and Agriculture Organization (FAO), brought participants from seven countries together to share their experiences and to examine and devise practical solutions to the enormous difficulties faced by children in the context of weak children's rights, rising poverty levels and increasing HIV and AIDS infection. A central focus of the workshop was the voices of children affected by property stripping and HIV and AIDS, often cruelly dispossessed of their properties and thus their livelihoods in the midst of bereavement.

The workshop recognized that many governments in the region have made laws intended to protect children but in many cases these laws are weak and can easily be violated. As the Master of the High Court emphasized, we need effective enforcement mechanisms to make these laws real in the lives of the most vulnerable groups. The Master of the High Court was clear that there is a need to criminalize property stripping in Zimbabwe and elsewhere in Africa. Enforcement mechanisms are more than tougher sentencing and litigation but also the development of child-friendly tools that enable the rights holders to know and access the options they have. In addition, community mobilization and education is a necessary for an effective grassroots response to protecting children and preventing property stripping from taking place.

Other outcomes of the workshop included the review of appropriate national policies, with sufficient funding and implemented across ministerial departments that address customs, practices and laws that disadvantage children in particular. Conference discussions also drew attention to the fact that wills are infrequently made, leading to much confusion at death. The need to draw communities' attention to the importance of these documents and how they themselves could draft a will was emphasized. Although much discussion was directed at efforts to empower children, conference discussion was also directed at ways in which communities and potential perpetrators might come to better understand the particular difficulties and vulnerability of children.

The workshop concluded with participants agreeing to take forward the concrete proposals emanating from discussions with the appreciation that the increasingly disproportionate vulnerability of children in the face of widespread poverty, escalating HIV and AIDS infection rates and rising property stripping constitutes a national crisis.

Annex 3: Workshop Programme

Day 1 : 7 March 2006	
8:00	Registration
9:00-9:15	Opening Speech: Global Campaign, Unite for Children, Unite against HIV and AIDS, Unite Against Property Stripping by <i>Chiedza Gonyora (Girl 13 years)</i>
Song by Zimbabwe Widows and Orphans Trust Children	
9:15-9:35	Opening Speech: The Permanent Secretary under the Ministry of Public Service, Labour and Social Welfare in Zimbabwe, <i>Mr. L Museka</i>
9:35-9:50	Unite for Children, Unite against HIV and AIDS, Unite Against Property Stripping: <i>Kaori Izumi (FAO)</i>
9:50-10:10	Tea Break
Property and inheritance rights of children and their livelihoods: Presentations by the Children	
10:10-10:25	Presentation by GrootsKenya child representative: <i>Grace Waitira Ikumbu (Girl)</i>
10:25-10:40	Presentation by Rwanda Women Network child representative: <i>Mary Mukamana (Girl, 24 years)</i>
10:40-10:55	Presentation by Swazi positive living child representative: <i>Thandeka Motsa (Girl 14 years)</i>
10:55- 11:10	Presentation by LADA child, Zambia: <i>Namoonga Hazeze (Girl 14 years)</i>
11:10-11:25	Presentation by CINDI child, Zambia: <i>Mwaya Kadale (Boy 17 years)</i>
11:25-11:40	Presentation by Uganda child: <i>Naigwa Judith Martha (Girl 18 years)</i>
11:40-12:30	Questions and discussion
12:30-13:45	Lunch Break
Key issues and inspiring initiatives by Community Based Organisations	
13:45-14:00	Children in Distress Initiatives (CINDI): <i>Anne Mumbi</i>
14:00-14:15	SWAPOL initiatives for orphans support, Swaziland: <i>Tenetile Hlophe</i>
14:15-14:30	Rwanda Women Network initiative, Rwanda: <i>Eugine Kabatayi Knight</i>
14:30-14:45	GrootsKenya initiatives on community watch dog, Kenya: <i>Jacqueline Kaari</i>
14:45-15:00	LADA initiative on Paralegal Kids Program, Zambia: <i>Eslony Hatimbula</i>
15:00-15:15	Initiative in Uganda: <i>Flavia Kyomukama</i>
15:15-15:35	Questions and Discussion
15:50-16:10	Tea Break
Messages from United Nations to Children	
16:10-16:25	UN Global Campaign on HIV and AIDS and children: Festo Kavishe, UNICEF representative, UNICEF, Zimbabwe
16:25-17:30	Questions and Discussion
17:30-17:50	Video Show "We are Orphans"- Documentary produced by Ntengwe, Zimbabwe

Day 2 : 8 March 2006	
Zimbabwe experiences on HIV and AIDS, children's property rights and livelihoods	
8:00-8:15	Introduction to the Day 2 Program: <i>Kaori Izumi</i>
The reality and inspiring initiatives by Community and grassroots organizations	
8:15-8:30	Ntengwe initiative on orphans property rights: <i>Elizabeth Markham</i>
8:45-9:00	Memory book project for protecting children's inheritance and property rights: Zimbabwe Red Cross, <i>Laiza Mapepa</i>
9:00-9:15	HIV and AIDS and property rights of disabled children: <i>Theresa Makwara (ZPCDA)</i>
Testimonies by children	
9:15-9:30	Presentation by FOST child: <i>Mutsawashe Mutasa (Girl 17 years)</i>
9:30-9:45	Presentation by children from Zimbabwe Parents of Children with Disabilities Association: <i>Maria Kamasewu (Girl 15 years); Pretty Charoma (Girl 16 years)</i>
9:45-10:00	Presentation by ZWOT child representative: <i>Chiedza Gonyora (Girl 13 years)</i>
10:00-10:20	Questions and discussion
10:20-10:40	Tea Break
Message from Government Authorities to children	

10:40-10:55	National Plans of Action for OVC in Zimbabwe: <i>S. Mhishi, Ministry of Public Service, Labour and Social Welfare, Zimbabwe.</i>
10:55-11:10	Protecting children's property rights: <i>Charles Nyatanga, Master of High Court, Zimbabwe</i>
11:10-11:25	Customary law and children's property rights: <i>Mandeya, Chief Magistrate, Zimbabwe</i>
11:25-11:40	Police support to property rights of children: <i>Reberend Doyse, Zimbabwe Republic Police</i>
11:40-12:00	Questions and discussion
12:00-12:30	Drama by Zimbabwe Parents of Children with Disability Association (ZPCDA)
12:30-14:00	Lunch break
14:00-15:00	Working groups
15:00-16:00	Presentation by Working groups
16:00-17:00	Plenary Session Summary and Recommendations Closing Speech: <i>A Harris, FAO Representative</i>

List of Participants

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