

## Women's rights and choice

According to the Joint United Nations Programme on HIV/AIDS, about 80% of women in the world who are infected with HIV infections are in Africa. In fact, Africa is the only geographical area where women outnumber men when it comes to being affected by HIV, a virus that is transmitted largely through unprotected sex and which damages the immune system. However, the prevalence of HIV infections is not uniform across Africa. Women in some African countries are significantly more affected by the virus than others.

“Legal origins and female HIV”, a 2018 paper by Siwan Anderson published in the *American Economic Review*, finds that HIV prevalence among African women is higher in countries that had their legal origins in the common law rather than under the civil law. To be precise, female HIV infection rates are 25% higher in common law countries. But how can the legal system in a country possibly explain the prevalence of HIV?

### Legal rights

Anderson argues that the answer lies in the difference in legal rights that the common law and the civil law grant women in the continent. For instance, the common law does not provide African women much in the way of property rights after marriage. This undermines the bargaining power of women within their families and increases the chances of them being forced to engage in unprotected sex with their husbands.

The civil law, on the other hand, offers women better marital property rights. Women are recognised for the unpaid work that they perform in their households, offered the right to joint ownership of all property under marriage, and also offered explicit protection in the case of a divorce. This, in turn, provides these women with better bargaining power within their households and increases their chances of negotiating safe sex.

The study highlights how people's behaviour is influenced by the cost they need to pay for their actions. When men faced the threat of legal sanction for abusing women, they had more reason to respect women's rights.

The paper, however, stops short of trying to establish whether it is better laws that improved the status of women in these countries or if it is the improved status of women in a society that caused gender-neutral laws to be framed.

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An objective evaluation of his performance as Prime Minister is long overdue

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