Securing land rights for widows living with and affected by HIV using customary justice structures

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PASSION. PROOF. POWER

ICRW's mission is to empower women, advance gender equality, and fight poverty.

ICRW is helping to build the evidence base through its research on the most pressing issues facing women and girls today.

ICRW has worked with local, national and international partners to conduct original research, build capacity and advocate for evidence-based solutions.

ICRW works with advocates, policymakers and thought leaders to ensure sustainable solutions are backed by solid evidence.
**Vision:**
The full enjoyment of health related human rights for all

**Mission:**
To promote and protect health related human rights for all

**Core Values:**
Integrity, Equality & Non-Discrimination, Justice & Fairness, Excellence, Respect and Dignity.

**Goal**
To advocate for a holistic and rights based system of service delivery in health and for the full enjoyment of the right to health by all, including the vulnerable, marginalized and excluded populations and especially PLHIV, women, children, persons with disabilities, adolescents, and key populations.

**KELIN’s Thematic Areas**

- HIV and TB
- Women’s land and property rights;
- Sexual and reproductive health rights;
- Key and affected populations
Since 2003, annual AIDS-related deaths have declined from approximately 58,465 deaths in 2013 compared to 167,000 in 2003 (Kenya HIV Estimates Report, 2014). Kenya’s HIV epidemic is geographically diverse, ranging from a prevalence of 25.7% in Homa Bay County to approximately 0.2% in Wajir County.
In Kenya, the legal system consists of a mix of Kenya statutory, or written, law and common law mixed with elements of customary and Islamic law. Customary laws that regulate inheritance often limit inheritance rights to men; the brothers, fathers or sons of the diseased.

• Many widows and orphans become homeless
• Eviction from their rural homes
• Higher vulnerability to physical and sexual abuse, increasing their vulnerability to HIV.
• High-risk behavior, such as polygamy, sex work.
• Increased difficulty to access consistent treatment and this disruption affects their general health.
The intervention

Legal services to facilitate traditional dispute mechanisms with in-laws

Attitudes about unequal gender norms

Attitudes and Knowledge about women property rights

Advocacy for policy change

From a human rights perspective
The process

Stage 1
- A case is identified by Widow Champions and referred to the Elders
- Elders talk to the disinherited widow and In-laws separately; and allow each to set out their needs.

Stage 2
- Brainstorm and select options for dealing with the conflict.
- Assist the parties in their bargaining to modify the options to suit both parties.
- Write down the agreed options and give time for discussion and further negotiation if necessary.

Stage 3
- Write an agreement; set a time to reopen the matter if one party fails to carry out their agreement.
- Reconciliation.
The intervention

The community

The elders

The household members

Widows well-being
Data are collected regularly by lawyers, elders, widows and project staff using monitoring tools.

Quantitative data are analyzed using excel.

Qualitative data are used for success stories and coded for reporting purposes.
Results

363 widows
Disinherited

We have information about these cases
We can use the age as proxy for other aspects such as effect on children because younger women tend to have younger children who have to be sent away to relatives when women become homeless.
272 (75%) widows cases arbitrated successfully thus reclaiming their right to own and inherit properties.

107 (30%) of the 363 widows have been trained on human rights and are willing to challenge violations.

- at least 50 of them are considered to be most economically vulnerable – earning less than a dollar a day.
Elders have been trained on land and property rights to (in the Constitution of Kenya 2010.)

127 elders trained and empowered, to arbitrate cases fairly, justly and respect the rights of parties

KELIN has encouraged elders during trainings to include women in the Council of Elders in line with the 2010 Constitution, that calls for 2/3 inclusion of women.
A total of 28 houses, of the 50, have been built thus far through the contributions of the community (including the in-laws), churches, local officials, and other donors.

In general, KELIN has facilitated the construction of 59 Structures between 2009 and 2016 to the widowed households.
KELIN has contributed to improve gender relations

“We now have more men in authority who respect women’s rights.”

Some widows are redefining their roles. They are now taking up ‘community management’ role.

Consolata, one of the widow champions is now leading one of the health teams and is an advisor on women’s’ human rights violations.
Thank You!