General Project Information

Project Title: Women’s Accessibility to Unclaimed Assets: Property Ownership Rights in the Context of HIV & AIDS

Organization: ABANTU for Development

Implemented in: Laikipia and Kajiado counties, Kenya

Total Grant Approved: $75,000

www.abantu-roesa.org

Context

A recent report by the Kenyan government found that there is nearly 3 billion Kenyan shillings worth of unclaimed assets in the country. A major cause of unclaimed assets is death without leaving a will. Writing a will is a crucial step to protecting the property and inheritance rights of one’s heirs. A large portion of Kenya’s unclaimed assets are thought to belong to women and children. While various laws in Kenya uphold women’s rights to own and inherit property, traditional cultural norms, along with widespread ignorance about these rights, preclude many women from claiming their rightful assets. Due to stigma, HIV-infected and affected women especially suffer from discrimination regarding their property and inheritance rights.

Objectives

ABANTU aimed to increase the access of HIV-affected widows to their spouses’ unclaimed assets by advocating for the enactment of the National Unclaimed Financial Assets Bill and demonstrating the possibilities of women in ABANTU’s HIV support groups with taking possession of their assets.

Key results

• ABANTU advocated for the passage of the Unclaimed Financial Assets Act, which was signed into federal law in December 2011. The Act aims to ensure that unclaimed assets are reunited with their owners, the majority of whom are women and children. To promote the passage of the Act, ABANTU made several presentations and distributed policy papers to parliamentarians. ABANTU also lobbied banking and insurance regulatory authorities, and the asset holders such as banks, the National Social Security Fund, the National Hospital Insurance Fund, and telecommunications companies.

• Through ABANTU’s advocacy efforts, key stakeholders, including the government, have committed to create an authority to hold and manage unclaimed assets. Some institutions, including Barclays Bank and the National Social Security Foundation, have agreed to relinquish unclaimed assets to this authority once created.

• Over 25 cases of unclaimed assets have been addressed and returned to HIV-affected women.

• 36 trainers (21 women and 15 men), including pastoralist leaders were trained in writing wills. Sixteen people living with HIV and AIDS have written wills.

• Increased legal literacy and awareness of 1,400 people living with HIV and AIDS (including 900 women) on their property and inheritance rights.

• The engagement of the private sector allowed for further awareness raising among financial institutions about the issue of unclaimed assets, and enabled more women to access their rightful assets.

Lessons Learned

• Men who are leaders in pastoralist communities were targeted for training in will writing and in women’s property and inheritance rights. This inclusion helped to engender a sense of responsibility among the leadership of these deeply traditional communities.

• The making of memory books was welcomed by women living with HIV and AIDS as an important tool for planning for the future, and in some cases encouraged women to write their wills. A memory book is a framework and guide to help HIV-affected parents or guardians to write down important information for their children.

Partnerships

• ABANTU partnered with the Hazina Network; Kenya Women Parliamentarians Association; and the Parliamentary Finance Committee.