General Project Information

Project Title: Increasing Widows’ Access to Property Inheritance as a Means of Reducing Women’s Vulnerability to HIV

Grantee Organization: Young Widows Advancement Program (YWAP)

Implemented in: Kayole in Embakasi, Nairobi, Kenya

Total Grant Approved: $70,000

Context

Although several laws affirm the rights of women to own and inherit land, a general pattern of discrimination in accessing and securing those rights persists in Kenya. Widows in particular face serious challenges in accessing and securing their rights, including the infrequent implementation of the civil law and widespread adherence to customary law; a lack of legal knowledge on statutory rights among women and communities; and women’s limited economic resources. Adding to these barriers, many widows lack legal documents, such as birth registration, death and marriage certificates, effectively barring them from making legal claims on family property, registering land, or accessing credit.

HIV-affected women are especially vulnerable to violations of their property and inheritance rights because of the stigma associated with HIV. They are often stripped of their assets and forcibly evicted from their land and homes. These issues are exacerbated for widows, who are often blamed for the death of their husbands. Young widows in particular are vulnerable to sexual exploitation, human trafficking, and prostitution.

Objectives

YWAP seeks to enable young widows in Embakasi District in Nairobi to claim and defend their property and inheritance rights. YWAP improves the availability of local legal resources for widows and orphans as well as increases their awareness and knowledge of their property and inheritance rights.

Key results

- Increased legal literacy and awareness of 228 HIV-affected women on their property and inheritance rights.
- Twenty-eight people (including 24 women) living with HIV were trained in succession planning and writing wills. Succession planning and writing wills help to protect the property rights of one’s children or heirs, and also allows other benefits, including more frequent appointment of legal guardians, increased legal recognition of inheritance rights and increased disclosure of positive HIV test results to children.
- Enhanced knowledge and skills of 29 paralegals to support women’s access to property and inheritance rights in the context of HIV and AIDS. These paralegals are currently pursuing 32 cases, and have empowered 1,704 community members (including 1,019 women) with knowledge on protecting and promoting women’s property and inheritance rights in the context of HIV and AIDS.
- Bereavement counseling helped HIV-affected widows not only to cope with their loss but also provided them with the confidence to pursue their property and inheritance rights.

Lessons Learned

- Though women might have access to their family property on paper, they are not necessarily able or successful in taking actual possession and occupying the property.
- Greater investment in community-based education on general legal awareness, particularly for women, is needed. Many community members, not only widows, have suffered injustices due to ignorance of the legal justice system.

Partnerships

YWAP built partnerships with local community-based groups such Local Area Advisory Committee (LAAC); Quarry Women; Operation Hope; and the Baptist, Calvary and Catholic Churches. YWAP also partnered with the Legal Resources Foundation and offices of local administration (chiefs, Peace Committee; Local Area Advisory Committee, and district Social Development offices).