

Project Title: Combating Land Disinheritance of Widows and Orphans in Siaya County, Kenya

1. Introduction

Community Initiative Action Group-Kenya (CIAG-K) on the other hand is a non-state agency and not-for-profit that was registered in 2008 as a Trust. CIAG's vision *is a just and dignified society in which citizens realize their full potential and basic needs are realized for all*. CIAG's mission is *Empowering communities, organizations and social groups to transform societies*. With strong grassroots support and experience in community projects in the Western Kenya region. We recognize that widows and orphans in Siaya County face a severe and pervasive problem of land disinheritance, leading to devastating consequences for their well-being and livelihoods.

2. Problem Statement

Land disinheritance in Siaya County is deeply rooted in discriminatory cultural practices, gender bias, and systemic inequalities. Widows and orphans, often the most vulnerable members of society, are disproportionately affected by this issue. The loss of land leads to economic insecurity, displacement, and a higher risk of exploitation and abuse. The reality of many orphans and widows struggling to make their daily lives after the death of their benefactors dots every part of the country. However, the manner in which they are treated by the communities they so happen to find themselves in, vary from one place to the other. It is more appalling in Nyanza. The level of responsibility has degenerated to situations where orphans are no longer taken up by the larger community as it used to be. They are left to fend for themselves regardless of their ages. Cases of children and widows being thrown out of their homes are on the increase. Immediate relatives particularly uncles and in-laws have chosen to deprive orphans and widows of their right to inherit property especially land. The situation negatively contributes to the worse poverty prevalence in the region, inability to cope with the food needs both by the infected dependants and children, increased number of child headed families and continued practice of wife inheritance. Widows succumb when they are deprived of property by relatives of the deceased husbands. It is worse when widows happen to have had only girls.

Preparing for death is one painful thing that many people abhor even among the elite. While there is a provision of doing a will, to indicate who should be in charge of ones property and where the property should go to upon death, many people do not do it. They die intestate, leaving dependants in the hands of wolves, who knowingly or unknowingly devour dependants of livelihood.

The whole arrangement where lesser dependants and non dependants dispossess rightful dependants of property is out rightly illegal. But the knowledge is not with the majority of the victims or potential victims, neither is it with the people who can intervene.

3. Proposed Solution

This project aims to combat land disinheritance through a multi-faceted approach:

- **Legal Assistance:** Provide direct legal aid to widows and orphans facing disinheritance, helping them navigate legal processes and claim their rightful inheritance.
- **Community Education:** Conduct extensive community education campaigns to raise awareness about land rights, inheritance laws, and the negative impacts of disinheritance.
- **Capacity Building:** Empower local communities with the knowledge and skills to advocate for their land rights and engage in community-based solutions to prevent disinheritance.
- **Advocacy and Policy:** Advocate for policy changes and legal reforms to strengthen the protection of land rights for widows and orphans and address the root causes of disinheritance.

4. Project Goal

To secure land rights for widows and orphans in Siaya County, ensuring their economic security, social well-being, and access to justice.

5. Objectives

- Provide legal assistance to 100 widows and orphans facing land disinheritance.
- Reach 1000 community members with educational campaigns on land rights and inheritance.
- Train 24 community members as paralegals or land rights advocates.
- Advocate for [Specific policy changes or legal reforms] to address land disinheritance.

6. Project Activities

- Establish a legal aid clinic to provide free or low-cost legal services.
- Conduct community workshops, radio programs, and awareness campaigns.
- Develop training materials and conduct capacity-building workshops for community members.
- Engage with government officials, policymakers, and traditional leaders to advocate for change.
- Document cases of land disinheritance and disseminate findings to raise awareness.

7. Expected Outcomes

- Increased awareness of land rights and inheritance laws among widows, orphans, and community members.
- Improved access to legal assistance for victims of land disinheritance.
- Empowered communities to advocate for their land rights and engage in preventative measures.
- Policy and legal reforms that strengthen the protection of land rights for vulnerable groups.
- Reduced incidence of land disinheritance and improved livelihoods for widows and orphans.

8. Sustainability

- Collaborate with local organizations and government agencies to integrate project activities into existing programs.
- Train community members to provide ongoing support and advocacy on land rights issues.
- Advocate for sustainable funding mechanisms to support legal aid and community education initiatives.

9. Conclusion

By addressing the complex issue of land disinheritance through legal assistance, community education, capacity building, and advocacy, this project aims to create a lasting impact on the lives of widows and orphans in Siaya County. It will contribute to a more just and equitable society where all members have secure access to their land and property rights

Samples of Case studies of Land Disinheritance in Siaya as Documented by Community Initiative Action Group Kenya



Fig. 01 Florence Auma

My only mistake was to give birth to all girls

At the heart of Udiri village in Ngunya Sub Location, Mama Florence Atieno is a worried mother. Her only mistake was to fail to get a baby boy. All her five girls have been labeled prostitutes who do not deserve to stay in their home after the death of their father. Atieno was born in 1977, and got married to Maurice Juma in 1996, and were blessed with five girls. Juma died in 2011, leaving Atieno in his parents' home.

Trouble begun barely a month after she buried her husband. According to Atieno, she was approached by her only brother-in-law, who questioned why she was still stuck in the home, even after the man who brought him to that home had died. "He told me that I gave birth to prostitutes and I needed to leave that home since I had no boy who would inherit the land," said Atieno.

The words pieced through her heart and in a bid to protect her girls who were watching as their uncle call them prostitutes, she defended them, saying she would not leave that home as she had no other home to go to. This temporarily cooled the situation. But it later became a habit, as the brother-in-law would often come to Atieno's house at night and shout at her with unprintable insults, asking her to leave the home.

Despite reporting the matter to the area chief and Ugunja Police Station, including one reported under OB27/15/06/2020, no action has been taken against Paul Ouma, the brother in law who would not let Atieno mourn her husband in peace. Instead, Ouma has sold almost three-quarters of the compound, leaving Atieno with less than a quarter acre of land where her house sits, plus a small portion for her kitchen garden.

Today, Atieno is a worried woman following continued verbal and physical attack from the person she thought would be her shield and defender in the absence of her husband. "I do not think my husband is resting in peace wherever he is. This home has become a battle field because I have to stand strong to protect my children. But my fear is that if nothing is done soon, my children and I may end up following my husband, as sometimes the fights get nasty, and they are as frequent as my brother-in-law feels it necessary to begin the fights," she said.

The area chief has confirmed having handled Atieno's case, but is yet to find a lasting solution as Ouma had reportedly through backdoor transferred all his father's land to his name after declaring at the land registry in Ukwala that all his siblings had died and had no next of kin. But Atieno is hoping that the transfers may be reversed so as she gets her rightful portion of the land.



Fig. 02. Joyce Oyugi

How my husband's employer took advantage of our poverty to grab our land

In her late 60s, Joyce Oyugi envisioned a quiet sunset life. But this was never to be, as she lives a worried woman not sure of her safety in her own home in Sirongo village, in Rambula, Ugunja Sub County. Her greatest fears emanates from her the person who ought to have provided her with the needed safety and security; area MCA Benard Odero. The bone of contention is land which she has all along known to belong to her late husband Musa Aketch.

According to Ms Oyugi, her husband had worked as a watchman in the home of the MCA for close to 30 years. "At first my husband worked in his home, then he was moved to Odero's business premise, where he worked until he was too old to continue," said Ms Oyugi. She claims that at one point, Mr Odero gave her husband a cow in what is known in the dialect as 'moso' (giving a domestic animal to a confidant to care for).

Just as mzee was about to retire from his watchman job, Ms Oyugi said she noticed Odero planting some bananas in part of her family parcel number UHOLO/RAMBULA/691. "When I inquired from my husband, he told me that was a land reclamation strategy as the area appeared as a swamp and that the bananas would help in draining the water," she said. But she discovered that the title deed of the land was missing, only for her to discover that Odero had it, only to return it as mzee was approaching his death.

And when mzee died in the late 1990s, Ms Oyugi said Odero begun to fence off another parcel and planted trees. When she inquired, she said Odero promised to compensate the parcel by building her some kiosks at Rambula market which she could rent out to earn some money for upkeep. "I gave in to the idea, but days turned into weeks, and into months and into years and the promise was not being fulfilled," she said. It was at this time that Ms Oyugi returned to Mr Odero and demanded her land back. Despite Odero allowing her to continue tilling the land, she claims she discovered that the land had been subdivided and part of it taken away.

She claims that when mzee was sick, Odero, who is now the area MCA approached him, and tricked him to give him his identity card, which Odero claimed was to be used in processing for some insurance for the old man. Ms Oyugi suspects this may be the time Odero took advantage to subdivide the land and transfer part of it to his name.

“My husband and Odero are cousins, and I do not understand how Odero, knowing very well that we are from a humble background and had ten children, could still claim that my husband sold him part of the land, to make it worse, without the involvement of any family member, not even me,” she said.

Ms Oyugi who now has three children left after the death of the others, now want review of the transfer of the land so as to enable her children and orphaned grandchildren get justice.

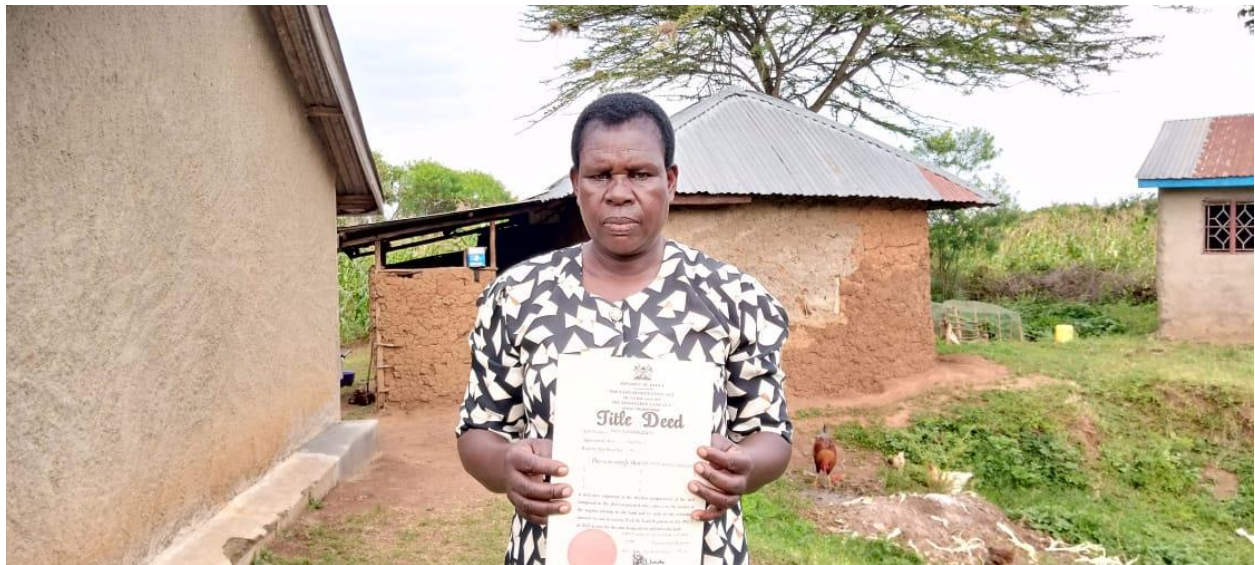


Fig.03

How my neighbor is compromising the authorities to disinherit me ancestral land

Fifty year old Jane Oonje is at the brink of losing almost half of her 2.8 ha piece of land at Nyapiedho village in North Sakwa, Bondo Sub County. The land registered under NORTHSAKWA/MARANDA55 is said to have been inherited from her father-in-law Fanuel Oyugi Wandolo, by her late husband John Mware.

According to Ms Oonje, a mother of four children, in 2014, she curiously tried to know the size of her land after she noticed that her neighbor had begun leasing part of it. “I just felt curious, because the neighbor who was leasing the land (Vincent Otieno) one day approached my son and asked him if he knew the size of our land. I suspected he wanted to play some game,” said Oonje.

Between her farm and another neighbor, Ms Oonje says they had agreed to allow some small space to be used as a pathway for other neighbours who had no access to the main road. She only noticed Mr Otieno had encroached into her land when he fenced off part of the pathway, blocking access to the neighbours' homes. Mr Otieno, who had insisted that the land was his, went for a private surveyor, whom Ms Oonje says got the correct boundaries, pushing Otieno back to his original land.

But Otieno allegedly brobed his way, and got another surveyor who got the measurements as Otieno had desired. Sencing that she could lose her land, Ms Oonje moved to the land registry in Bondo, and processed documents for her land. Despite her documents showing the original land boundaries, Ms Oonje claims that Otieno, a renown teacher in the area has gone ahead to fence off half of her land, and even built a home there.

“My worry is that these issues came up after the death of my husband. And during my entire stay in this home, I never witnessed any form of land tussle between our family and the neighbours,” she said. She claims that the chief and the land registry officials have been compromised, and have not been willing to listen to her plea to have the matter sorted when she is still alive.