

COMPENDIUM OF CASES

BY THE LUO COUNCIL OF ELDERS



KELIN is a human rights NGO working to protect and promote health related human rights in Kenya. We do this by: providing legal services and support, training professionals on human rights, engaging in advocacy campaigns that promote awareness of human rights issues, conducting research and influencing policy that promotes evidence-based change.

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The Compendium of Cases by the Luo Council of Elders was made possible through the joint efforts of KELIN and the Luo Council of Elders working within the Cultural Structural Project in Kisumu and Homa Bay Counties specifically in Seme, Nyando and Muhoroni sub counties in Kisumu and in Kasipul Kabondo, Karachuonyo and Ndhiwa sub counties in Homa Bay.

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This compendium covers the process and outcome of the Traditional dispute resolution conducted by the Luo Council of Elders. Mediation as an alternative dispute resolution mechanism used by the elders to resolve disputes relating to the applicability of the Luo Customary laws.

The process involves sessions for separate need analysis, a joint meeting with the elders which involves the bargaining of issues, the reasoning session where the elders interpreted the issues and inform on the extent of legality, a written agreement is then recorded for further negotiations or the final agreement, a reopening date is also set in case a party breaches the terms of the agreement, the final step is the reconciliation stage. These mediation stages have been clearly outlined in this compendium.

Initials have been used in this document to protect the privacy of the persons involved.

A handwritten signature in black ink, appearing to read 'Allan Maleche', with a stylized flourish at the end.

Allan Maleche,

Executive Director, KELIN

INTRODUCTION

The Compendium of cases mediated upon by a section of the Luo Council of Elders was facilitated by KELIN through its Cultural Structures Project (CSP). It aims to document the successes of the project and to support groups of people who intend to use the law, customs and cultural beliefs to settle disputes. It is a user-friendly compilation of 57 of the 287 cases that have been successfully resolved by the elders since the inception of the project in 2009.

Securing interests in land and property serves as a cornerstone for the realization of human rights and poverty reduction as these underpin social inclusion and economic development. In Kenya, women continue to face discrimination in the process of securing their rights to property and land despite the current laws that recognize women's equality in all spheres. Misinterpretation and misapplication of cultural practices are the major barriers to women's property rights. KELIN has been at the forefront in championing for the rights of people living with and affected by HIV in Kenya, through provision of free legal services and support, training, advocacy and lobbying for policies that facilitate realization of HIV and other health related rights. Since 2009, KELIN has worked to address the needs of Kenyan widows and orphans who have been disinherited. This has been achieved by working with the Luo Council of elders who resolve disputes using Alternative Dispute Resolution Mechanisms.

The implementation of the Cultural Structures Project (CSP) in Homa Bay and Kisumu counties has seen the successful resolution of 272 cases out of the 363 cases received by the Project as at December 2016. Elders who are involved in the traditional dispute resolution¹ process have undergone several trainings on land and property rights and human rights issues to ensure that they have the capacity to make decisions within their mandate as stipulated in the Constitution of Kenya. Currently, around 800 beneficiaries (widows, children and elders) benefit directly from the Project.

The initial gains of the Project resulted in the increased number of cases reported to the elders not only in the identified working sub counties in Homa Bay and Kisumu but also in other counties. This has created the need to scale up the project by training more elders on women's land rights with reference to the relevant laws. This training will also enable identification of violations facilitated by an increase in the number of change agents in the communities.

In 2013, a gap on the proper documentation of cases was identified. This necessitated documentation of cases that had been mediated upon and training of the elders and widows on the process and procedures of documentation. The training has since been conducted in both Kisumu and Homa Bay counties. KELIN hopes that the documented cases will serve as precedence for other elders in future Traditional Dispute Resolution and as reference material for those who will engage in resolving similar cases. The documentation aims to serve as a good practice guide for the judicial system in its quest to see the actualization of Article 159(2) (c) of the Constitution. It provides for promotion of traditional dispute resolution mechanisms that are consistent with the provisions of the Constitution of Kenya or any other written law.

1. C. Mumma, "Accessing justice and protecting the rights of the vulnerable through cultural structures: A tool on working with elders in communities" KELIN, Nairobi, Kenya. 2010 <http://kelinkenya.org/wp-content/uploads/2010/10/Working-with-Cultural-Structures-A4FINAL.pdf> (accessed 22 February 2017)



Case Name	L.A.O v In- Laws
Constituency	Nyakach
Reference No.	KEL/WPLR/01
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2) (k) of the Land Act, 2012 5. Article 2 of the Maputo Protocol 6. Article 18(3) of the Banjul Charter 7. Article 1 of the CEDAW
Facts	<p>The claimant was married under Luo customary law. When her husband died in 2003, her in-laws insisted that she should be inherited by one of her brothers in-law. When she declined she was chased from her matrimonial home and all her property subsequently taken away from her. She made several attempts to reconcile with her in-laws but they were adamant.</p> <p>She rented a house at the nearby market and sold groceries to provide for her children. She also joined a local widow group where she met a KELIN beneficiary. After hearing her story, the KELIN beneficiary advised her to approach the local elders for assistance. The elders set a date for her and her in-laws to meet at the matrimonial home for the determination of the matter.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether it was lawful to insist on wife-inheritance as a requisite for property ownership. iii. Whether the in-laws had any right to the claimant’s property. iv. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>During the traditional dispute resolution, the elders informed the in-laws of the rights of women to property. They explained that inheritance is an unacceptable practice as it not only functions to limit womens property rights and is also inconsistent with the provisions of the Constitution of Kenya. At the end of the session, the in-laws welcomed the claimant back to her matrimonial home and returned to her all her rightful property.</p>

Case Name	A.A. O. v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/02
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Article 2 of the Maputo Protocol 6. Article 18(3) of the Banjul Charter 7. Article 1 of CEDAW
Facts	<p>The claimant was married under the Luo customary law. When her husband died in 2011 her in-laws burned down her house. They informed her that she would no longer stay in the home because she caused her husbands' death due to her HIV positive status. They also took away all her late husband's property.</p> <p>She rented a house at a nearby market place where she sold groceries to provide for her children. She also joined a widow group which engaged in income generating and savings plans for widows. It is in this group that she heard about KELIN since most of the members were beneficiaries. She approached the Muhoroni elders who promised to follow up on the matter.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the Constitutional provision on the applicability of customary law. iii. Whether wife inheritance is a precondition for property ownership.
Decision and Reasoning	<p>The elders informed the in-laws of the widow's right to property and that their actions were an infringement on her rights. They were also made aware of the issues surrounding HIV and AIDS and that they had no right to blame the widow for her late husbands' death. The in-laws admitted that their actions were based on old beliefs and they welcomed the widow back to the matrimonial home. Community members with the support of a community based organization built a new house for the widow.</p>

Case Name	G. O. v In- Laws
Constituency	Nyando
Reference No.	KEL/WPLR/03
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 28 of the Constitution of Kenya 3. Article 2(4) of the Constitution of Kenya 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter 6. Article 1 of CEDAW
Facts	The claimant was married under Luo customary law. After her husband's death, the in-laws wanted her to be inherited by a man from the clan. When she declined the in-laws chased her from the home and destroyed her house. They also accused her of causing her late husband's death because of her HIV status. She rented a house at a nearby market where she sold groceries to provide for her children. She heard about KELIN from a businesswoman at the market, who gave her one of the trained elder's contacts.
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law. iii. Whether the claimant has a right to live in her matrimonial home after her husband's death.
Decision and Reasoning	The elders informed the in-laws of the rights of women to property. They also informed them that the widow had a right to choose whether or not to be inherited. The in-laws welcomed the widow back into the home and promised to build her a house. One month later, the house was built and the widow peacefully resettled.

Case Name	A.O. v In-Laws
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/05
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Article 2 of the Maputo Protocol 6. Article 18(3) of the Banjul Charter 7. Article 1 of the CEDAW
Facts	The claimant, a mother of eleven children, six deceased, was married under Luo customary law. After her husband's death, the in-laws insisted that she be inherited by one of her brothers in-law. When she declined, they claimed that the practice of wife inheritance was mandatory and a refusal by the claimant was taboo. They therefore chased her away from the matrimonial home and took away all her property. She rented a house at the nearby market where she sold groceries to provide for her children. She heard about KELIN from a friend who gave her one of the elders' contacts.
Issues	<ol style="list-style-type: none"> i. Whether the claimant together with her children have any right to property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law. iii. Whether the claimant has a right to return to her matrimonial home.
Decision and Reasoning	The elders informed the in-laws of the widow's rights to property and the widow's right to choose whether or not to be inherited. The widow was welcomed back into the home by the in-laws. The elders and the community members helped her build a new house. She has since been staying peacefully with her in-laws.

Case Name	D. O v In-Laws
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/06
Body	Luo Council of Elders
Scope of Authority	The extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 40 of the Constitution of Kenya 2. The Children's Act 3. Section 4(2)(k) of the Land Act, 2012 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter 6. Article 1 of CEDAW
Facts	<p>The claimant, a 76 years old mother of three, was married under Luo customary law. After her husband's death, the in-laws claimed that the husband, being a step child in the family was not entitled to any property and therefore she had no right to claim ownership. They denied her access to her matrimonial home and later chased her away. She stayed with a relative and did odd jobs to provide for her family. Despite her old age, she soon resorted to selling groceries at the market. She heard about KELIN from a friend who gave her directions to the Kisumu office.</p>
Issues	<ol style="list-style-type: none"> i. Whether the widow together with her children have a right to a share of the family property. ii. Whether her late husband is entitled to any of the family property. iii. Whether the widow has a right to stay in the matrimonial home.
Decision and Reasoning	<p>The elders informed the in-laws of the rights of children. The deceased being a step child, did not invalidate his right to his father's property. Therefore any property that belonged to him automatically devolved to his wife as the next of kin. It was also noted that the claimant had a right to stay in the matrimonial home without interference. The widow was welcomed back home.</p>

Case Name	S. O. R. v Step Children
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/07
Body	Luo Council of Elders
Scope of Authority	The extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 40 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 27 of the Constitution of Kenya 4. The law of Succession Act Cap 160 5. Article 1 of CEDAW 6. Article 18(3) of the Banjul Charter 7. Article 2 of the Maputo protocol
Facts	<p>The claimant, a mother of two was married in a polygamous home in accordance with Luo customary law. When her husband died the step children became very hostile towards her. However the deceased had before his death orally expressed his will with regard to subdivision of the property. He had clearly stated that he wanted his property to be equally divided between the two households.</p> <p>The step-children averred that the property had been obtained before the claimant was married to the deceased and therefore the widow was not entitled to any part of it. The first-born son of the deceased claimed ownership of all the property.</p> <p>The claimant learnt about KELIN through her friend who belonged to a women’s group of KELIN beneficiaries. She later presented her case to the council of elders for determination.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to the property. ii. Whether the oral will by the deceased was valid.
Decision and Reasoning	<p>During the traditional dispute resolution, the elders took the family members through the elements of a will and the conditions that need to be met for a will to be rendered valid. They also informed them of women’s right to property enshrined in the Constitution and the law of succession. The in-laws expressed that they were not aware of the position of the law and were now ready to divide the property according to the deceased’s stated intention. Following the successful session, the family members were called to a meeting and an agreement was reached where the parties agreed to divide the property equally as per the deceased’s intention in his valid written will. The reasoning was that all the parties were dependants and the custom of the male first born being the sole heir was repugnant to justice and morality and was a form of discrimination of women.</p>

Case Name	D. N. N. v Mother-In-Law
Constituency	Nyakach
Reference No.	KEL/WPLR/08
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Article 2 of the Maputo Protocol 6. Article 18(3) of the Banjul Charter 7. Article 1 of CEDAW
Facts	<p>The claimant, a woman with disability and a mother of two, was married under Luo customary law. She lost her husband in 2000 after which her in-laws insisted that she should be inherited by one of her brothers in-law. When she declined she was chased from the matrimonial home and all her property taken away. She tried to negotiate with her in-laws to allow her to return to the home since she had nowhere to go. But they told her that accepting her into the home would bring a curse upon them as she had not been cleansed after her husband's death.</p> <p>She rented a house at the nearby market place and sold groceries in order to provide for her children. She learnt about KELIN from a widow beneficiary who had been resettled following traditional dispute resolution the elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant and her children have a right to property. ii. Whether the cleansing ceremony practiced in the Luo culture is in line with the provisions of the Constitution of Kenya on the applicability of customary law. iii. Whether the practice of widow inheritance is a prerequisite for the widows right to property ownership.
Decision and Reasoning	<p>After successful traditional dispute resolution the claimant was welcomed back to the home and all her property subsequently returned. The elders went further and informed the in-laws of the inconsistency of the practice of widow inheritance and the rights of women to property, They were made aware that their actions were discriminatory and an infringement on the claimant's rights.</p>

Case Name	R.A.O v Co-wife and In-Laws
Constituency	Kabondo
Reference No.	KEL/WPLR/09
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 28 of the Constitution of Kenya 2. The Marriage Act, 2014 3. Section 4(2)(k) of the Land Act, 2012 4. Land Registration Act 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of five was married as per Luo customary law. She was the second wife. The husband died in 2000 after which her in-laws took away all her property, destroyed her house and chased her from the matrimonial home. They claimed that due to her HIV status she was responsible for her husband’s death. The first wife (M.A.O) sought to take possession of their late husband’s land claiming she was the only legitimate wife.</p> <p>The claimant rented a house at the nearby market place and sold groceries to provide for her children. She was introduced to elders by a KELIN beneficiary.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to property as a wife. ii. Whether the claimant was a wife as per the Luo customary law. iii. Whether the first wife had a right to claim sole ownership of the deceased’s property.
Decision and Reasoning	<p>After successful traditional dispute resolution, the elders reinstated the lady to her rightful place in the matrimonial home. All the property that belonged to the deceased was equally divided between the two households. The elders informed the family that both wives had equal rights before the law. The elders went further to inform the in-laws about the issues surrounding HIV and the need to avoid stigmatization of the infected and affected.</p> <p>Members of the claimant’s church, elders and members of her widows group built a house for the claimant. The in-laws recorded an agreement that they will not interfere with the claimant or her children.</p>

Case Name	O. O. & F. A. O. v Their Uncle
Constituency	Kabondo
Reference No.	KEL/WPLR/10
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 53 of the Constitution of Kenya 2. The Children Act, 2001 3. Article 27 of the Constitution of Kenya 4. Article 2(4) of the Constitution of Kenya
Facts	<p>The claimants were orphans whose father W.O died in 2010 and their mother F.A.O died shortly after. Both parents were HIV positive. No relative was willing to be their lawful guardian and therefore they had to live with their grandmother. Shortly after their parents died, their uncle built rental houses on their father’s land. When they asked him why he was unlawfully using their land, he claimed he would use income obtained from the rentals to pay their school fees and provide basic needs. However he never fulfilled this promise. Instead he claimed to be the rightful owner of the land and that he had simply leased the land to the deceased before his death.</p> <p>Attempts by the area chief and members of the family to restore the property to the children were futile. The first-born daughter heard about KELIN from one of her late mother’s friends. She approached the field officer who linked her with the council of elders in her region.</p>
Issues	<ol style="list-style-type: none"> i. Whether the children had a right to their late parents’ property. ii. Whether the uncle had indeed leased the land in contention to the deceased. iii. Whether the children were entitled to protection by the family after their parents’ death.
Decision and Reasoning	<p>During the traditional dispute resolution, the elders outlined the rights of children to property. They emphasized the importance of protection of children’s rights. The documents relating to the property were produced by one of the aunts who confirmed that the land in dispute rightfully belonged to the deceased. A guardian was appointed to take care of the children and to hold their property in trust.</p>

Case Name	D.A.O v In-Laws
Constituency	Kabondo Kasipul
Reference No.	KEL/WPLR/11
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 40 of the Constitution of Kenya 4. Article 1 of CEDAW 5. Article 18(3) of the Banjul Charter 6. Article 2 of the Maputo Protocol
Facts	<p>The claimant is a 34-year-old widow who was married to as per the Luo customary law. Her husband died in 2004 after which her in-laws insisted that she be inherited by her brother in-law. She refused stating that she was HIV positive and did not want to knowingly infect her brother in-law. This angered her in-laws who in turn chased her from the matrimonial home . They believed that she would cause a curse to befall them as she had not been cleansed. They also blamed her for her husband’s death because of her HIV status.</p> <p>She had nowhere to go and therefore stayed with a friend for a while. Later she had to rent a house at the nearby market. She sold groceries to pay for her rent and provide for her child. She joined a widow support group in her area where she learnt about KELIN. She was referred to the elders in her area.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was allowed back to the matrimonial home and the in-laws agreed to live peacefully with her. The in-laws were also informed of the dangers of wife cleansing, the key issue being HIV transmission. The in-laws and the elders facilitated the building of a new house for the claimant.</p>

Case Name	E.A.O.T v In-laws & Co-Wife
Constituency	Kabondo
Reference No.	KEL/WPLR/12
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Land Registration Act, 2012 6. The Matrimonial Property Act, 2013 7. Article 1 of CEDAW 8. Article 18(3) of the Banjul Charter on freedom from discrimination against women 9. Article 2 of the Maputo Protocol
Facts	<p>The claimant was married under the Luo customary law. She was the third wife and her husband died before building her a house in the rural home as customarily required. She was until his death living with him in a rented cottage. She could not continue living there as she had no means of paying the rent.</p> <p>When her husband died, she went to her matrimonial home and informed her in-laws that she would use her portion of land which had been allocated to her by her husband to build a house and live with her children. The in-laws and her co-wives protested. They claimed that it was another of the co-wives' sons who was the rightful owner of the said piece of land. He was the only male in the family and thus a sole heir as per the customs. They also chased her from the home claiming she was responsible for her husband's death as she was HIV positive. According to them, allowing her to stay in the home was taboo.</p> <p>With nowhere to go, she stayed with a friend for a while but later rented a house at the nearest market. She could barely afford to pay for the rent and take care of her children. Her friend introduced her to a widows' group so that she could engage in income generating activities. It is from this group that she heard about KELIN since most of the members were widow beneficiaries.</p>

Case Name	E.A.O.T v In-laws & Co-Wife
Issues	<ul style="list-style-type: none"> i. Whether the widow was entitled to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law. iii. Whether the customary belief that the male first born child has a right to property exclusive of other female siblings is consistent with the Constitution of Kenya and other property laws.
Decision and Reasoning	<p>After successful traditional dispute resolution, the lady was allowed to build a house on her piece of land. The elders explained that the Constitution of Kenya provides for the right to property ownership. The property that belonged to the deceased was equally divided among the three wives and their children. The elders also enlightened the co-wives and in-laws on various issues relating to HIV. They informed them that people affected and infected have the same rights as anyone else and should not be stigmatized. The wives were encouraged to register their land in order to avoid any future disputes relating to their rightful properties. After a successful session, the elders, the area assistant chief, together with the members of the widow's group and the community built a house for the claimant.</p>



Case Name	E.A.O.W v In-Laws
Constituency	Kabondo
Reference No.	KEL/WPLR/13
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter on freedom from discrimination against women 5. Article 2 of the Maputo Protocol
Facts	<p>The claimant, a 30-year-old mother of three was married as per the Luo customary law. When her husband died in 2003 after a long illness, her in-laws chased her away from her matrimonial home. The in-laws claimed that she was responsible for her husband's death since she was HIV positive. They also took away all her property and burnt down her house. They explained that if she wanted to be accepted back to the home she would have to undergo a cleansing ceremony. This meant that she had to be inherited by another man selected for her by the family. She was hesitant since she did not want to knowingly infect another individual.</p> <p>She rented a house at the nearby market and sold groceries in order to provide for her children and pay their school fees. One of her friends at the market informed her about KELIN and gave her the contacts of the field officer. She reached out to the field officer and narrated her story. She was then directed to an elder in the region who obtained the details of her in-laws and promised to arrange for traditional dispute resolution.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of the customary laws.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was welcomed back to the matrimonial home, her property returned and a house built for her by the in-laws. The in-laws also promised to live peacefully with her from then onwards. The in-laws were informed of the unconstitutionality of the practice of widow inheritance. The taboo belief associated with the cleansing ritual as believed by the family was dully disregarded.</p>

Case Name	E.A.O.D v Brother -In-Law
Constituency	Kabondo
Reference No.	KEL/WPLR/14
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter on freedom from discrimination against women 5. Article 2 of the Maputo Protocol
Facts	<p>The claimant, a 32-year-old mother of four, was married under Luo customary law in 1995. After her husband's death, her in-laws insisted that she be inherited by one of her brothers in-law. She declined since she knew she was HIV positive and did not want to infect him. She was chased away from the home and all her late husband's property taken by the in-laws. They claimed that the only way she would be able to access the property was if she accepted to be inherited.</p> <p>She rented a house at the nearby market and later learnt about KELIN from a friend who took her to one of the trained elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya.
Decision and Reasoning	<p>After successful traditional dispute resolution, the lady was allowed to go back to her matrimonial home where the in-laws built for her a house. The family was also informed of the provisions of the law on wife inheritance. They promised not to interfere with the claimant's choice of not remarrying after her husband's death. Consequently, all her rightful property was returned.</p>

Case Name	E.C.O v Co-wife
Constituency	Kabondo
Reference No.	KEL/WPLR/15
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter on freedom from discrimination against women 5. Article 2 of the Maputo Protocol
Facts	<p>The claimant was married under Luo customary law. Her husband died after a long illness. The in-laws insisted that she should be inherited by one of her brothers in-laws. She refused and was chased away from the matrimonial home. All her property was subsequently taken by the in-laws. They also claimed that she was responsible for her husband's death and thus she should never go back to their home. She stayed with a relative for a while before renting a house, which she could barely pay for, at the nearby market. She heard about KELIN from one of the widows at the market, who narrated to her how KELIN had helped her. She approached a trained elder in the region who promised to arrange for traditional dispute resolution.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to inherit her late husband's property. ii. Whether the claimant had a right to stay in her matrimonial home. iii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of the Luo customary law.
Decision and Reasoning	<p>The elders outlined the unconstitutionality of the practice of widow inheritance, the rights of women to property and the aspects of stigma and discrimination of persons affected and infected with HIV. The in-laws welcomed the claimant back to the matrimonial home and promised not to interfere with her or her property.</p>

Case Name	E.A. v In-Laws
Constituency	Kabondo
Reference No.	KEL/WPLR/16
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on discrimination against women
Facts	<p>The claimant, a 37-year-old mother was married under Luo customary law. After her husband's death, her in-laws torched her house and chased her from the home. They claimed she was responsible for her husband's death since she was HIV positive.</p> <p>She stayed with relatives and was not able to raise school fees for her children. She learnt about KELIN from a friend who informed her about the existence of the trained council of elders. She approached one of the elders and narrated to him her story.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the claimant had a right to return to her matrimonial home. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	The council of elders successfully mediated and resettled the widow. They then presided over the rebuilding ceremony. The elders explained to the in-laws the rights of widows/wives as provided for in the law and the criminal consequences of the offence of intermeddling.

Case Name	E.A.A. v In-Laws
Constituency	Nyando
Reference No.	KEL/WPLR/17
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 2 of the Maputo Protocol
Facts	<p>The Claimant, a 51-year-old woman with no children, was married under Luo customary law. Her husband died in 2007 and her in-laws insisted that she must be inherited. She however declined because of her status and also because she was past the child bearing age. This angered her in-laws who destroyed her house and chased her away. She tried on several occasions to negotiate her way back into the home but the in-laws insisted that a man of their choice from the clan must inherit her.</p> <p>She sought one of the elders in the village for help. The elder directed her to one of the trained elders who promised to resolve the dispute together with other elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of wife inheritance is consistent with the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>The widow got back her parcel of land after successful traditional dispute resolution. A house was also built for her by the in-laws who promised not to insist on inheritance. This was after the council of elders informed them of the dangers of such customary practices.</p>

Case Name	E.A.O. v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/18
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from discrimination
Facts	<p>The claimant, a mother of five, was married under Luo customary law. After her husband’s death, her brother in-law wanted to inherit her but she declined. He turned violent towards her and chased her. She tried approaching her in-laws to allow her to come back to her home. They however insisted that she could only come back if she consented to her brother in-law’s demands. She disclosed her status hoping that this would make them understand the reason behind her refusal. This made the situation worse. They warned her to keep off the home.</p> <p>She learnt about KELIN from a widows’ group that she had joined in order to engage in table banking. The group consisted of widow beneficiaries who connected her to the elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution on the applicability of customary law.
Decision and Reasoning	After successful traditional dispute resolution, the claimant was given back her parcel of land and allowed back into her matrimonial home. The in-laws were informed of the inconsistency of the wife inheritance tradition with the Constitution of Kenya. They were also informed of the widow’s rights, and issues surrounding HIV. They were remorseful and promised not to interfere with the claimant.

Case Name	F.A.O. v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/19
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 2 of the Maputo Protocol
Facts	The claimant was married under the Luo customary law. When her husband died, her in-laws insisted that a man from the clan should inherit her, but she declined. She was chased away from the home and accused of causing her husband's death. She went to stay with a friend since she had nowhere else to go. She heard about KELIN from a widows' group she had joined. The widows were KELIN beneficiaries and provided her with the contacts of the elders who would assist her.
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	After successful traditional dispute resolution, the widow was resettled. The in-laws promised not to interfere with her or her property. The in-laws were also informed about the issues surrounding HIV and the dangers of wife inheritance.

Case Name	G.A.O. v Deceased Husband's Clan
Constituency	Nyakach
Reference No.	KEL/WPLR/20
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. The Constitution of Kenya 2. The Marriage Act, 2014 3. Section 4(2)(k) of the Land Act, 2012 4. Land Registration Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People's Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant was married as a third wife under Luo customary law. Upon her husband's death, she was chased from the home by her in-laws and co-wives. They burnt down her house and warned her against returning to the home. She was not considered to be a legitimate wife.</p> <p>She got a court ruling clearly stating that she was entitled to her property. She was hesitant to ensure the implementation because of her already strained relationship with her in-laws. She heard about KELIN from her friend, who informed her of the existence of trained elders.</p> <p>She approached the elders who arranged for traditional dispute resolution.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant was a wife as per the Luo customary law on marriage. ii. Whether the claimant was entitled to property as a third wife. iii. Whether the claimant was entitled to stay in the matrimonial home iv. How the property was to be subdivided.
Decision and Reasoning	<p>The elders outlined the provisions of the Succession Act that relate to property division. Since there was no valid will, the property was divided equally among all the dependants. Community members, elders and, the in-laws and the church jointly built a new house for the widow.</p>

Case Name	J.A.O. v Brothers In-law
Constituency	Rachuonyo
Reference No.	KEL/WPLR/21
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Land Registration Act, 2012 6. The Matrimonial Property Act, 2013 7. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 8. The African Charter on Human and People’s Rights (1981) 9. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant was married under Luo customary law. She lived with her husband at Kapsabet until his death when she had to move back to her matrimonial home. She found that her house had been destroyed and the land sold to a third party. On inquiry, her in-laws claimed that the land was family land. After her husband died, it was taken over by her brother in-law who in turn sold it in his own right. She had a copy of the title deed and subsequently did a search on the land. She confirmed that it was dully registered in her late husband’s name. She informed the brother in-law that he had unlawfully sold her land and she had intentions of obtaining ownership of the land, this angered her brother in-law. He ganged up with the family to chase her from the home. They also accused her of killing her husband since she was HIV positive.</p> <p>She considered going to court but she did not want to cause further strain to her relationship with her in-laws. She approached an advocate for advice and he informed her of KELIN. He was a KELINs pro bono lawyer and thus was familiar with the process. She was referred to a KELIN field officer who in turn liaised with one of the elders in her region.</p>

Continued on the next page

Case Name	J.A.O. v Brothers In-law
Issues	<ul style="list-style-type: none"> i. Whether the brother in-law was the rightful owner of the property. ii. Whether the claimant was the rightful owner of the piece of land. iii. Whether the sale between the brother in-law and the buyer was legal.
Decision and Reasoning	<p>The elders reprimanded the in-laws' destruction of the claimant's house. They were given an opportunity to explain their actions and it was clear that they acted out of ignorance. The elders highlighted the rights of women to property and the various consequences for the infringement of such rights. The brother in law contacted the purchaser of the piece of land and refunded the money paid for acquisition so as to cancel the sale. The claimant was welcomed back to the matrimonial home and a house built for her by the in laws.</p>



Case Name	J.A.D. v In – Laws
Constituency	Nyando
Reference No.	KEL/WPLR/22
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Land Registration Act, 2012 6. The Matrimonial Property Act, 2013 7. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 8. The African Charter on Human and People’s Rights (1981)
Facts	<p>The claimant, a widow and a mother who was married under the Luo customary law. When her husband died, her in-laws wanted her to be inherited by one of her brothers in-law. When she declined, her in-laws were angered and chased her away from the home. She was accused of causing her husband’s death since she was HIV positive. She went back to her parents’ home in Kabondo and began selling groceries in order to provide for her children.</p> <p>She learnt about KELIN from one of the women in the market who informed her that KELIN had helped her when she was in a similar situation. The woman gave her the contacts of one of the local elders who referred her case to the elders in her late husband’s home area. A date was scheduled for traditional dispute resolution.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to stay in the matrimonial home. ii. Whether the claimant had a right to her late husband’s property. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>The elders informed the in-laws that the land rightfully belonged to the claimant and her brother in-law had no right to sell the land. They informed him that he would have to return the money obtained from the buyer. The claimant was advised on the way forward in ensuring the land title is registered in her name. She was also welcomed back home by her in-laws who were informed of the rights of widows and married women to property.</p>

Case Name	J.O.G. v In-Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/23
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW on freedom from, discrimination 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 2 of the Maputo Protocol
Facts	<p>The claimant, a 65 year old widow was married under Luo customary law. The couple had five children but unfortunately they all died. When her husband died in 2003 her in-laws chased her from the matrimonial home. They claimed that she was responsible for her husband's death and had no more ties with the family. She made several efforts to get back her property but did not succeed.</p> <p>She rented a house in the nearby market and did odd jobs to meet her daily needs. One of her neighbours informed her about KELIN and the Traditional dispute resolution conducted by the council of elders. She approached the KELIN field officer who directed her to the elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the claimant was still considered a wife according to Luo customs.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was allowed to go back to her matrimonial home. Her in-laws promised to recognize her position as the wife to the deceased.</p> <p>The in-laws and community members built a house for her.</p>

Case Name	L.A. v Mother -in- Law
Constituency	Rachuonyo
Reference No.	KEL/WPLR/24
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW on freedom from discrimination 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 2 of the Maputo Protocol on freedom from discrimination
Facts	<p>The claimant is a mother of four. Her husband died in 2003 after a long illness. Her mother in-law informed her of their intention to find a man from the clan to inherit her for cleansing purposes. When she declined, the mother in-law chased her from the matrimonial home and locked her out of her house. Later, the father in-law also buried one of his wives on her land and informed her that she no longer had any right to the said land.</p> <p>She rented a house in the nearby market and started a small business to provide for her children. In 2007 she joined a widows' group, it is in this group that she learnt about KELIN and obtained the elders contacts.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to property. ii. Whether the practice of widow inheritance is consistent with Constitution. iii. Whether the piece of land belonged to the claimant or the father in-law. iv. Whether the widow had a right to access and stay in her matrimonial home.
Decision and Reasoning	<p>After successful traditional dispute resolution, the mother in-law unlocked the claimant's house accepting that she had a right to stay in her home. The father in-law's actions were condemned and he gave the claimant another piece of land of the same value. The in-laws also promised to live peacefully with the claimant and not force her to engage in any other customary rituals.</p>

Case Name	L.A.O. v In- Laws
Constituency	Nyando
Reference No.	KEL/WPLR/25
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 1 of CEDAW on freedom from discrimination 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 2 of the Maputo Protocol 6. Section 9 and 11 of the Matrimonial Property Act No.49 of 2013
Facts	<p>The claimant was married under the Luo customary law in 2004. When her husband died in 2011, her brother in-law claimed that he was entitled to his late brother's property. He accused her of being responsible for her husband's death because of her HIV status. He then chased her away from the home. She left for Bomet in August 2011 where she engaged in small business. She then returned in 2013 to her matrimonial home area in Sondu in an attempt to make peace with her in-laws. She rented a house at the nearby market and sold vegetables.</p> <p>She learnt about KELIN from one of her friends in Sondu market who was a KELIN beneficiary.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant was entitled to her late husband's property. ii. Whether the brother in-law had any claim to the property. iii. Whether the practice of wife inheritance is consistent with the Constitutional provisions on applicability of customs.
Decision and Reasoning	<p>The elders successfully mediated between the claimant and the in-laws. The brother in-law returned all the claimant's property and promised not to interfere with her or her property. The elders informed the in-laws of the unconstitutionality of the practice of wife inheritance.</p>

Case Name	M.A.O. v In – Laws
Constituency	Nyakach
Reference No.	KEL/WPLR/26
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW on freedom from discrimination 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from all forms of discrimination against women
Facts	<p>The claimant, a mother of five was married in accordance with the Luo customary law. When her husband died, her in-laws insisted that since she was the first born son’s wife, she had to be inherited by one of her brothers in-law. This was to enable the other sons build their own houses in the home according to the customs. When she declined they chased her from her matrimonial home and took away all her property.</p> <p>The claimant rented a house in the nearby market where she sold groceries to provide for her children and pay her rent. However, the business did not do very well and she was still keen on returning to her matrimonial home. She narrated her story to one of the ladies in the market who informed her about KELIN. She consequently contacted the elders in the region who arranged for the traditional dispute resolution with her in-laws.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant was entitled to access and own her late husband’s property. ii. Whether the practice of wife cleansing is consistent with the provisions of the Constitution of Kenya on the applicability of customary law. iii. Whether it was mandatory for the claimant to be inherited before the other sons can build their houses.
Decision and Reasoning	The in-laws on several instances argued with the elders and insisted that it was necessary for the claimant to undergo a cleansing ceremony. After much persuasion they finally grasped the inconsistency of the custom with the Constitution. The elders and the in-laws facilitated the building of a new house for the claimant. She was warmly welcomed back home together with her children. The other sons subsequently proceeded to build their houses as per custom.

Case Name	M.A.O v In- Laws
Constituency	Rachuonyo
Reference No.	KEL/WPLR/27
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from all forms of discrimination against women
Facts	The claimant and her husband both worked in Naivasha. The husband became very ill and thus the claimant quit her job to take care of him. They decided to move back home to be close to family. Unfortunately the husband died shortly thereafter. After his burial the in-laws accused her of causing his death as she was HIV positive. They chased her from the home and took away all her late husband's property.
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether chasing the widow from the home was lawful.
Decision and Reasoning	The elders informed the in-laws of the claimant's right to her late husband's property and that they were holding such property illegally. They also warned the in-laws against stigma and discrimination of those affected and infected with HIV, they disclosed that they were not aware of the issues surrounding HIV and the information from the elders was very useful for them. They promised not to blame the claimant anymore and returned all her rightful property.

Case Name	M.O v In- laws
Constituency	Nyando
Reference No.	KEL/WPLR/28
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from all forms of discrimination against women
Facts	The claimant was married under the Luo customary law. When her husband passed away, her in-laws insisted that she should be inherited by a man from the clan. When she declined to do so, this angered the in-laws and they chased her from the home. They warned her against carrying or claiming any right to property that belonged to her late husband. They locked her house and informed her that she was no longer welcome. The claimant heard about KELIN from a business woman at the market centre. The business woman was also a KELIN beneficiary.
Issues	<ol style="list-style-type: none"> i. Whether the practice of wife inheritance is consistent with the Constitution of Kenya on the applicability of customary law. ii. Whether the claimant has a right to her late husband's property and access to her matrimonial home.
Decision and Reasoning	After a successful traditional dispute resolution, the claimant was allowed access to her house and all her property returned. The elders were informed that the practice of wife cleansing is inconsistent with the law after which they promised not to insist on the ritual.

Case Name	A.O v In- Laws
Constituency	Nyakach
Reference No.	KEL/WPLR/29
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from all forms of discrimination against women
Facts	<p>The claimant, a 32-year-old widow was married as per the Luo customary law. When her husband died, her in-laws insisted that she had to be inherited by a member of the clan so as to cleanse her. She declined stating that she was HIV positive and did not want to knowingly infect another individual. This elicited a very negative reaction from her in-laws who accused her of causing her husband's death and chased her from the home.</p> <p>She rented a house at Nyabende center where she managed a small business to provide for her children and for daily subsistence. A neighbour who was a member of a widow's group along with other KELIN beneficiaries directed her to KELIN.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant was entitled to her late husband's property. ii. Whether the practice of wife inheritance is lawful as per the Constitutional provisions on the applicability of customary law.
Decision and Reasoning	<p>During the session, the elders stated that according to the Luo customs and the law, it was right and proper for the claimant to be allowed back to the home. She was also as much entitled to the land as the in-laws were.</p> <p>The in-laws agreed that they would build a house for the widow and welcome her back. This was to be done on a parcel of land that belonged to her husband. The structure would be built within a month as directed by the elders. The in-laws and the local Lutheran Church of Kenya branch later built the structure.</p>

Case Name	V.A.O v In – Laws
Constituency	Rachuonyo
Reference No.	KEL/WPLR/30
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from all forms of discrimination against women
Facts	<p>The claimant, a 35-year-old widow was married as per Luo customary law. Her husband subsequently married a second wife a few years later. When the husband died, her in-laws claimed that the second wife was the legitimate wife and thus the claimant was not entitled to any of the deceased’s property. They also chased her away and destroyed her home.</p> <p>She stayed with a friend but could not provide for her children. She had previously depended on her farm produce which had been taken over by her in-laws. The friend informed her of the existence Luo Council of Elders trained by KELIN.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant was a legitimate wife as per the Luo customs. ii. Whether the claimant had a right to the deceased’s property and a right to return to her matrimonial home.
Decision and Reasoning	<p>During the traditional dispute resolution, the elders informed the in-laws that both the first and second wives were considered wives of the deceased. They had both been married as per the Luo customary laws. The two wives were therefore both entitled to a share in the deceased’s property. The widow was welcomed back home and a house built for her by the in-laws and members of the community.</p>

Case Name	C.O. v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/31
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. Land Registration Act, 2012 6. The Matrimonial Property Act, 2013 7. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 8. The African Charter on Human and People’s Rights (1981) 9. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant and her late husband stayed in Sony, Awendo where her husband worked. They lived in the company houses until her husband’s death when she had to move back home. After the burial, the in-laws informed her that she was to be inherited by the deceased’s younger brother as per the customs. She declined stating that she was HIV positive and did not want to risk infecting her brother in-law. The in-laws chased her from the home blaming her for her husband’s death. They took away all her property.</p> <p>She rented a house at Ramba market where she started a small business to provide for her children and for her daily sustenance. She later joined a widow group where she learnt about KELIN and inquired whether her case could also be determined by the elders. After several visits by the elders to her in-laws, a mediation date was arranged.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant was entitled to her late husband’s property. ii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution of Kenya on the extent of the applicability of customary law.
Decision and Reasoning	The claimant moved back to her matrimonial home and repossessed all her property after a successful session. Since her house had been destroyed, the elders, the members of the widow group and the community members came together and built a new house for the claimant.

Case Name	J.A.A v J. A. S.O.
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/32
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 27 of the Constitution of Kenya 3. The Marriage Act ,2014 4. Section 4(2)(k) of the Land Act, 2012 5. Land Registration Act, 2012 6. The Matrimonial Property Act, 2013 7. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 8. The African Charter on Human and People’s Rights (1981) 9. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	The claimant is a mother of five and was married under Luo customary law. After her husband’s death, her in-laws accused her of causing his death. They wanted her to be inherited by a man from the clan as a prerequisite for obtaining her late husband’s property. When she declined, they chased her from the home. She took refuge at a friend’s house. This friend who was a KELIN beneficiary, referred the claimant to the elders who arranged for traditional dispute resolution.
Issues	<ol style="list-style-type: none"> i. Whether the claimant is entitled to her late husband’s property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law. Claimant have rights to continue staying at her marital home after
Decision and Reasoning	After successful session, the claimant was welcomed back to the matrimonial home,.Her property was also returned.

Case Name	M.O.A. v Clan
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/33
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from discrimination 6. Article 1 of CEDAW
Facts	<p>The claimant, a mother of four was married as per the Luo customary law. Her husband died in 1993 after a long illness. After his burial the in-laws wanted her to be inherited by a man from the clan but she declined. This caused animosity as they claimed that a curse would befall the family if she did not undergo the ritual. She however disclosed to them that she did not want to knowingly infect another due to her HIV status.</p> <p>A dispute arose between the claimant and a neighbour as to the ownership of her late husband's parcel of land. The neighbour was encroaching on the said land. When the claimant sought assistance from the in-laws they claimed they did not recognize her as a wife to the deceased. Therefore she was denied the right to be involved in family disputes. The in-laws claimed that they had sold the piece of land to the neighbour.</p> <p>The claimant approached a KELIN pro bono lawyer for intervention. The lawyer directed her to the elders for traditional dispute resolution.</p>
Issues	<ol style="list-style-type: none"> i. Whether the practice of wife inheritance is consistent with the provisions of the Constitution on the applicability of customary law. ii. Whether the claimant was entitled to her late husband's property iii. Whether the sale of the piece of land to the neighbour by the in-laws was lawful
Decision and Reasoning	<p>After a successful traditional dispute resolution, the claimant was able to repossess her land from the neighbour as the sale was fraudulent. The elders explained to the in-laws that the law recognized the claimant as a wife and thus she was entitled to stay in her matrimonial home.</p>

Case Name	J.A.A. v In- Laws
Constituency	Rachuonyo
Reference No.	KEL/WPLR/34
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from discrimination 6. Article 1 of CEDAW
Facts	<p>The claimant, a mother of three was married under the Luo customary law. When her husband died, her in-laws insisted that she should be inherited. When she declined her in-laws chased her from the matrimonial home. She rented a house in the nearest market place where she sold groceries to provide for her children and pay their school fees. She heard about KELIN from a lady affiliated to a beneficiary of the mediation by elders. She liaised with the beneficiary who introduced her to the elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>The elders outlined to the in-laws the inconsistency of the practice of wife inheritance with the current laws. They informed the in-laws of the dangers of the practice. The in-laws admitted that they had simply insisted on the inheritance because it had been customary. The claimant was welcomed back home.</p>

Case Name	P.A.O v In- Laws
Constituency	Nyakach
Reference No.	KEL/WPLR/35
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Article 2 of the Maputo Protocol 5. Article 18(3) of the Banjul Charter on freedom from discrimination 6. Article 1 of CEDAW
Facts	<p>The claimant, a mother of four was married under Luo customary law. After her husband's death, the in-laws insisted that she should be inherited by a man chosen from the clan. She declined because she knew she was HIV positive. The in-laws became very hostile as this was viewed as disrespect to the customs. They also accused her of causing her late husband's death. She was chased from the home and her house subsequently destroyed. She rented a house at the nearby market and sold groceries. She later joined a widow support group in order to engage in other income generating activities. It is in this group that she learnt about KELIN since most members were beneficiaries. She narrated her story to the elders who promised to follow up.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>After successful traditional dispute resolution, the in-laws welcomed the claimant back to her matrimonial home and returned all her rightful property. They also promised not to insist on the inheritance. The elders had explained to them the dangers of the practice and that it was not allowed in law.</p>

Case Name	E.A.O v In-Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/36
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. The Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 40 of the Constitution – right to property 4. The Marriage Act, 2014 5. Section 4(2)(k) of the Land Act, 2012 6. Land Registration Act, 2012 7. The Matrimonial Property Act, 2013 8. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 9. The African Charter on Human and People’s Rights (1981) 10. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of four was married under Luo customary law. When her husband died, the in-laws attempted to sell her land to a third party. They claimed that the land automatically belonged to them after the husband’s death. When she threatened to go to court over the dispute, they chased her from the home. She rented a house at the nearby market and sold groceries. She visited a lawyer once but the costs quoted were too high. The lawyer explained that the Alternative Dispute Resolution process was cheaper and directed her to KELIN.</p>
Issues	<ol style="list-style-type: none"> i. Whether the widow was the rightful owner of the parcel of land. ii. Whether the widow had a right to return to her matrimonial home.
Decision and Reasoning	<p>The elders explained to the in-laws that the claimant was the rightful owner of the piece of land and that they had no right to sell it. The widow was welcomed back home and a house built for her by the community members and the elders.</p>

Case Name	E.A.O v In- Laws
Constituency	Nyando
Reference No.	KEL/WPLR/37
Body	Luo Council of Elders
Scope of Authority	The extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. The Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act ,2014 4. Section 4(2)(k) of the Land Act, 2012 5. Land Registration Act, 2012 6. The Matrimonial Property Act, 2013 7. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979); 8. The African Charter on Human and People’s Rights (1981)
Facts	<p>The 45-year-old claimant, a mother of seven was married under Luo customary law. The husband subsequently married other wives and following his death, the in-laws claimed that she was not entitled to any property since she had not contributed to its acquisition. They sold the land that had been gifted to her and chased her from the home. She rented a house at the nearby market where she started a small business. She heard about KELIN from her neighbour whose case was at the time being determined by the elders. The neighbour explained to the claimant how the relationship with her in-laws which was previously strained, had improved.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to the piece of land gifted to her by her late husband. ii. Whether the claimant is entitled to move back to the matrimonial home.
Decision and Reasoning	<p>The elders advised the claimant to get documentation relating to the property and advised the in-laws that she was the rightful owner of the property and the sale was void. She regained ownership of all her property and moved back home.</p>

Case Name	L.A.A. v In-laws
Constituency	Nyakach
Reference No.	KEL/WPLR/38
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 28 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter 5. Article 2 of the Maputo protocol
Facts	<p>The 29-year-old claimant, a mother of two, was married in accordance with the Luo customary law. After her husband's death, her brother in-law communicated his intention to inherit her. When she declined, he became violent towards her, he would go to her house and take away items claiming she had no right to his late brother's property and then he eventually chased her from the home. She rented a house at the nearby market but could barely make rent. She made several attempts to reconcile with her in-laws but they insisted that the only way they would allow her back if she accepted to be inherited.</p> <p>She heard about KELIN from a friend who is a beneficiary.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to her late husband's property. ii. Whether it is mandatory that the claimant is inherited in order to have a right to property.
Decision and Reasoning	<p>After a successful traditional dispute resolution, the in-laws welcomed the claimant back to the matrimonial home, they apologized for how they had treated her, the elders informed the in-laws on the right of women to property and the unconstitutionality of the practice of wife inheritance.</p>

Case Name	B. O. G v son
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/39
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 2(4) of the Constitution of Kenya 2. Article 28 of the Constitution of Kenya 3. Article 1 of CEDAW 4. Article 18(3) of the Banjul Charter 5. Article 2 of the Maputo protocol
Facts	The claimant, a mother of two was married under the Luo customary law. After her husband's death she was inherited by her brother in-law, with whom she had her third child. Her eldest son chased her from the home after a disagreement claiming that since he was the first born son, he was the rightful owner of his late father's property. She had nowhere to go so she stayed with a friend. She heard about KELIN from her friends' neighbour.
Issues	<ol style="list-style-type: none"> i. Whether the son has a right to property in exclusion of the mother. ii. Whether the claimant has a right to live in her matrimonial home.
Decision and Reasoning	The elders condemned the discrimination of women in property ownership during the session, the son was informed of the claimant's right to the matrimonial home and the rights of women to property, He returned all the property and promised not to interfere with his mother's property. The mother moved back to her home.

Case Name	B.A.O v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/40
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 2 of the Maputo Protocol 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 1 of CEDAW
Facts	<p>The claimant, a mother of four was married under the Luo customary law. After her husband's death her brother in-law told her of his intentions to inherit her. She disclosed her status to him as the reason for her refusal, but he was adamant and claimed that she was merely making excuses. Her refusal angered her in-laws who took away all her property and chased her from the home. They claimed that since the husband had died, she had no right to the family property.</p> <p>She rented a house at the nearby market where she worked at a hotel. She however did not make enough money to pay for her children's school fees. She heard about KELIN from her colleague, whose sister was a beneficiary.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to her late husband's property. ii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution of Kenya on applicability of customary law. iii. Whether the practice of widow inheritance is a requisite for the widows right to property.
Decision and Reasoning	<p>The elders informed the in-laws of the legal provisions relating to rights of women, widows and daughters. They were informed of the unconstitutionality of the practice of widow inheritance, the brother in-law admitted that his actions were informed by the customary law and he promised not to interfere with her property again, the claimant was welcomed back into the matrimonial home</p>

Case Name	M. A.W. v Clan
Constituency	Rachuonyo
Reference No.	KEL/WPLR/41
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law.
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 2 of the Maputo Protocol 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 1 of CEDAW
Facts	<p>The claimant was married in accordance with Luo customary law. After her husband's death, her in-laws wanted her to be inherited by one of her brothers in-law, she disclosed her status hoping that this would deter them, instead they blamed her for her husband's death and chased her from the home, they took away all her property.</p> <p>She rented a house at the nearby market where she sold groceries to provide for her family. She heard about KELIN from a fellow business lady.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant has a right to her deceased husband's property. ii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution of Kenya on applicability of customary law.
Decision and Reasoning	<p>The elders informed the in-laws of a widow's right to choose whether to be inherited or not but they also pointed out the unconstitutionality of the practice of wife inheritance. The in-laws, elders and members of the community built a house for the widow and she was welcomed back home.</p>

Case Name	E.A.A. v In- Laws
Constituency	Rachuonyo
Reference No.	KEL/WPLR/42
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. Article 2 of the Maputo Protocol 4. Article 18(3) of the Banjul Charter on freedom from discrimination 5. Article 1 of CEDAW
Facts	<p>The claimant, a mother of four, was married in accordance with Luo customary law. After her husband died in 2006 her in-laws insisted that she should be inherited by the deceased's brother. She declined since she was HIV positive and did not wish to knowingly infect her brother in-law. When she disclosed this, her in-laws blamed her for her late husband's death. They consequently chased her from the matrimonial home. She stayed with her cousin at Asat beach where she started a fish-selling business. However the proceeds were not enough to pay for her children's school fees and upkeep. She heard about KELIN from one of the ladies at the beach whose sister in-law had been previously resettled. She was however informed that she had to approach the elders at her matrimonial home because they had jurisdiction.</p>
Issues	<ol style="list-style-type: none"> i. Whether the widow was entitled to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the application of customary law.
Decision and Reasoning	<p>The claimant was resettled following successful traditional dispute resolutions. She was welcomed back to her matrimonial home and a house built for her by the in-laws. The elders explained to the in-laws the rights of the claimant under the law. They also explained aspects of the customary law that were incompatible with the Constitution of Kenya.</p>

Case Name	M.A.O v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/43
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	The claimant, a mother of five, was married under the Luo customary law. After her husband’s death, her in-laws wanted her to be inherited by her brother in-law. When she declined they chased her away from the home and took away all her property. She rented a house at the nearby market where she sold groceries. Businesswomen at the market told her about KELIN after she shared her story. She was referred to the elders who promised to follow up on her matter.
Issues	<ol style="list-style-type: none"> i. Whether widow inheritance was a precondition to property ownership. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law. iii. Whether the claimant was entitled to her late husband’s property
Decision and Reasoning	After successful traditional dispute resolution, the claimant was allowed to go back to her matrimonial home and all her property returned. The in-laws promised not to interfere with her or her property since they had been enlightened on property rights by the elders.

Case Name	E.A.O v In- Laws
Constituency	Nyando
Reference No.	KEL/WPLR/44
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of applicability of Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People's Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a 23-year-old mother of three, was married under the Luo customary law. After her husband's death the in-laws insisted that she should be inherited by her brother in-law. When she declined, she was chased away from her matrimonial home and her property consequently taken away. She rented a house at Ngere market where she heard about KELIN from a friend.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>The claimant was welcomed back to her home after successful traditional dispute resolution. The in-laws promised not to interfere with her or her property. The elders informed the in-laws of the rights of women to property and the unconstitutionality of the practice of wife inheritance.</p>

Case Name	P.O v Clan
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/45
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979); 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of two, was married under Luo customary law. After her husband’s death, her in-laws wanted her to be inherited by her brother in-law, she declined stating her HIV status as her reason for refusal. This angered her in-laws who accused her of causing her husband’s death and chased her from the home, all her property was also taken away. She sought shelter at her church and was accommodated in a guest house for a while. She heard about KELIN from one of the church members who provided her with the one of the elder’s contacts. Her case was scheduled for traditional dispute resolution.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>After successful session, the in-laws welcomed the claimant back to the matrimonial home. The elders informed the in-laws on the rights of women - especially widows - to property. They were also informed of the unconstitutionality of the practice of wife inheritance.</p>

Case Name	J.A.O. v Clan
Constituency	Kisumu Rural
Reference No.	KEL/WPLR/46
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People's Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of five was married under Luo customary law. After her husband's death in 2010 the in-laws wanted her to be inherited by one of her brothers in-law. She declined and stated her HIV positive status was the main reason. The in-laws were angered by her refusal and accused her of causing her husband's death. She was then chased away from the home.</p> <p>She stayed with her friend for a while hoping that the in-laws would allow her back. The in-laws insisted that the only way they would allow her to return was if she accepted to be inherited. She heard about KELIN from her friend's neighbour whose sister had been previously resettled.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether widow inheritance was a precondition for a widows' property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	The elders informed the in-laws of the rights of widows and the unconstitutionality of the practice of widow inheritance. They further indicated that the widow had the right to choose whether she wanted to be inherited or not. The claimant's house was rebuilt by the in-laws and she moved back into the matrimonial home.

Case Name	J.A.O. v In- Laws
Constituency	Nyando
Reference No.	KEL/WPLR/47
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of three was married under Luo customary law. When her husband died in 2006, her in-laws insisted that she had to be inherited by a man from the clan. She declined since she was HIV positive and did not wish to knowingly infect the man. The in-laws thought she was only making excuses. They warned her that if she did not accept their condition they would chase her from the home. They took away all her property and eventually chased her away.</p> <p>She stayed with a relative and sold groceries to provide for her children but the proceeds were inadequate. She heard about KELIN from her sister’s friend.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether inheritance was a precondition for widows’ property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was allowed back into the matrimonial home and her property returned. The elders warned the in-laws on the dangers of wife inheritance and also informed them of the rights of women to property.</p>

Case Name	P.A.S v J.A.A., A.A., J.A.
Constituency	Rachuonyo
Reference No.	KEL/WPLR/48
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of five was married under the Luo customary law. When her husband died in 2002, her in-laws wanted her to be inherited by her brother in-law. When she declined they took away her property and chased her from the matrimonial home. She stayed at the nearest market where she sold groceries to provide for her children. She heard about KELIN from a widow’s group that she had joined. Most of the members were KELIN beneficiaries.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether inheritance is a precondition for property ownership. iii. Whether the practice of widow inheritance is consistent with provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was welcomed back to the matrimonial home, the in-laws returned all her property and promised not to impose the practice of widow inheritance on her. Members of the community and members of the widow group built a house for the claimant.</p>

Case Name	M.A.O. v A.O.G.
Constituency	Nyando
Reference No.	KEL/WPLR/49
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of seven, was married under Luo customary law. When her husband died, her in-laws wanted her to be inherited by a member of the clan. When she declined, they chased her away from the matrimonial home. She later rented a house at the nearest market where she engaged in a small business in order to provide for her children.</p> <p>She heard about KELIN from one of the ladies at the market.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the practice of wife inheritance is consistent with the provisions of the Constitution of Kenya on the extent of the applicability of customary law.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was welcomed back to the matrimonial home. The in-laws returned all her property and promised not to impose the practice of widow inheritance on her. The community members built a house for the claimant.</p>

Case Name	C.A.O v In-laws
Constituency	Nyakach
Reference No.	KEL/WPLR/50
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People's Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The 25-year-old mother of three was married under the Luo customary law. When her husband died, her in-laws insisted that she should be inherited by her brother in-law. When she declined, they chased her away from the home and took away her property. Having nowhere to go, she rented a house at the nearest market and engaged in commercial sex work to provide for her children.</p> <p>She heard about KELIN from a friend who gave her one of the elder's contacts.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of Luo customary law.
Decision and Reasoning	<p>The elders informed the in-laws on the rights of women to property and the unconstitutionality of the practice of widow inheritance. The widow was welcomed back to the matrimonial home and all her property was returned.</p>

Case Name	B.A.O.N v In. Laws
Constituency	Rachuonyo
Reference No.	KEL/WPLR/51
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of four, was married under the Luo customary law. When her husband died, her in-laws insisted that she be inherited by one of her brothers in-law. When she declined because of her HIV positive status, they accused her of causing her husband’s death and chased her away from the home. Her attempts to obtain her properties were futile since the in-laws had taken possession of all her property. They warned her against laying claim as she was not entitled to the said property.</p> <p>She rented a house at the nearby market where she did odd jobs to provide for her family. However, the proceeds were inadequate and therefore she was constantly making efforts to reconcile with her in-laws. She knew going back home would cut back on her expenses. She heard about KELIN from a friend who also gave her one of the elder’s contacts.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	The claimant was welcomed back home by her in-laws who returned all her property. They promised not to impose the unlawful practice of widow inheritance on her. She was also given a piece of land to cultivate in order to provide for her children.

Case Name	F.A.O v In- Laws
Constituency	Kabondo
Reference No.	KEL/WPLR/52
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act ,2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979); 7. The African Charter on Human and People’s Rights (1981) 8. the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of six, was married under Luo customary law. When her husband died, her in-laws wanted her to be inherited by a man from the clan. When she declined she was chased away from the matrimonial home. She stayed with a friend at the nearby market since she did not have enough money to rent a house, she tried looking for jobs but could not secure any, her friend who is a member of a widow’s group encouraged her to join it so as to engage in activities such as table banking. It is in this group that she heard about KELIN since most of the members were KELIN beneficiaries.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the widow inheritance is a precondition for the widows property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>After successful traditional dispute resolution, the claimant was welcomed back to her matrimonial home and all her property was returned. The elders informed the in-laws of the rights of women to property and the unconstitutionality of the practice of widow inheritance. The claimant was given a piece of land to farm in order to provide for her children.</p>

Case Name	C.A.A. v In- Laws
Constituency	Nyando
Reference No.	KEL/WPLR/53
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	The claimant, a mother of six, was married under Luo customary law. In 2008 when her husband died, her in-laws wanted her to be inherited by her brother in-law but she declined. They chased her away from the home claiming that this was a taboo. She rented a house at the nearby market where she did odd jobs. She heard about KELIN from a business woman at the market.
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether wife inheritance is a precondition for the property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	The claimant was welcomed back to the home by her in-laws and she got back all her property. The elders outlined the rights of women to property and the unconstitutionality of the practice of wife inheritance. In the end the in-laws confessed that their actions were wrong and promised to live peacefully with the claimant. Since the widow’s house had been destroyed, the community members, friends and the in-laws built her a new house.

Case Name	G.A.A. v In-laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/54
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo Customary Law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	The claimant, a mother of four, was married under the Luo customary law. When her husband died, her in-laws insisted that she should be inherited by brother in-law. When she declined, they chased her from her matrimonial home and took away all her property. She rented a house at the nearby market where she sold groceries to provide for her children. Later, a friend introduced her to a widow’s group where she engaged in other income generating activities. She learnt that most of the members were KELIN beneficiaries. She was linked with one of the elders who promised to follow up the case.
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property ii. Whether wife inheritance is a precondition for the property ownership iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law
Decision and Reasoning	The claimant was welcomed back to her matrimonial home by the in-laws. They returned all the documents relating to her property. During the session, the elders took time to inform the in-laws of the various rights that women - especially widows - are entitled to. They were warned of the unconstitutionality of the practice of widow inheritance.

Case Name	A.O v In- Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/55
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act, 2014 4. Section 4 (2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People's Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of four, was married under Luo customary law. When her husband died in 2008, her in-laws wanted her to be inherited by her brother in-law. She declined since she was HIV positive and did not want to infect her brother in-law. They chased her away from the home and accused her of causing her husband's death. She was denied access to her home and land. With nowhere to go she moved to Mombasa where she stayed with a relative but occasionally travelled back to her home area to seek audience with her in-laws to no avail. On one of her visits, a lady from the nearby area called her and informed her about KELIN's work with elders. She was given the office contact and later linked with elders.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband's property. ii. Whether the wife inheritance is a precondition for the property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>The elders informed the in-laws of the property rights of women and the consequences of the infringements on such rights. They accepted the widow back into the matrimonial home and returned all her rightful property. The practice of widow inheritance was also condemned by the elders. They prohibited the in-laws from forcing the widow to engage in the practice since she had a right to choose whether to be inherited or not. The claimant was allowed to farm the land in order to provide for her family.</p>

Case Name	R. N. v In – Laws
Constituency	Muhoroni
Reference No.	KEL/WPLR/56
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act ,2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	The claimant was married under Luo customary law. When her husband died after a long illness, her mother in-law informed her that she was to be inherited by a man from the clan. When she declined, she was chased from the matrimonial home and accused of causing her husband’s death. The mother in-law confiscated all her property. She stayed with a friend at a nearby market. She heard about KELIN from a KELIN beneficiary at the market.
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the wife inheritance is a precondition for property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	The elders informed the in-laws of the provisions on women’s property rights and the consequences of the infringement of such rights. The claimant was in the end welcomed back to her matrimonial home and all her property returned.

Case Name	A.A.O v In- Laws
Constituency	Rachuonyo
Reference No.	KEL/WPLR/57
Body	Luo Council of Elders
Scope of Authority	Traditional dispute resolution on the extent of the applicability of the Luo customary law
Law	<ol style="list-style-type: none"> 1. Article 27 of the Constitution of Kenya 2. Article 2(4) of the Constitution of Kenya 3. The Marriage Act , 2014 4. Section 4(2)(k) of the Land Act, 2012 5. The Matrimonial Property Act, 2013 6. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) 7. The African Charter on Human and People’s Rights (1981) 8. The International Covenant on Economic, Social and Cultural Rights (ICESCR 1966)
Facts	<p>The claimant, a mother of two, was married under the Luo customary law. When her husband died, her brother in-law informed her that he intended to destroy her house. He would then sell the land to a third party who had already paid a deposit. She approached her in-laws to stop the transaction but instead they told her that as a woman she did not have a right to own land. It was considered that the land had automatically devolved to her brother in-law. She was advised to consent to an arranged remarriage to a member of the clan who would take care of her but she declined. The in-laws destroyed her house, sold the land and chased her out of the home. The claimant later narrated her story to the pastor in her church. The pastor referred her to one of the elders who is also a church leader.</p>
Issues	<ol style="list-style-type: none"> i. Whether the claimant had a right to her late husband’s property. ii. Whether the wife inheritance is a precondition for the property ownership. iii. Whether the practice of widow inheritance is consistent with the provisions of the Constitution of Kenya on the applicability of customary law.
Decision and Reasoning	<p>During the traditional dispute resolution, the elders informed the in-laws of the rights of women to own property and the consequences of the infringement of such rights, they retrieved the land from the buyer and returned moneys paid. They welcomed the claimant back to the matrimonial home and promised to live peacefully together. The in-laws and members of the community built a house for the widow.</p>

Women Land and Property Rights Resource Material

1. Accessing Justice And Protecting The Rights Of The Vulnerable Through Cultural Structures: A Tool On Working With Elders In Communities, Prepared for KELIN by Catherine Muyeka Mumma (also available in Swahili and Dholuo)
2. Providing an Effective Learning Experience for Protecting Women's Property Rights Using Alternate Dispute Resolution Mechanisms: The Place of Traditional Justice Systems by KELIN



THE ELDERS

Anyah Shadrack Oyugi, Seme Sub-county

He was born in 1938 and served in various government ministries, banks and local authorities. Between 1979 and 1977, he was a council member and Vice Chairman of the Kisumu County Council. He was a member and panel chairman of Land Board and Land Dispute Tribunal Kisumu County. He is the current Secretary of Luo Council of Elders Seme sub-County in Kisumu County.

Asael Ayaa Dinga, Seme Sub-county

Born in 1938 he is a former agricultural technical assistant. He is also the Arch Deacon of the Nomiya Church. He has been trained on Culture and HIV related human rights, women property rights and documentation of cases. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP).

Awuondo Eunice Juma, Muhoroni Sub-county

She is a 60 year old retired civil servant. She has been trained on women land rights, culture and HIV related human rights. She has been key in following up on the progress of the cases and offering support to the widow groups.

Jamba Martin Matama Jamba, Seme Sub-county

Born in 1947, and a retired head teacher, he served as a member of the Land Dispute Tribunal in Kisumu West (Seme). He has been trained on culture and HIV related human rights and on women property rights.

Kalolo Alban Kasuku, Nyando Sub-county

The Bishop is a teacher and a former school headmaster. He retired in 2004. As an elder he has been trained on culture and HIV related human rights, women property rights and documentation of cases. He has also on several occasions participated in community radio talk shows where he addresses issues surrounding culture and property.

Obura Vincent Nyaranga, Kabondo Sub-county

Born in 1943, he served as the chairman of Rachuonyo South Agriculture Stakeholders and as the Secretary General of Kabondo elders since 2005. He has been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Odingo John Okech, Nyakach Sub-county

He is a 75-year-old elder retired teacher. He has attended several workshops relating to women, land and property rights. He joined the Nyakach elders group in 2013.

Odongo George Owino, Seme Sub-county

Born in 1961, he has served as a Board Member of Jonyo Primary School and Seme Social Development. He is a member of Seme Elders Group. He has been trained on culture and HIV related human rights and on women property rights.

Ogega Festus Sila, Kabondo Sub-county

Born in 1943, he taught as an untrained teacher before joining Chadwich Teachers College. He is a founder member of Kabondo Elders Development Group (KEDRO) and Chairman (2012 to date). He has been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Okal Felix Amoke, Nyakach Sub-county

He is a retired teacher with a masters degree in peace and conflict studies and a diploma in HIV & AIDS. He is currently a welfare officer and the Secretary of Nyakach Elders, Coordinator Mbugra Widows and Orphans Community Support Group and Chairman of the Nyando Human Rights Network. He has been trained on HIV related human rights, women property rights and documentation of cases.

Okello Joseph Omol, Kabondo Sub-county

Born in 1948, he is a trained soil technician. He has served as a chairperson of Atela Community Based Organization. In 2007 he joined Kabondo Elders group after being elected as a clan elder of Kodumo. He has been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Oloo Josephine Ong'ombe, Nyando Sub-county

Born in 1954, she has been a businesswoman for over 30 years and a member of Nyando River Resource Water Users Association management committee. She is the Chairperson of Achayo Women group and Boya Business Self Help group. She attended the Women World Conference in Beijing in August 1995. She also served as a nominated Councilor in Ahero Town. She has been trained on culture and HIV related human rights and on women property rights. She has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Appolonia Ochung Ombok, Nyando Sub-county

Born in 1942, she is a retired head teacher. She is the chairperson of the Women Race Ndere National Park and also the Ndere Women group. In her capacity as an elder, she has been trained on culture and HIV related human rights, women property rights and documentation of cases.

Herine Omwa, Nyando Sub-county

The 65 year old elder is the chairperson of Asila Rice Millers and a member of the Luo Council of elders Nyando Sub-County. She has been trained in culture and HIV related human rights, Women property rights and documentation of cases.

Ondoro Josiah Otieno, Nyakach Sub County

He was born in 1941 and worked at the Kenya prisons as an officer until 1996 when he retired. In 2004, he was appointed as the chairman of Koguta clan, a position that has given him an opportunity to serve as an executive within Nyakach Elders Development group up to date. He has been trained on women land and property rights, documentation of cases and on HIV related human rights.

Ongadi Nyandiko, Kabondo Sub-county

He is a Professional tailor and a businessman. He served as an Assistant Chief between 1979 and 1989. He is also the serving chairman of Karachuonyo Constituency Luo Council of Elders. In his capacity as an elder, he has been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Orinda Henry Levy Adera, Muhoroni Sub-county

Background: Born in 1945, he was a banker from 1965 – 1969 then became a teacher from 1978-2000. When he retired he joined the Luo Council of Elders and served as the secretary of the group in Muhoroni sub county. He has been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP).

Oriyo Alfred Abong'o, Seme Sub-county

Born in 1945, he is a retired teacher and also worked with Miwani Sugar Mills as a mechanical engineer for two years where he was also elected branch secretary of Kenya Sugar Plantation Workers Union. He has been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Orowe Joyce Emily, Nyando Sub-county

Born in 1954, she is a trained teacher. She has worked with the Town Council of Ahero as a social development worker. She has been trained on culture and HIV related human rights and on women property rights. She has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.

Otengo Henry Okul, Nyando Sub-county

Background: Born in 1946, he is a P3 teacher trained at Kamagambo TTC. He was trained by the Ministry of Education on HIV & AIDS in the education sector. He has also been trained on culture and HIV related human rights and on women property rights. He has also attended a course on professional mediation that was conducted by the National Legal Aid and Awareness Programme (NALEAP) and the Mediation Institute of East Africa.





Photo: Participants of one of the Women, Land & Property Rights trainings by KELIN



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