PRESS RELEASE
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Invisible women; unseen problems: a call to action to protect and uphold the rights of widows in Kenya through laws and community collaboration

Nairobi, Kenya, 23rd June 2020: Poverty. Violence. Poor health. Conflict. These words paint the painful reality faced by invisible women; the widows. Across the world, social stigma has sustained this reality, creating exclusion and enabling widespread discrimination and harmful practices against widows and their children.

“Communities have allowed widows to suffer for far too long. In the name of culture, majority of the widows KELIN has encountered in the course of our work have been blamed for causing their husband’s death and chased away in the name of getting rid of the curse. In cases where they opted to live in their matrimonial home, they have been subjected to traditions such as widow inheritance and cleansing. Many have suffered violence at the hands of their relatives for failure to adhere to the norms. They have been forcefully evicted from their matrimonial homes, their property vandalized and in some cases their houses destroyed,” explained Jessica Oluch, the Senior Programme Officer for the Women Land and Property Rights programme at the Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN).

“One year after the death of my husband, my eldest brother-in-law insisted I had to be inherited as per the Luo customs and traditions. When I refused, he demolished my house, sold off all our belongings and sent me and my seven children away. I didn’t know where to start. A neighbour watched my kids while I went to the market centre to find shelter. I found a single room at the market centre in Akado. I struggled to feed and clothe my children and to pay rent from the wages from odd jobs. I ended up working for the landlord as a casual labourer due to rent arrears. We lived there from 2012 until February 2020, when KELIN and well-wishers helped us construct our home,” narrated Loise Auma, a widow from Seme, Kisumu County.

There are an estimated 258 million widows around the world, and nearly one in ten live in extreme poverty. Kenya has an estimated eight million widows. The challenges facing widows are further compounded during a global health crisis. In the past, pandemics such as HIV and Ebola have immensely contributed to the upsurge in the number of widows. Similarly, in the wake of the COVID-19 pandemic, we have seen the male mortality rate has been reported to be higher compared to that of women, consequently increasing the number of widows.

“A time has come to change the narrative on the plight of widows; to right the wrongs and to deliver dignity and justice. Only then will we give them and their children a future with hope and a chance at ending the cycle of poverty and violence. As the world commemorates the International Widows Day, KELIN stands in solidarity with widows and their children across the world. We call for urgent action in their recognition, protection and achievement of their full rights,” asserted Allan Maleche, the Executive Director at KELIN.

KELIN has been striving to alleviate the poverty, violence, health, and conflict-related challenges affecting widows, over the last decade. During this time, the organization has acquired a wealth of experience that has shaped our interventions in addressing the plight of widows through our work in 15 constituencies in Kisumu and Homa Bay counties. Working closely within the existing community structures such as the Luo Council of Elders that ordinarily mediates family and community disputes, we have successfully implemented the alternative dispute resolution mechanism provided within the Constitution of Kenya, to mediate almost 700 cases of widow disinheritance. This model of access to justice has worked well, providing access to justice within short timelines as most cases are resolved within three to six months, compared to two years or more in the courts.

This model dubbed the cultural structures project, has further enabled us to bridge the gap between culture and the law. This is by training the elders to mediate on cases while guiding the community on how both the culture and the constitution protect women’s property rights. There is a need to invest and scale this cost, time-efficient and effective alternative dispute resolution model across the country so that the lives of thousands of widows and orphans are transformed through increased access to justice.

“Through community education, Kenya stands a chance at bridging the information gap on laws and shaping the shared values that uphold the constitutional provisions on non-discrimination and equality, such as the equal rights to ownership of property and land,” added Allan Maleche. Through concerted efforts and commitment to accountability mechanisms, national investment in the social protection and economic empowerment of widows and orphans will live to its aspiration of breaking the cycle of poverty and lead to the achievement of the first five sustainable development goals on ending poverty, hunger, and achieving good health, quality education and gender equality.

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About the Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN):
The Kenya Legal & Ethical Issues Network on HIV and AIDS is a non-governmental organization that advocates for a holistic and rights-based system of service delivery in health and the full enjoyment of the right to health by all, including the vulnerable, marginalized, and excluded populations through four thematic areas namely: sexual and reproductive health rights, HIV & TB, key and affected populations and women land and property rights. To learn more, please visit: www.kelinkenya.org

Resources on women land and property rights
1. Succession Steps – Where there is a Valid Will (Testate)
2. Succession Steps – Where there is no Valid Will (Intestate)
3. Claiming Inheritance dues from the Office of the Public Trustee
4. Succession Steps – Kiswahili
5. Succession steps – Dholuo
6. Succession Steps – Poster
7. Court Mediation Poster
8. The Cultural Structures Project
9. The Compendium of Cases by the Luo Council of Elders