

Women, Property and Inheritance

Kenya

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A product of a UNESCO-DANIDA workshop for the preparation
of post-literacy materials and radio programmes
for women and girls in Africa

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**Adapted from the booklet written at the national workshop
organized by the UNESCO Chair, University of Nairobi and the
Kenyan National Commission for UNESCO**

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INTRODUCTION

Political leaders and development specialists around the world have recognised that illiteracy – particularly among women – seriously undermines their education and development efforts. Many believe that literacy programmes need revision to render them relevant to women's lives in today's Africa. Relevant programmes determine whether women will stay in the programmes long enough to benefit fully from the information and skills they offer.

This post-literacy booklet is one of an ever-growing series of learning materials produced under UNESCO-DANIDA's *Special Project for Women and Girls in Africa*. The series presents some sample of the products of the UNESCO Regional and their follow-up National Workshops which took place between 1997 and 2000 in Africa.

During these two-week workshops, African women and men involved in literacy work were introduced to the concept of gender sensitivity and to addressing gender equity issues through basic education. They had, before the workshops began, selected their target communities and carried out needs assessments. The analyses of these assessments at the workshops served as the basis for identifying the priority issues to be addressed in the booklets. Each writer worked on their chosen topic with the support and advice from the entire group and resource persons. The texts were also illustrated with simple line drawings by local illustrators.

The Literacy and Non-formal Education Section, Division of Basic Education of UNESCO edited the text and prepared the design-layout for the final product which will be distributed world-wide.

Though the booklets are intended for use with neo-literate women and out-of-school girls, the messages in the stories and the radio programme scripts that accompany them are also relevant for use as supplementary reading materials in formal schools for readers of both sexes.

The subjects of the booklets, based on the needs assessments, reflect a wide range of needs and conditions of African women – from Senegal to Kenya, from Mali to South Africa, from Niger to Malawi. A list of common concerns has emerged. These include: HIV-AIDS, domestic violence, the exploitation of girls employed as domestic servants, the lack of positive role models for women and girls, the economic potential of women through small business development, the negative consequences of child marriage, and the need for a more equal division of labour between men and women in the home.

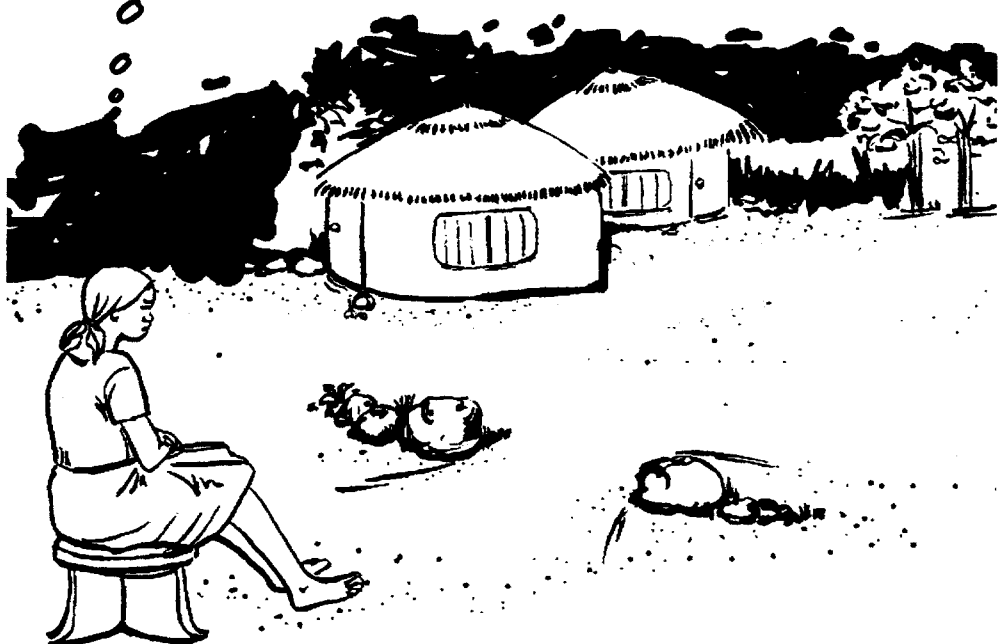
Each booklet describes one way of treating a subject of high priority to African women. In the process, the authors have attempted to render the material gender-sensitive. They have tried to present African women and girls and their families in the African context and view the issues and problems from their perspective.

We hope these booklets will inspire readers, as they did their authors, to reflect on some of life's common situations, problems and issues that ordinary women and men face every day. The questions accompanying each booklet will help readers ask questions and find answers to some of the issues which also touch their own lives. How the characters in these booklets cope with specific situations, their trials and tribulations, can serve as lessons for women and men living together in 21st Century Africa.

Wasilwa's husband died six months ago. Since then, her brother-in-law, Okello, has been pestering her to marry him. This is the custom in Wasilwa's clan, but so far, she has resisted. As a result, her stay in the homestead has become horrible. Out of frustration, she tried to go back to her father's home. But her brothers forced her to go back to her late husband's home. Wasilwa feels like she has nowhere to go.



Death, you have given me a bagful of problems. Cheronon's school fees and all my debts... so many sleepless nights and the constant harrassment from Okello!



Why did my brothers think I didn't belong at home? Chased me away like a thief... no sympathy at all. And I made so many sacrifices for them. Father even used my bride price to pay their school fees. And everything went to them when mom and dad died. It's so unfair.



Where do I turn now? Okello, here, with his big family and no stable income, says custom gives him the right to inherit me and everything my husband and I worked for. He threatens to take away our land, our house, our cows and bedding. Everything!!

Hello my friend, you are in deep thought again. I told you to take heart. What are you thinking so hard about this time?

Oh Sophie, I can't help thinking of my problems. My bright girl, Cherono, is still out of school. Okello says I have no claim to any of my husband's money or property.



What? Why is Cherono not in school? And where are your sons?

Cherono can't go back to school until I pay her fees. But Okello and his brothers took the funeral contributions. Nobody here will give me any money. They say it's too soon to start work, that I am still in mourning - but even if I am, the stomach doesn't know... we still have to eat... Cherono is in the house. I sent my sons to your house to ask for a loan.

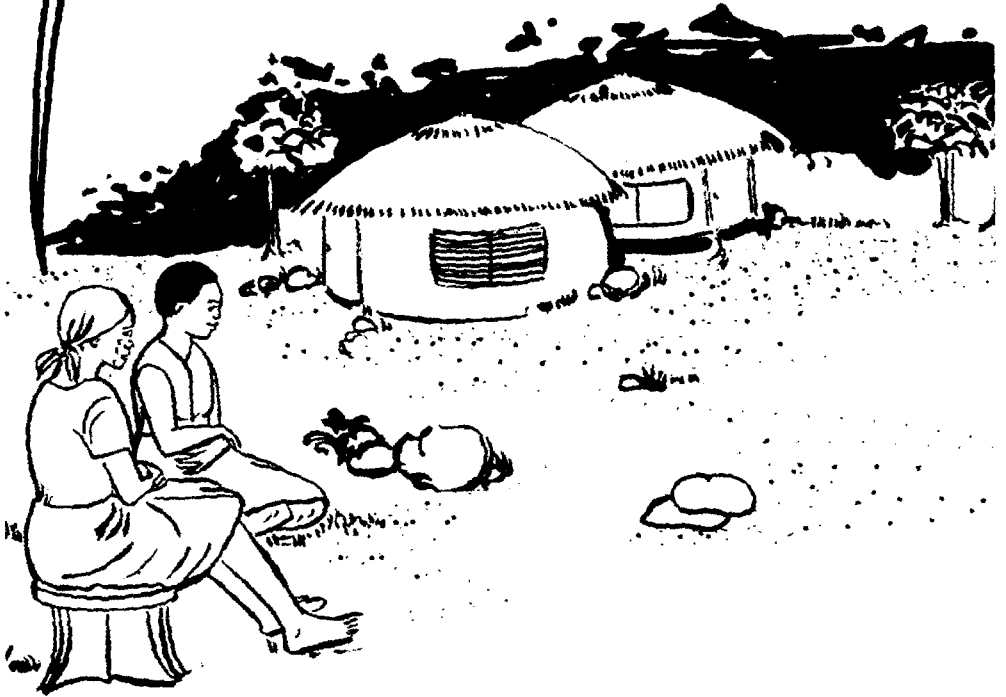


But why should you send your children to me for help? Have your in-laws so completely deserted you, six months after your husband's death? Where is the care that relatives are supposed to show to widows and orphans?

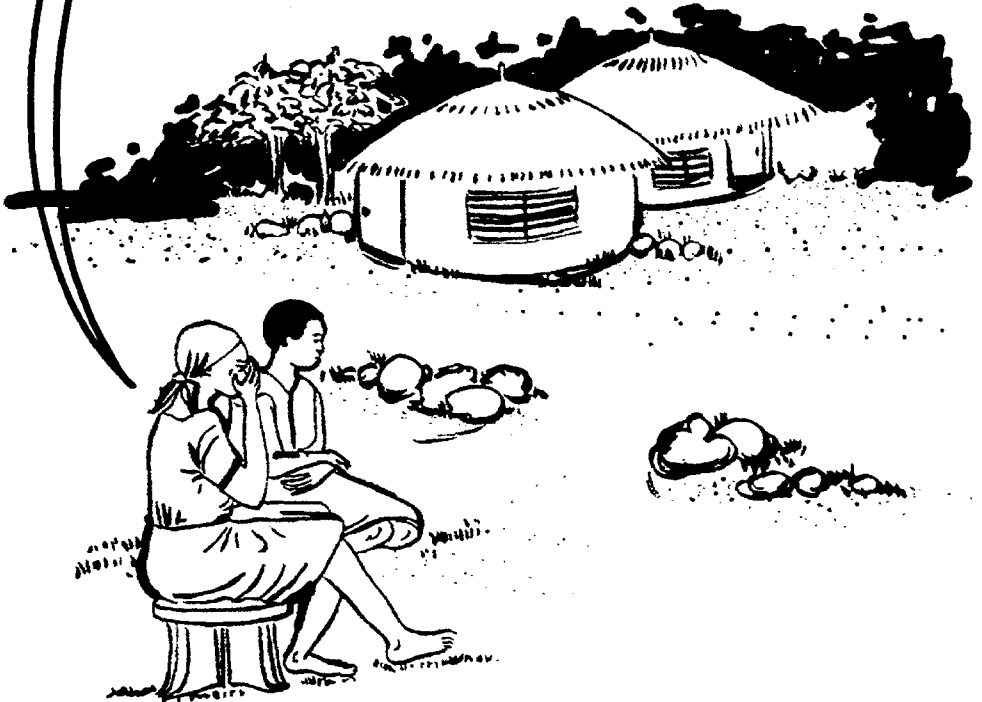
You don't know the nightmares we go through every day here. My mother-in-law acts like we don't even exist. And someone started a rumour that I had a hand in Baba Cheron's death! I, who struggled to make him comfortable in his last days.



Nobody in this compound even talks to us anymore. When my mother-in-law looks at me, I feel like she's wishing I died instead of her son.



And my own brothers are worse. They chased me away and told me not to come back. I miss my mother very much. But my father! How could he leave me nothing? All his land was divided between my two brothers, yet I was his only girl. It's just not fair. They never even let me go to school! Dad said my husband would look after me. But he's gone. I wish my father was here to tell me what I'm supposed to do now!



My brothers-in-law have ganged up against me. They say custom gives Okello the right to inherit me! Oh Sophie, am I just a piece of property? And he is so mean to us now. He has taken the title to our land, my husband's bank book and I.D. card. He took my cow and now he wants to take the house, too!



What??? Where does he think you and the children will go?

Only he can answer that. I don't know. Sophie, what can I do? Where do I get help?

My friend, I am not an expert, but in one of my women's group meetings, I learned some things about women and land ownership.

You are the rightful owner of your husband's property. If you have the money, you can even buy property. With a proper I.D. card, a woman can buy and own property, and open a bank account in her own name.




Didn't you know that you can have your land put in your own name?

I can?
But how?

You will need to get some papers together. Your husband's I.D. card, and yours, a letter from the Chief that proves you are Baba Cheron's legal and only wife, and, of course, the title to the piece of land. You must bring the original documents in order to prove they are genuine.





After I get the title in my name, can my brother-in-law, or anybody else, take my land away from me?

Nobody at all. You know what else? You can get a bank loan using this land as security. With the money, you could open a small business.

Is this true? But I'll have to learn to do all this slowly. I'm scared.

That's normal. A woman's life is an eternal struggle. But we'll solve these problems one by one. Remember, you're not alone!

And the money in my husband's bank account?
How can I get that?

For that, you will need the letter from the Chief, your husband's I.D. card and his bank book. You must face Okello and get these papers back. That's terrifying, I know, but you must do it. You may need to get the village elders to intervene. This is your right! I will go with you to the bank. Don't forget your I.D. card and your husband's death certificate.

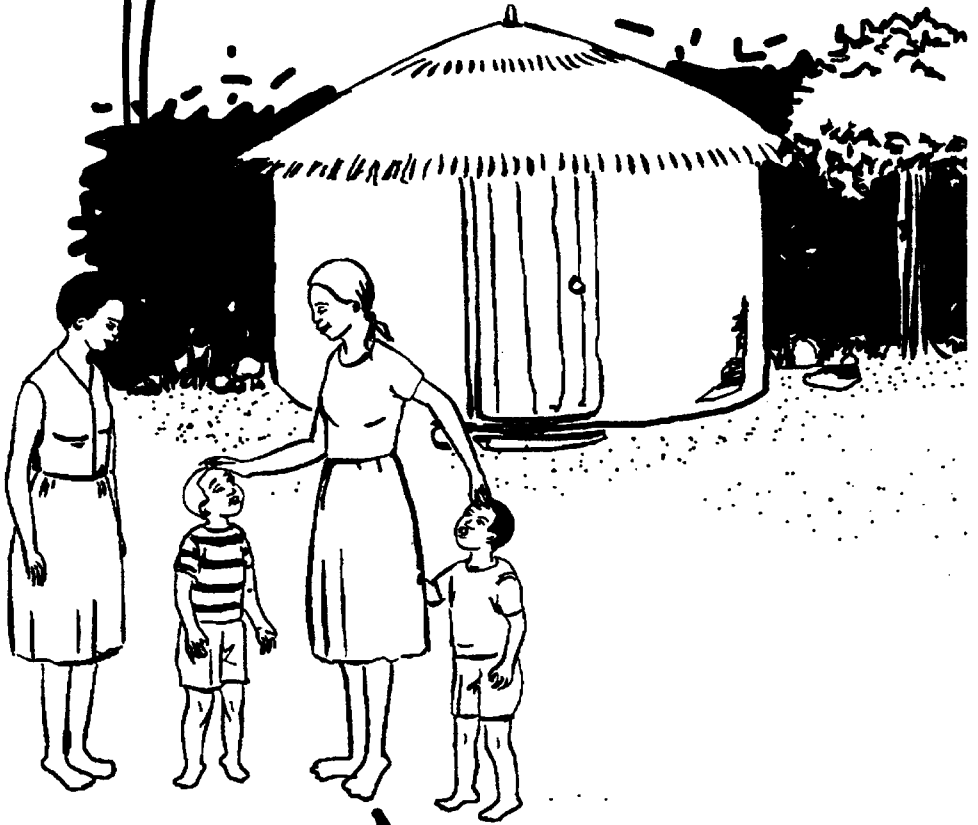


With this money you can pay Cheron's school fees. She should be encouraged to finish school and go on to college. Her brothers will follow her good example.

Let no one confuse you about property. As a woman, you can own property. You are the rightful owner of your husband's wealth - nobody else - unless it says so in his will.



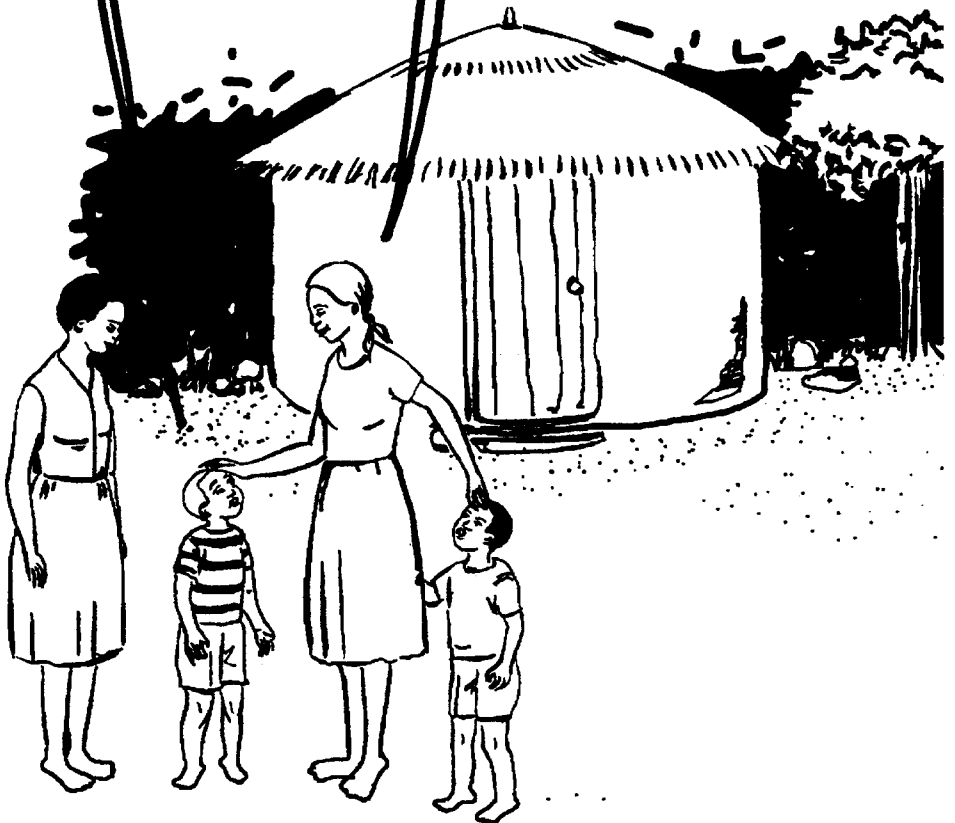
Mummy, mummy, the door to Mama Njeri's house was closed.



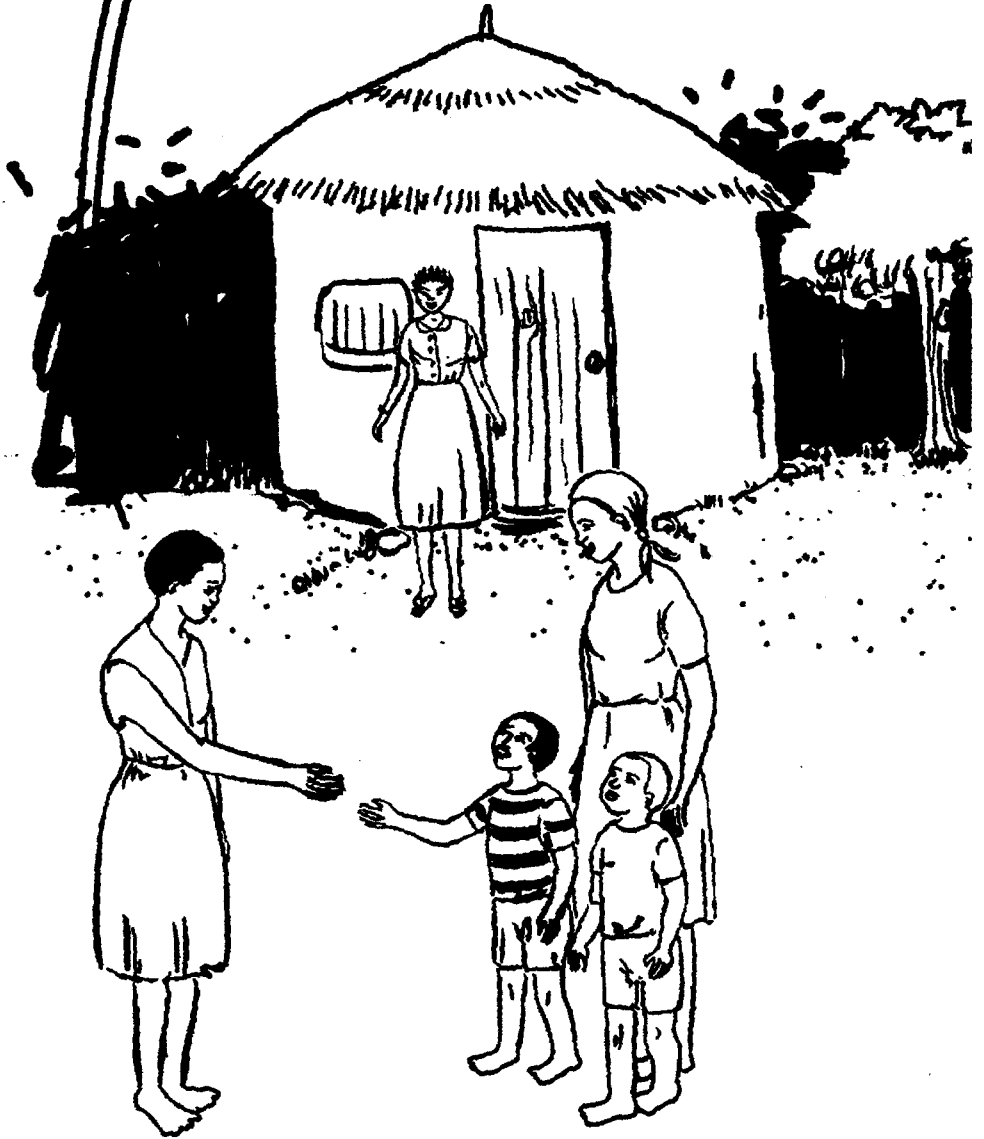
Don't worry, children. Today we'll go to our garden near Uncle Okello's house and dig up some sweet potatoes for lunch and dinner.

Uhh, what will Uncle do, mum? He might beat us, we heard him tell you not to go near the garden again.

It is true, he was very mean, but don't worry, everything is going to be all right again.



Hi, kids. Look how you've grown!



Hello, Cherono. My, my, you are such a big girl now. What is mum giving you all?

Oh, lots of love has done the trick.



Cherono, what time is it? I forgot all about the time!

It's almost one thirty.

Oh dear, I must go. My family will find an empty house and wonder what has happened to me.

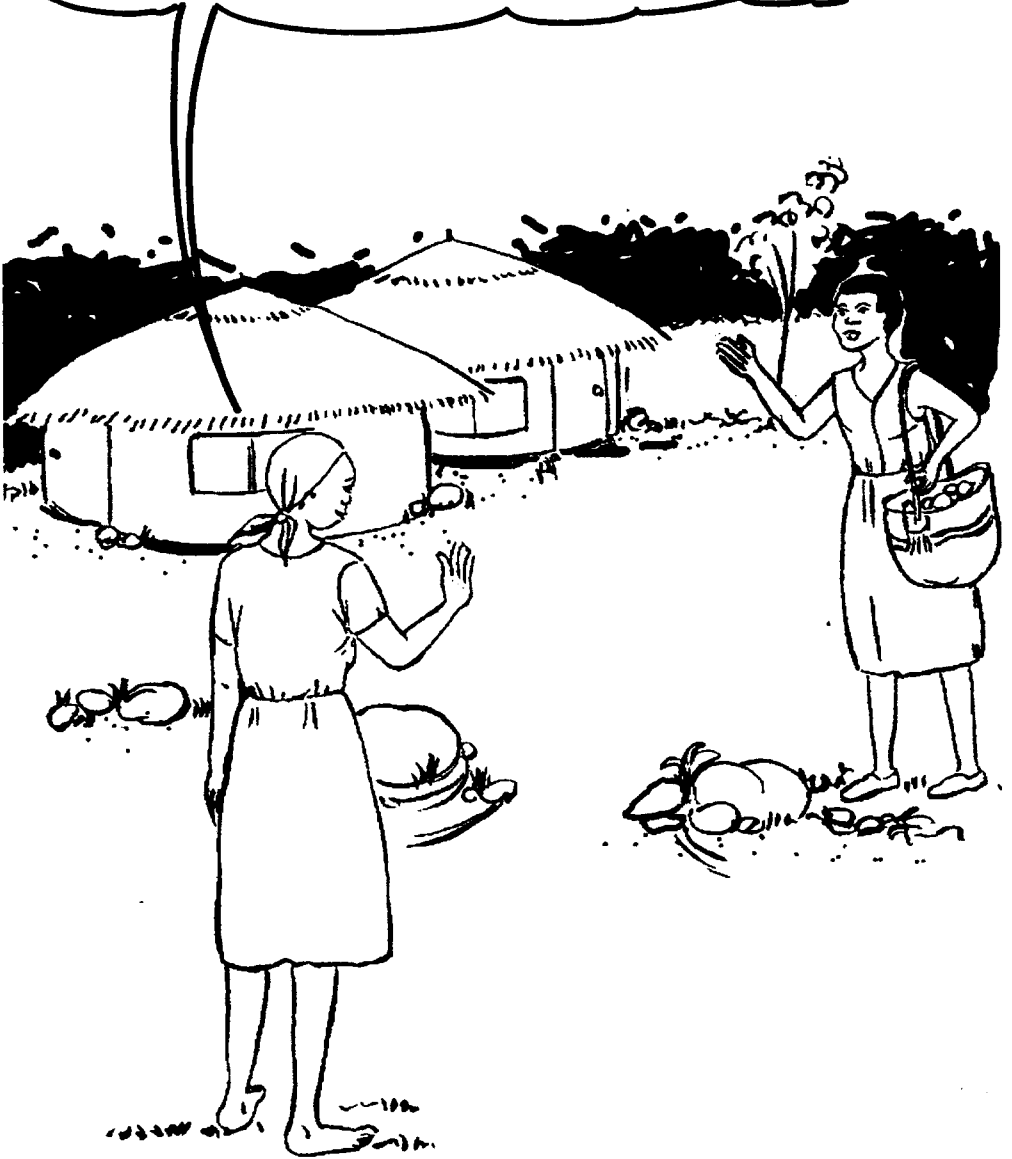


Thank you so much. Now that I know I can get my property back, I am not so miserable. But in case of violence from Okello, I will get help from the village elders and the Chief. It won't be easy - in fact, I'm mortified! But I'll learn to stand up for my rights.

Remember, I will be here when you need me. If you want, I'll go with you. And when this storm has blown over, my friend, you must devote a little time to your own education. Adult learning would do wonders for you.



Bye Sophie. Thank you - you have really opened my eyes. I feel like a new woman.



Now Ms. Wasilwa, tell us why you have called us here.

As you all know, my husband died six months ago. Since then, my brothers-in-law have confiscated all his property.

My fellow elders, what do you have to say about this?



This is a common case. Let her tell us what property she is talking about.

Two cows, and my husband's retirement benefits which I need to pay school fees. And they have stopped me from cultivating our shamba.

Bwana Okello, is this true?

You know our culture and tradition. My brother's wife cannot suffer while I just sit and watch. It is my duty to take care of her and my brother's wealth.



But what care are you providing
when the children are out of school?

What my husband has left
behind for his family - I
can manage myself.



Ms. Wasilwa, how did you get this property?

My husband's father left us the land our house sits on. We bought the second piece with a loan he got from a cooperative society and the money I saved from selling our milk.



Ha! She would have nothing if my brother had not married her.

No, Bwana Okello, the property we are talking about did not belong only to your brother. Ms. Wasilwa helped pay for it.

In fact, your brother might have had nothing if not for her!



Bwana Elder, this reminds me of what we were told during the Chief's baraza. Remember the officer who talked about inheritance rights?

Ooh yes. But I can't remember exactly what was discussed. We should probably consult the Chief so he can remind us of these rights before we make a ruling in this case.

I agree.



Let's meet tomorrow at the Chief's place. We will make our ruling based on his advice.

Good Morning. The village elders have briefed me on the case before us today. Before we make a ruling, I would like to remind you all of what the legal officers told us at our baraza two weeks ago.



First, a women who is legally married to a man has a right to his property. Second, the custom of inheriting the wives of relatives has become too dangerous. Inheriting partners exposes people to the virus that causes AIDS. Finally, women are not property to be inherited. They are human beings who have the same rights as men. They can make their own personal and family decisions.



Bwana Chief, given what you've said, I don't think we should make a ruling in this case. I think Mr. Okello should tell us what he thinks after listening to you.

Well, Mr. Okello, what do you have to say?

Thank you, Bwana Chief. I am overwhelmed by what you have said. My fear was for my niece and nephews. But if my sister-in-law promises before you that she will take care of them, then I am happy to be relieved of the burden.



Ms. Wasilwa, what do you say?

Oh Chief, I am so happy my brother-in-law has agreed to let me keep my property. I promise to use it only for the good of my family. My brother-in-law will be satisfied, I promise.



Thank you very much Bwana Chief. I am happy this case has been resolved amicably. Mr. Okello needs to be supportive of Ms. Wasilwa. He must not interfere with what she does with her property. He must let her use her money and her shamba as she wants to. After all, even when her husband was alive, Ms. Wasilwa ran the house and the farm while he was working in the city. Let us give her the chance to own what is rightfully hers. Thank you Bwana Chief.



Good morning, Sophie. I have not seen you in days. How are you?

I am fine. But how about you?

Ooh Sophie, I am so grateful to you. You are truly a wonderful friend.

Don't mention it. Women need to stick together.



The advice you gave me was correct. The Chief was very understanding. In fact, he taught me a lot. As you said, it is my right to inherit the things my husband left behind. I just wanted my children to go to school. But Sophie, imagine! The Chief gave me complete control over all my husband's property.

So the Chief told you your rights?

Oh yes. He confirmed all that you had told me and more.



That's wonderful. I am on my way to a women's group meeting. Would you come with me and tell the other women what you have learned? Many of us do not know about these rights.

Gladly, Sophie. Let's go. We women must help each other learn.



Questions

1. Do you know other women in Wasilwa's situation? Tell us their stories.
2. Why do women put up with poor treatment by their in-laws?
3. What is the reason for the custom of "inheriting" another man's widow?
4. Imagine that you are Wasilwa. How would you feel? Is it easy for a woman to stand up to her male in-laws?
5. What saves Wasilwa?
6. What do you think of Okello's claim that he was only trying to protect his nieces and nephews?
7. Do you think Wasilwa will be able to manage on her own? How? What help will she need?
8. What services are available to women like Wasilwa? How can women benefit the most from these services?

Written by Africans for Africans, this booklet is part of a growing series of booklets prepared during training workshops to produce gender-sensitive materials organized in the context of the DANIDA-UNESCO Special Project for Education of Girls And Women in Africa.

The workshops have been hailed as a great success by organizers and participants alike. They are an effort to respond to urgent issues and problems facing African women and men today. These booklets reflect the language, images, customs, social norms, attitudes and beliefs of real people whether they be nomads or villagers. They particularly try to help readers raise issues and find their own answers to their pressing needs.