

# Gaining ground on women's property rights



propertylaw/**WITH**  
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Property rights of women are a reality following provisions in the new Constitution. Currently, a paltry one per cent of registered land title deeds are under names of women, according to a recent Kenya Land Alliance Report.

The document titled *Women and Land in Kenya* further says only six per cent of registered titles are jointly owned by spouses. Generally, the statistics are worrying as women constitute about 52 per cent of the population but rarely own property.

Sadly, women who comprise over half of the population of nearly 40 million do not even make major decisions on allocation and use of land.

The concerns on property rights of women took centre stage at a cocktail organised by the Federation of Women Lawyers (Fida)-Kenya recently. Speakers at the function that saw Fida launch an annual report titled *Every Mile Counts: Building a Legacy of Women's Rights Protection in Kenya*, called for equality.

## EQUAL RIGHTS

According to Kenya Law Reform Commission Deputy Chairperson Nancy Baraza, inequalities in property rights makes women bear a larger burden of poverty. Fida-Kenya chairperson Naomi Wagerika and Executive Director Grace Maingi-Kimani

monial property.

For instance, the Court of Appeal recently ruled that the financial contribution of women should be considered when dividing property after divorce. But for equity, fairness and justice, the contribution of a housewife as a homemaker cannot be quantified monetarily.

Furthermore, the salvation for women lies in the full implementation of the Constitution and the land policy. According to the supreme law, parties to a marriage are entitled to equal rights at the time of marriage, during and at dissolution of the union.

The Marriage Bill of 2007 proposes that either spouse — when separated — shall maintain each other. Furthermore, customary laws of majority of our 42 communities restrict inheritance rights of women. For instance, married women cannot inherit from their parents, parents-in-law nor have absolute ownership rights of their matrimonial homes.

It is for similar reasons that women are evicted from their homes after divorce or after the death of their husbands by relatives. Unfortunately, some communities force widows to undergo customary sexual rites like wife inheritance or ritual cleansing in order to keep their property.

However, there are cases where women have access to family property but lack absolute



Some of the participants during the cocktail organised by Fida Kenya. [PHOTO: EVANS HABIL/STANDARD]

Legally, a registered title deed remains the major form of collateral required when requesting for credit from banks, mortgage

the Constitution that guarantees equal rights to gender and property should be the starting point to the new dawn.

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