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## ACCESS TO JUSTICE REGARDING PROPERTY RIGHTS FOR WIDOWS: A CASE OF THREE WARDS IN NAIROBI CITY COUNTY, KENYA

**Abstract:** <sup>1</sup>Catherine Wanjiru Muteithia, <sup>2</sup>Radoslaw Radek Malinowski and <sup>3</sup>Aloys Otieno Ojore  
<sup>1,2&3</sup>Tangaza University College, Institute of Social Transformation. A constituent college of The  
Catholic University of Eastern Africa

P.O BOX 15055 - 00509 Nairobi, Kenya. Website. [www.tangaza.ac.ke](http://www.tangaza.ac.ke)

**Corresponding author:** Catherine Wanjiru Muteithia. **Email:** [muteithia8@gmail.com](mailto:muteithia8@gmail.com)

**Chief Editor**

Web: [www.ijsdc.org](http://www.ijsdc.org)  
Email: [info@ijsdc.org](mailto:info@ijsdc.org)

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**Abstract:** *This study investigated challenges that widows face when trying access justice regarding property rights in Kasarani, Kibera and Kayole Wards in Nairobi City County, Kenya. The study employed mixed methods design. Both qualitative and quantitative data was collected using questionnaires, interview guides and focus group discussion schedules. Quantitative data was coded, entered and analyzed by means of both inferential and descriptive statistics with the help of Statistical Package for Social Science (SPSS) version 21. Content analysis was used to analyze qualitative data through identification of themes concerning challenges affecting widows as they access justice, levels of awareness and avenues of seeking legal redress, cultural factors that facilitate the social exclusion of widows, and knowledge of existing laws and institutions that may assist the widows. The key findings were that cultural factors, social exclusion, ignorance of inheritance laws, and distance from justice structures, prevent women from demanding for and realizing their rights. The researchers propose that there is urgent need for interventions by the Kenya government, legal fraternity, NGOs, CBOs, families, and religious institutions to ensure that widows secure justice and access properties of their deceased spouses.*

**Key Words:** *Access to Justice, Property Rights, Widows*

## 1.1 Study background

Widows experience numerous obstacles in their quest for inheritance rights. United Nations Women (2016) stresses that without inheritance rights, widows find themselves financially insecure and totally dependent on the charity of their husbands' relatives. The injustices suffered by widows in Kenya regarding inheritance rights, casts doubts on the equality envisioned in the Constitution of Kenya (2010) and its contribution to sustainable development of the society. This study therefore, addresses the problem and proposes how the rights of widows in Kasarani, Kibera and Kayole wards in Nairobi City County, could be improved. A survey of literature confirms that widows' rights are violated globally.

The United Nations Women (2017) inform us that there were about 258 million widows worldwide, with over 115 million of them experiencing and enduring extreme poverty, isolation, violence, homelessness, ill health and discrimination in both law and custom. A study done in India by Gorney (2017) for National Geographic revealed that relatives of widows take them to the ashrams (temples) or street corners of Vrindavan, about 100 miles south of Delhi and leave them there. According to Brewer (2011), a widow in Afghanistan runs the risk of losing her children if she declines to marry within the same family. A study conducted in Nepal by Thapa (2016) also observed that widows were deprived of social, economic and property rights; victimized both sexually and emotionally within the family and in the community. All these happen in spite of global laws in the international instruments on fair treatment of women.

For example, the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948, states in Articles 7, 17 and 25, that all men and women are equal, and that all must enjoy equal protection before the law, the right to own property and the right to decent and adequate housing (United Nations, 1948). The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) adopted in 1979, is the International Bill of Rights for Women. Articles 14 and 16 oblige member states to ensure equal treatment of men and women regarding land. In Africa, the narrative on the treatment of widows is not any different from the rest of the world.

Among the Ashanti of Ghana a widow observes widowhood rites and wife inheritance lest the community accuse her of not giving her husband a befitting burial; then, without consideration of her condition or circumstances, all her husband's property is taken from her (Brewer, 2011). The same applies to widows in Lesotho and Swaziland where they are tabooed and excluded from social contacts for a long time (Brewer, 2011). Idialu (2012) noted that in Nigeria, the widow is ordinarily accused of killing her husband and subjected to humiliating and unhealthy rituals. Paradoxically, Africa has numerous legislations for the care and protection of widows.

In 1981, the Protocol to the African Charter on Human and People's Rights on the Rights of Women says in articles 20 and 21 that:

*State parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following: a) that widows are not subjected to inhumane, humiliating and degrading treatment. b) That a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children. c) That a widow shall have the right to remarry... a person of her choice' and that 'a widow shall have the right to an equitable share in the inheritance and property of her husband. A widow shall have the right to continue to live in the matrimonial house. In the case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.*

*Women and men shall have the right to inherit, in equitable shares, their parents' property (Maputo Charter, 1981).*

Under the Banjul Protocol of the African Charter on Human and Peoples' Rights, (1981), Articles 2, 3 and 18 refer to the equality of all persons under the law, that every individual is entitled to equal protection of the law. It also advocates that member states should eliminate all forms of discrimination against women and ensure the protection of the rights of the woman and the child in accordance with international declarations and conventions. These rights have also been stressed in Articles 154 and 155 of the Gender Policy Document for the Common Market for Eastern and Southern Africa (COMESA), the East Africa Community Treaty –Article 6 (d) recognizes gender equality as one of its fundamental principles governing the community. It recognizes the promotion and protection of human rights, thereby prohibiting gender discrimination in land and property rights. In East Africa, where Kenya is, the treatment of widows is in tandem with the rest of Africa.

Gorney (2017) reveals that in Uganda, it is still widely assumed that it is only men who should own and inherit land, that a woman's social status and acceptability terminates at the onset of widowhood and that the decision makers of what happens to her next are the husband's family and clan. In Kenya, Ojore (2017) also found that widowhood affected the self-esteem of women; that widowed persons in deprived environments faced financial, psychological, social, spiritual, and even mental stability. Statistics provided to us by the Ministry of Gender and Youth Affairs (2018), indicated that about 45% of Kenya's eight million widows were said to have been violated, abused or abandoned by their in-laws either immediately after or shortly after the demise of their husbands. These widows have little legal or customary protection, which leads to extreme poverty, isolation, homelessness and ill health. Ironically, Kenya has several provisions aimed at protecting widows.

Kenya stresses in section 35 of the Law of Succession Act (2012), that subject to the provisions of section 40, where an intestate has left one surviving spouse and child or children, a surviving spouse shall be entitled to the personal and household effects of the deceased absolutely and a life interest in the whole residue of the net estate provided that if the surviving spouse is a widow, that interest shall determine upon her re- marriage to any person (Law of Succession Act, 2012). Kenya's marriage laws also protect widows. Matrimonial Property Act (2013) states that widows, by virtue of marriage, have the right to inherit their matrimonial property as defined in the Matrimonial Property Act which in Section 6, is classified as the matrimonial home(s), household goods and effects in the matrimonial home(s), or any other immovable or movable property jointly owned and acquired during the subsistence of the marriage. One of the major drawbacks for Kenyan widows is the persistence of customary laws on inheritance.

Ndulo (2011) argued that because customary laws were developed in an era dominated by patriarchal societies, some of its norms are in conflict with the human rights laws that pledge equality between men and women. It is unfortunate that these laws which deal with family relationships and access to resources put women at a disadvantage (Kamau, 2014). These constant violations called for clear and stringent measures in the new constitution.

Article 2(4) of the Kenyan Constitution (2010), provides that any law, including customary law that is inconsistent with this constitution is void to the extent of the inconsistency, and any act or omission in contravention of this constitution is invalid (Constitution of Kenya, 2010). Article 27 also guarantees equality and freedom from discrimination. Women's rights particularly in relation to inheritance have been safeguarded under Article 27(3), which provides that women and men

have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres (Constitution of Kenya, 2010). Having confirmed that widows face numerous challenges everywhere, the researchers chose to make a critical study of a selected group of widows in the city of Nairobi in Kenya. Having looked at the existing literature on our topic, the researchers anchored their study on both legitimacy and human needs theories.

## 2.0 STUDY THEORIES

This study was anchored on two theories namely legitimacy and human needs. The concept of legitimacy dates back Max Weber's original work of 1947, which emphasized the perceived obligation to obey (Tyler, 1990). Burlea-Schiopoiu and Popa (2013) explained that the theory guides the mechanisms which support both the development as well as implementation of social and environmental constructs within the society. This theory was relevant to the study because there is obvious disparity between the needs of widows regarding property rights and what the society actually does. However, this theory alone would not address the widows' debate conclusively and hence the invitation of the human needs theory developed by Maslow (1970).

Human Needs theory was developed to account for the origin of human motivation and fulfillment of needs. Maslow asserted that needs are arranged in hierarchically starting with basic life-sustaining needs such as food, water, shelter and clothing. Thereafter the individual seeks to satisfy the safety, social, esteem and self-actualization needs (Maslow, 1970). In this study, it was clear that when widows struggle and fail to satisfy their basic needs, they are frustrated. Ayinkamiye (2015) observed that it is only when widows have had their basic needs met that they could participate in self-advancement and sustainable development activities. This observation makes this theory relevant to this study. Both legitimacy and Human Needs Theories complement each other.

## 3.0 METHODS AND MATERIALS

This study made use of descriptive research design and employed the mixed method of data collection and analysis. Selvam (2017) describes research design as the overall framework guiding a study. The chosen study design was applied to assess the challenges that widows in Kasarani, Kibera and Kayole Wards of Nairobi City County face when accessing justice and property rights. The target population was 300 widows living in the three locations.

The researchers made use of the formula by Krejcie and Morgan (1970), which is stated as  $s = \frac{X^2 NP(1-P)}{d^2 (N-1) + X^2 P (1-P)}$  where, 's' is the required sample size;  $X^2$  is the table value of chi-square for 1 degree of freedom at the desired confidence level (3.841);  $N$  is the population size;  $P$  is the proportion of the population that is assumed to have the problem under study, assumed to be .50 since this would provide the maximum sample size; and  $d$  is the degree of accuracy expressed as a proportion, or significance level (.05).

When this formula was applied to the 300 widows the result was 170, which therefore became the sample size of the study. The selection of the 170 widows was carried out using the non-probability purposive sampling methods. 140 respondents were selected to respond to questionnaires. The other 30 were purposively selected picking 10 from each of the three Wards. The participation rate of the respondents was 164 of the targeted 170 respondents which accounted for 96.4%. Table 1 illustrates our sample size.

**Table 1: Study sample size**

| Respondents profile | Data collection method | Data collection tool         | Total      |
|---------------------|------------------------|------------------------------|------------|
| Widows              | Questionnaire survey   | Questionnaire                | 140        |
| Widows              | Focus Group Discussion | Focus Group Discussion guide | 30         |
| <b>Total</b>        |                        |                              | <b>170</b> |

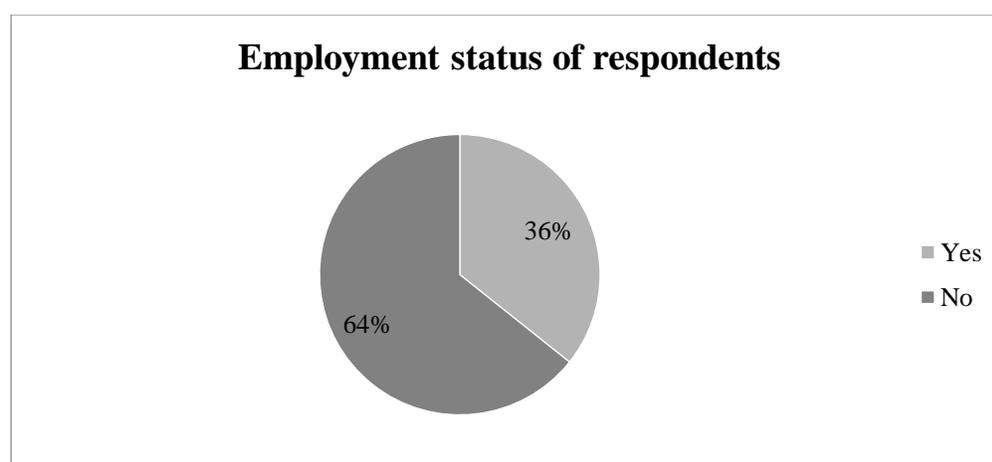
**Source: Researchers, 2019**

#### 4.0 FINDINGS AND DISCUSSIONS

We are convinced that our findings in this study are reliable and valid. Selvam (2017) states that reliability of the research instrument is the confidence that when the instrument is administered to a similar population under the same circumstances, it would consistently produce the same results. Similarly, validity is the confidence that what is shown by the findings corresponds to the reality. Consequently, to ensure that the research instruments produced results consistent with the research questions, they were tested with a population similar to the target population in the final study. The outcome enabled the researchers to adjust the questionnaire to secure accurate results.

Since the data collected in the study was both quantitative and qualitative, the quantitative data was coded, entered and analyzed by means of both inferential and descriptive statistics using the Statistical Package for Social Science (SPSS) version 21. Content analysis was used to analyze qualitative data through identification of themes concerning challenges affecting widows as they access justice, cultural factors that facilitate the social exclusion of widows, and knowledge of existing laws and institutions that may assist the widows.

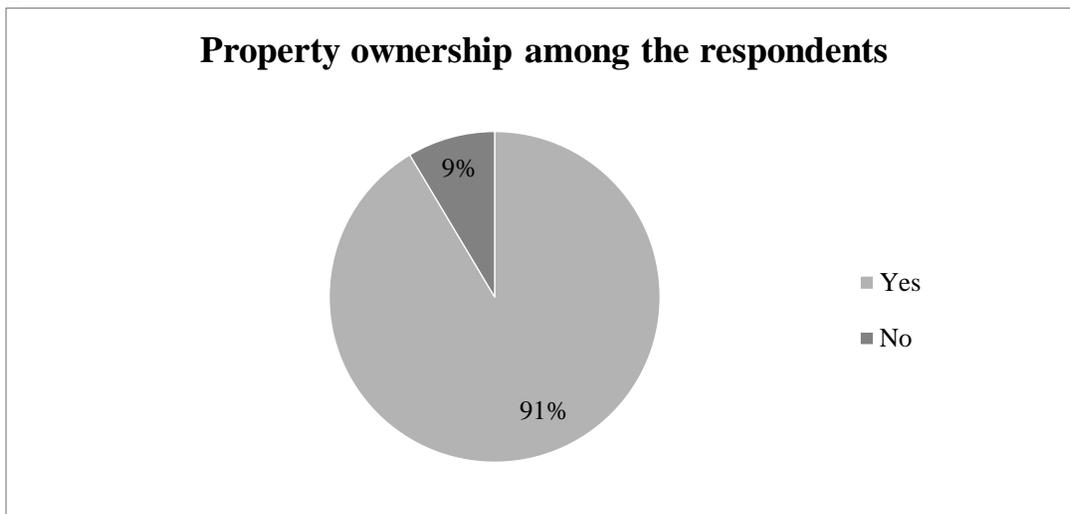
The researchers sought to find out the prevailing economic status of the widows in the study. Poverty could be a barrier towards seeking legal services and accessing justice regarding property rights. Majority of the respondents 90 (64%) were unemployed while 50(36%) were formally employed. Results are shown in Figure 1.



**Figure 1: Employment status of respondents**

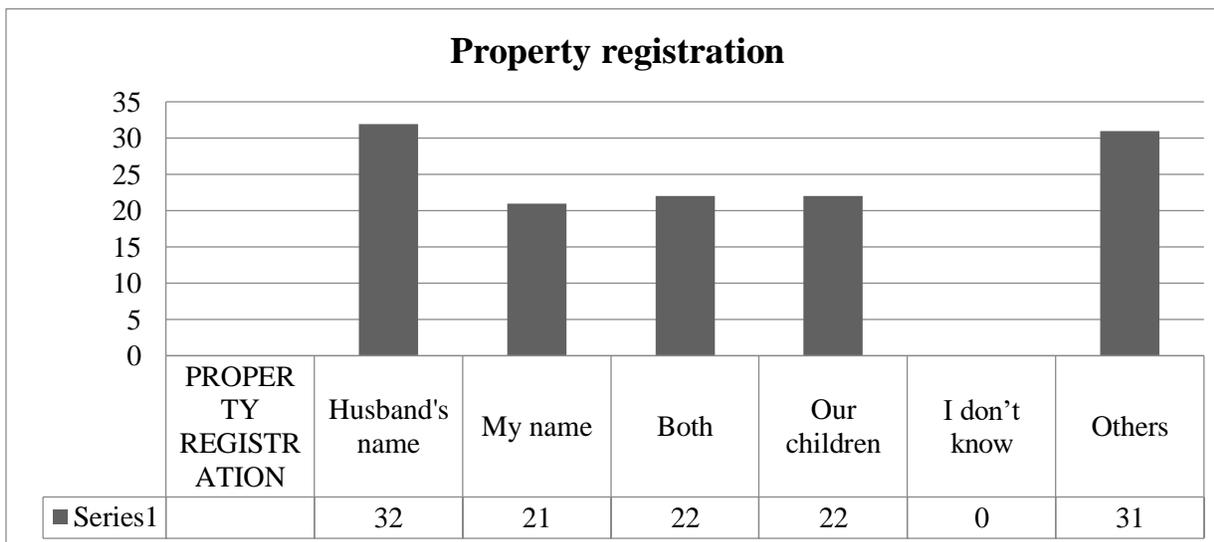
The respondents who indicated that they and their husbands had owned some form of property in the form of land, vehicles, and rental houses were 128(91%). 12(9%) did not own property as they

resided on inherited land whose title deed they did not possess. The findings are shown in Figure 2.



**Figure 2: Property ownership of respondents**

Of the 128 respondents who owned some form of property, only 38(30%) had unrestrained access to the said property. 90(70%) indicated that they had no access to their property due to various reasons. 9(10%) said that the parcels of land they were occupying was ancestral land. Consequently, they could not lay claim to it when confronted by their brothers-in-law. Further inquiry was made about ownership and registration of property. Failure to register property in one’s name may have contributed to the inability to access the said properties by widows living in Kasarani, Kibera and Kayole wards of Nairobi City County. The findings are summarized in Figure 3.



**Figure 3: Property registration by respondents**

Figure 3 indicates that 32(25%) of widows had properties registered in their husbands name. Only 22(17%) of the respondents had properties registered in their names or that of their children.

31(24%) of the respondents said the properties, especially land, was registered in the in-laws' names. This makes it impossible for widows to access such properties.

With this statistics on property ownership, registration of property and access to the said property from the widows in Kasarani, Kibera and Kayole wards of Nairobi City County, the researchers sought to find out if the three variables had any correlation. The data was subjected to the Spearman's correlation coefficient test ( $r_s$ ), where the closer  $r$  is to  $\pm 1$  the stronger the relationship. As shown in Table 2, the significance level is .00, .027 and .292 respectively which means that there is a relationship between property ownership, property registration and access to the said property.

**Table 2: Correlation of property ownership, property registration and property access**

|                 |                       |                 | Correlations       |                       |                 |
|-----------------|-----------------------|-----------------|--------------------|-----------------------|-----------------|
|                 |                       |                 | Property Ownership | Property Registration | Property Access |
| Spearman's rho  | Property Ownership    | Correlation     | 1.000              |                       |                 |
|                 |                       | Coefficient     |                    |                       |                 |
|                 |                       | Sig. (2-tailed) | .                  |                       |                 |
|                 |                       | N               | 140                |                       |                 |
|                 | Property Registration | Correlation     | .493**             | 1.000                 |                 |
|                 |                       | Coefficient     |                    |                       |                 |
|                 |                       | Sig. (2-tailed) | .000               | .                     |                 |
|                 |                       | N               | 140                | 140                   |                 |
|                 | Property Access       | Correlation     | .187*              | .090                  | 1.000           |
| Coefficient     |                       |                 |                    |                       |                 |
| Sig. (2-tailed) |                       | .027            | .292               | .                     |                 |
|                 | N                     | 140             | 140                | 140                   |                 |

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).

The correlation coefficient of .493\*\* for property registration and a correlation significance level of 0.01 indicates that there is a moderately strong positive relationship between property ownership and property registration. The significance was .00 which is less than  $r0.5$  meaning that property ownership has a significant relationship with property registration. Similarly, the correlation coefficient of .187\* for property access and a correlation significance level of 0.05 indicates that there is a weak positive relationship between property ownership and access to the property. The significance was .027 which is less than  $r0.5$  meaning that property ownership has a significant relationship with access to property. Likewise, the correlation coefficient of .090 for property registration indicates that there is a strong positive relationship between property registration and access to property. The significance was .292 which is less than  $r0.5$  meaning that property registration has a significant relationship with access to property.

The implication is that the likelihood of a widow accessing her matrimonial property increases if the property was registered in her name, that of their children or was jointly registered under her name and that of her late husband. This is not always the case, as the researchers found out that 12% (15) of the widows whose properties were registered in their husbands' name, that of their children or both hers and her husband's names did not have access to the properties due to

interference by their in-laws soon after the demise of their husbands. The study revealed that there were cultural factors that were associated with the social exclusion of widows.

The researchers then examined how rampant the inaccessibility of matrimonial property was by ethnic group of the respondents in the study areas of Kasarani, Kibera and Kayole Wards of Nairobi City County. Table 3 presents the findings.

**Table 3: Cross tabulation of ethnicity and property access**

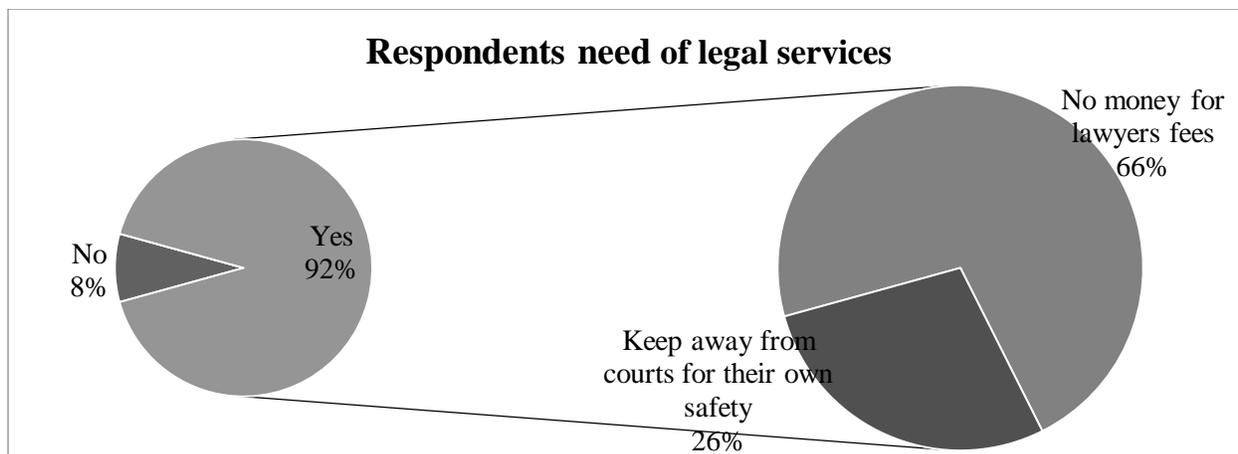
|           |          | Property Access          |       | Total  |        |
|-----------|----------|--------------------------|-------|--------|--------|
|           |          | Yes                      | No    |        |        |
| Ethnicity | Kikuyu   | Count                    | 12    | 32     | 44     |
|           |          | % within Ethnicity       | 27.3% | 72.7%  | 100.0% |
|           |          | % within Property Access | 31.6% | 31.4%  | 31.4%  |
|           |          | % of Total               | 8.6%  | 22.9%  | 31.4%  |
| Ethnicity | Kamba    | Count                    | 5     | 16     | 21     |
|           |          | % within Ethnicity       | 23.8% | 76.2%  | 100.0% |
|           |          | % within Property Access | 13.2% | 15.7%  | 15.0%  |
|           |          | % of Total               | 3.6%  | 11.4%  | 15.0%  |
| Ethnicity | Luhya    | Count                    | 5     | 6      | 11     |
|           |          | % within Ethnicity       | 45.5% | 54.5%  | 100.0% |
|           |          | % within Property Access | 13.2% | 5.9%   | 7.9%   |
|           |          | % of Total               | 3.6%  | 4.3%   | 7.9%   |
| Ethnicity | Luo      | Count                    | 7     | 4      | 11     |
|           |          | % within Ethnicity       | 63.6% | 36.4%  | 100.0% |
|           |          | % within Property Access | 18.4% | 3.9%   | 7.9%   |
|           |          | % of Total               | 5.0%  | 2.9%   | 7.9%   |
| Ethnicity | Kisii    | Count                    | 0     | 5      | 5      |
|           |          | % within Ethnicity       | 0.0%  | 100.0% | 100.0% |
|           |          | % within Property Access | 0.0%  | 4.9%   | 3.6%   |
|           |          | % of Total               | 0.0%  | 3.6%   | 3.6%   |
| Ethnicity | Kalenjin | Count                    | 1     | 3      | 4      |
|           |          | % within Ethnicity       | 25.0% | 75.0%  | 100.0% |
|           |          | % within Property Access | 2.6%  | 2.9%   | 2.9%   |
|           |          | % of Total               | 0.7%  | 2.1%   | 2.9%   |
| Ethnicity | Maasai   | Count                    | 1     | 3      | 4      |
|           |          | % within Ethnicity       | 25.0% | 75.0%  | 100.0% |
|           |          | % within Property Access | 2.6%  | 2.9%   | 2.9%   |
|           |          | % of Total               | 0.7%  | 2.1%   | 2.9%   |
| Ethnicity | Meru     | Count                    | 1     | 6      | 7      |
|           |          | % within Ethnicity       | 14.3% | 85.7%  | 100.0% |
|           |          | % within Property Access | 2.6%  | 5.9%   | 5.0%   |
|           |          | % of Total               | 0.7%  | 4.3%   | 5.0%   |
| Ethnicity | Embu     | Count                    | 2     | 4      | 6      |
|           |          | % within Ethnicity       | 33.3% | 66.7%  | 100.0% |
|           |          | % within Property Access | 5.3%  | 3.9%   | 4.3%   |
|           |          | % of Total               | 1.4%  | 2.9%   | 4.3%   |
| Ethnicity | Teso     | Count                    | 0     | 2      | 2      |

|                    |                          |        |        |        |
|--------------------|--------------------------|--------|--------|--------|
|                    | % within Ethnicity       | 0.0%   | 100.0% | 100.0% |
|                    | % within Property Access | 0.0%   | 2.0%   | 1.4%   |
|                    | % of Total               | 0.0%   | 1.4%   | 1.4%   |
| Taita              | Count                    | 0      | 5      | 5      |
|                    | % within Ethnicity       | 0.0%   | 100.0% | 100.0% |
|                    | % within Property Access | 0.0%   | 4.9%   | 3.6%   |
|                    | % of Total               | 0.0%   | 3.6%   | 3.6%   |
| Kikuyu/Kamba       | Count                    | 1      | 2      | 3      |
|                    | % within Ethnicity       | 33.3%  | 66.7%  | 100.0% |
|                    | % within Property Access | 2.6%   | 2.0%   | 2.1%   |
|                    | % of Total               | 0.7%   | 1.4%   | 2.1%   |
| Kamba/Kalenjin     | Count                    | 0      | 2      | 2      |
|                    | % within Ethnicity       | 0.0%   | 100.0% | 100.0% |
|                    | % within Property Access | 0.0%   | 2.0%   | 1.4%   |
|                    | % of Total               | 0.0%   | 1.4%   | 1.4%   |
| Rather not say     | Count                    | 3      | 12     | 15     |
|                    | % within Ethnicity       | 20.0%  | 80.0%  | 100.0% |
|                    | % within Property Access | 7.9%   | 11.8%  | 10.7%  |
|                    | % of Total               | 2.1%   | 8.6%   | 10.7%  |
| <b>Total</b>       | Count                    | 38     | 102    | 140    |
|                    | % within Ethnicity       | 27.1%  | 72.9%  | 100.0% |
|                    | % within Property Access | 100.0% | 100.0% | 100.0% |
|                    | % of Total               | 27.1%  | 72.9%  | 100.0% |
| Pearson Chi-Square | 15.772                   |        |        |        |
| Cramer's V         | .336                     |        |        |        |
| P                  | .111                     |        |        |        |

Due to significant number of empty cells the above table is not amenable for statistical analysis (p value = .111). However, from the distribution of answers we can identify several interesting patterns:

The inaccessibility of matrimonial property by ethnic group of the respondents in Kasarani, Kibera and Kayole Wards of Nairobi City County was highest among those from the Kikuyu ethnic group at 31.4%, followed by the Kamba at 15.7% and the Luhya and Meru at 5.9%. The ethnic groups whose widows had least access to their matrimonial property were those from the Teso, Kikuyu/Kamba and Kamba/Kalenjin at 2%. The respondents blamed rigid customary laws, harmful cultural and social practices that propagate women's inferiority and stereotypical gender roles as responsible for such inaccessibility to property.

When asked whether they needed legal services, 92(72%) confirmed they would seek legal redress if they had enough money to pay for such services. Figure 4 displays the various responses.



**Figure 4: Respondents need of legal services**

The study also found that the main reasons for avoiding legal services were financial constraints, ignorance of the procedure for attaining justice, ignorance of Kenyan laws on inheritance, fear of their in-laws who issued death threats, and reluctance by local authorities to take action when approached for help by widows.

Given the above, the researchers sought to find out if the level of education of the respondents had any correlation with the low levels of awareness of existing laws or policies on property ownership rights and inheritance rights among the widows. The data was subjected to the Spearman’s correlation coefficient test ( $r_s$ ), where the closer  $r$  is to  $\pm 1$  the stronger the relationship. As shown in Table 4, the significance is .05 which means that there is a weak relationship between education level and level of legal awareness.

**Table 4: Correlation of education and legal awareness level**

|                |                         | Correlations    |                 |     |
|----------------|-------------------------|-----------------|-----------------|-----|
|                |                         | Education       | Legal Awareness |     |
| Spearman's rho | Correlation Coefficient | 1.000           |                 |     |
|                | Education               | Sig. (2-tailed) | .               |     |
|                |                         | N               | 140             |     |
|                | Correlation Coefficient | -.208*          | 1.000           |     |
|                | Legal Awareness         | Sig. (2-tailed) | .014            | .   |
|                |                         | N               | 140             | 140 |

\*. Correlation is significant at the 0.05 level (2-tailed).

The correlation coefficient of  $-.208^*$  and a correlation significance level of 0.05 indicates that there is a weak inverse relationship between education and legal awareness. This, paradoxically, implies that more education means less legal awareness or that the less educated a widow is, the more legally aware she is! One possible explanation to this strange finding is that the current Kenyan education system, even for basic education does not teach or encourage legal awareness and knowledge of human rights and the implications of their violation. We can now make our summary, conclusions and recommendations.

## 5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

This section gives the summary of the study, so far, and also provides the logical conclusions we can draw from this research.

### 5.1 Summary Discussions

The first study objective was to examine the specific legal systems in Kenya that can be used to safeguard/enhance the property rights of widows. The study found that there are laws such as the Constitution of Kenya (2010), Laws of Succession Act (2012), and the Matrimonial Property Act (2013). All these laws are meant to safeguard the rights of widows, and recognize women's rights to own and inherit property. In practice however, these laws are not adequately implemented and many widows are chased away from their land. We provided the details on these laws in the literature review section of the study.

Our second study objective was to identify cultural factors associated with social exclusion of widows. The study has shown that a major factor that is a hindrance to widows' access to matrimonial property is customary law which consists of unwritten norms and practices of different communities. Table 3 on ethnicity and property access confirms this. In some communities and ethnic groups, customary law allows widows to stay on their husband's or matrimonial property for as long as she does not remarry. If she decides to remarry, that law dictates that she relinquishes her right over that property. A widow living in Kibera, had to leave her marital home in Western Kenya when she refused to be inherited by her late husband's elder brother. Such widows suffer loneliness, depression, and deep trauma. 125 (76%) of our respondents indicated that they had, at one point, contemplated suicide. It is disturbing that 105(64%) of our research participants indicated that they received no social support from the immediate families of their late spouses. Despite physical, verbal abuse and threats, 34(21%) of the widows refused to leave their matrimonial homes. Nothing was done even after reporting the threats to the police and local administration.

The third objective of the study was to explore the levels of awareness among widows in seeking legal redress after being violated in Kasarani, Kibera and Kayole Wards in Nairobi City County. The study found that there was a combination of the extremely low level of awareness on avenues of seeking legal redress among the widows, coupled with limited access to information on the laws of inheritance, rights of individuals and affordability of court fees to mount legal fights to keep their property. Figure 4 shows our findings. Our literature review revealed that Kenya has a horde of laws that protect inheritance rights of all citizens. 148(90%) of study participants were not aware of any of the existing laws or policies on property ownership rights and inheritance rights for widows.

The fourth study objective was to determine the barriers to accessing justice among widows in Kasarani, Kibera and Kayole Wards of Nairobi City County. The study identified four barriers. First, there are retrogressive cultural practices, which deny women the right to inherit property. Second, there is limited access to information both on the laws and rights of individuals. Third, there is laxity and corruption by the local administration and elders in the community who turned a blind eye to the plight of the widows. The study identified failure by the relevant authorities such as the community elders, local administration and police to act when widows report violations to them. Fourth, the exclusion of widows who resist cultural practices imposed on them. The society labels them as rebels.

The fifth objective of this study was to suggest ways of assisting the affected widows to protect their property and inheritance rights. In various sections of this research, suggestions have been put forth by participants in the study. This objective has been addressed exhaustively in the recommendation section of this study (5.3).

## 5.2 Conclusions

Based on the findings of this study, we can logically conclude that exclusion of widows and the denial of their matrimonial property rights, as well as challenges of accessing justice are a reality. These exclusions and denials have had negative impacts on the widows in the informal sectors of Kasarani, Kibera and Kayole wards of Nairobi City County. It is clear from the study, that government institutions charged with the authority and mandate to administer justice have either been unwilling or unable to do so. Consequently, abuses of widows have persisted unabated. The study has also shown that there are organizations willing to partner with widows to avail legal services to them to ensure access to justice. The findings show that the widows are willing and ready to join such groups.

## 5.3 Recommendations

The overall findings of this study point to the following recommendations: First, there is urgent need for the government and other law enforcement officers, to implement the Constitution of Kenya 2010, the Law of Succession Act 2012, and Matrimonial Property Act 2013. Second, policy makers could team up with the Federation of Women Lawyers, Kenya (FIDA) and develop a legal literacy program for education of widows on their rights. Third, the Judiciary can help set-up Community Justice Centers to provide legal information, representation, and non-legal support. The Judiciary could also establish family courts where family-related cases are heard and determined. Fourth, a host of para-legal groups can be set up to work with widows in Kasarani, Kibera and Kayole Wards of Nairobi City County. Fifth, the Kenya Institute of Curriculum Development could include rights issues in the curriculum, so that both the teachers and the learners can be aware of their rights and fundamental freedoms and how to go about reporting rights violations. Ignorance of various inheritance laws will be addressed in this way. Sixth, stern action should be taken to end the cruel, dehumanizing, unacceptable and discriminatory practices against widows and their children. Perpetrators and violators of widows should be punished speedily in accordance to the law. Seventh, the religious leaders could team up with Lawyers to ensure that moral principles are upheld in the administration of law and justice. For example, Kenya Christian Lawyers Fellowship (2016), ensures increased access to justice through legal aid centers, advise and represent the most marginalized, as well as provide community legal education through legal awareness clinics. Conditions of widows in Kasarani, Kibera, and Kayole Wards of Nairobi City County, and elsewhere in Kenya, will improve greatly when these measures are put in place.

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