



# THE AUDACITY OF ENTITLEMENT WOMEN - INHERITANCE - LAND RIGHTS

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When someone passes on, issues of inheritance and succession arise. The distribution of the deceased person's property may either be according to the deceased person's will (testate succession), or according to a prescribed set of laws for property division if the deceased passed on without leaving a will (intestate succession).

The law in Uganda protects women's equal rights to inheritance. However, in practice, these rights are often violated and usually by the relatives. Widows are often denied the right to inherit their deceased husband's property, especially land. They are also denied the right to look after their own children, are chased out of the matrimonial home, or are deprived of the right to use the family land to grow food for their families. For most Ugandans, inheritance happens according to culture and may be overseen by customary leaders. Few Ugandans make a will that reflects how they would like their affairs to be managed after their demise.

Last week through our economic justice project implemented in Luweero district with support from Forum for Women and Development (FOKUS), we witnessed such challenges women continue to face regarding inheritance and succession.

A widow on behalf of her five children (all residents of Lusanja), had previously been denied a share of their late father's estate by their paternal family and were desperately seeking assistance. This exclusion meant that the mother had to struggle to provide for her children on top of dealing with landlessness.

The legal team at the FIDA Uganda Clinic wrote a letter to the relatives of the deceased, inviting them to come in for mediation as a first step of intervention and they declined. This prompted the legal team to visit the family through the Local Council Chairperson 1 (LC 1) prompting them to come in. In attendance at the mediation was the LC 1, the local defence, the children's paternal grandmother and a few relatives of the deceased. The legal team explained the procedure provided by the law including the fact that no one was allowed to start the distribution of property of the deceased without a letter of administration.

However, some of the family's relatives intimated that they had already distributed most of the property as they deemed fit. With this, the legal team cautioned them about the consequences of this action which brought about worry on the next proposed step of action, which was court. The deceased's relatives agreed to cooperate and since our client's husband was entitled to three acres of his late father's estate, this was re-distributed to the children of the deceased. An agreement was written and witnessed by all parties present. The team advised the client and children to fence off the land and begin to use it to deter any other persons from trying to steal their land.

In the same week, we registered a success in an inheritance case involving four sisters from Ziobwe whose brother had blocked them from accessing their inheritance. Their deceased father had left a will, but this could not be found as the brother claimed it was lost. Through the lawyer who drew the will, plus the witnesses, a lengthy family mediation was held.

At the end, it was clear that the brother was only trying to block his sisters from their inheritance because he believed they would eventually get married and pass the land on to the men they would marry. “This will reduce the family land,” he insisted, but the four sisters were given two acres of land that was rightfully theirs.

These cases are a clear indication of how women, even with progressive policies continue to be excluded from ownership of not just land but property in its wider context. If you are experiencing cases similar to these, please reach out to us on **fidauganda.org** or on our **toll free line: 0800 111 511**.



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