



Gender Transformation & Empowerment



DOCUMENTATION OF STORIES

**WOMEN'S LAND AND PROPERTY RIGHTS; THE PLIGHT OF WIDOWS
IN LAMWO, KOTIDO AND KABONG DISTRICTS IN ACHOLI AND KARAMOJA REGIONS**

2015



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INTRODUCTION AND BACKGROUND:

In Uganda, two of the biggest barriers that women face which impede their full realization of their rights are unequal access, ownership and control of property by women and girls and violence against women.

Gender Based Violence (GBV), particularly violence against women in Uganda, is widespread and it takes various forms, including domestic violence, sexual harassment, rape and defilement among others. Women and girls are more disproportionately affected increasing their vulnerabilities. The Ugandan Demographic Health Survey (UDHS 2011) indicates that 58% women and 44% men justified beating of women by their spouse for reasons like

burning food while cooking or answering back to a man. The 2013 Uganda Police Crime report showed that domestic violence and defilement were the highest crimes in the country. This is an indication that the prevalence of violence against women remains alarming and an inhibitor to development.

Security of women's land and property rights remains an illusion amidst the existing progressive legal and policy framework. Although women are primary users of land and provide the bulk of “non-contractible” agricultural labour in Uganda, men dominate the majority of decisions related to land use and management, and the security of women's land tenure can

be tenuous. The duo land justice system creates more insecurities for women and girls on land. The traditional justice system more dominant in rural Uganda robs women of the right to land security. This is because the customs relating to land and/or the pervasive patriarchal system reinforces discrimination against women in land matters. Especially married women and widows who have no power or voice over land for as long as the man or his relatives are alive. The access they possess is highly dependent on the good relationship that a woman has with the male relatives.

The attached case studies provide powerful testimonies of women's experiences of the kinds of land rights abuses that women in Uganda experience daily.

WIDOW LOSES LAND OWNERSHIP AMIDST SUCCESSFUL LC3 MEDIATION COMMITTEE DECISION.

Achen Betty is an elderly widow living in Ododo Village, Lukung subcounty, Olebi Parish in Lamwo District. She does not know how old she is or when she moved onto the land but vividly remembers that she settled on the land in Ododo village with her deceased husband the year Obote1 took over power in Uganda. She had three children at the time.

She recalls that she and her husband, now deceased were given land to settle on by a one Janani Omot who also does not remember when he gave them the land because it was so long ago. He also affirms it was around 1966 as this was when Obote1 took over power in

Uganda. Since then, Achen, her husband and their children tilled the land without any interference.

In 1986, Achen's husband died and a few years later she and her children were forced into a refugee camp owing to the insecurity caused by the LRA rebels in Northern Uganda. She has since returned from the camp and found that a young man was cultivating on a portion of her land. The young man is the grandson of Janani Omot who gave them the land in the 60's. Today, Janani's grandson has cultivated the largest portion of Achen's land leaving her no place to cultivate food for her sustenance.

Achen heard about the change agents and women leaders who had been trained by UWONET with support from OXFAM. She visited Omara Wilson, a Change Agent in her village. He jointly with the women leaders reported her case to the LC3 Chairman of Lukung Subcounty, a duty bearer charged with handling land disputes in the village. The LC3 has also received information through dialogues and sensitisation meetings conducted by the project.

A mediation meeting was convened where Council Members and elders of the community agreed that the young man was wrong to encroach on Achen Betty's land.

The Mediation team ordered the youth to vacate the land as soon as he had harvested his crops. The young man promised to comply with the decision of the Mediation team.

The UWONET team together with the Mediation team have since learnt that he has removed the boundary marks laid by the Mediation team and encroached further on the land in spite of the decision of the Mediation Team. He says women do not own land in Acholi region and will not leave the land. Achen is a bonafide owner of the land who has been denied access to it. She is one example of many women in Northern Uganda who suffer the same injustice. The laws are progressive, but she continues to be denied her rights to own this land. Achen does not have resources to open a case in civil courts of Law.

Olweny Paul, an area Counsellor and the Secretary of the Mediation Team said that such land grabs from widows are common because once a woman's husband dies the other men in her husband's clan start looking at the land as if it is vacant as they do not consider a woman a proper person to own land. He emphasized that this practice of land grabs from widows is wrong and such persons who do not have land should approach clan leaders to allocate them land.



Anna and her children were denied property by her late husband's family because she refused to be inherited following the death of her husband.

A WIDOW IS DENIED HER PROPERTY BECAUSE SHE SAYS NO TO WIDOW INHERITANCE.

Anna Madodo, aged 50 years is a resident of Kapadakook Village, Loletio Parish, Panyangara Subcounty in Kotido District. Anna Madodo's husband passed away in 2014. She remained on her husband's land with her six children without any disturbance until 2015 when her husband's brother, a one Ongolemio decided he wanted to inherit her. The elders in her husband's family called a meeting and informed her that it is their

practice for her to be inherited. She told the family meeting that she did not want to be inherited because she was too old. Her brother in law built a house (grass thatched hut) in which he meant to live with Anna but she adamantly refused which made him remove the grass from the hut.

A family member (her stepson) beat her up and broke her finger. She reported the matter to Panyangara Police Post and the Local health center where she was treated, She however notes that the police post did not help her much amidst the several follow up visits. She sought help from women leaders. Ms Arenger Rose Mary, spear headed the support team and reported the matter to Kotido Police Station, the main station in the district.

The Police station wrote to Panyangara Police Post to follow up the case. Her stepson Okiror was arrested although he was later released.

Upon his release, her Deceased's Husband's family turned against her. They took away the house she built with her deceased husband and gave it to her stepson. She was forced to sign a document giving away her house to her stepson. The land she cultivated with her husband was taken away, cows she purchased with her husband were also taken away. Anna reported the matter to the Police who referred the matter to the Magistrate's court. The court unfortunately advised Anna to have the issue sorted out at home.

A family meeting which was convened, agreed to give Anna 4 calves in the place of her fully grown cows. These calves were sickly and they all died soon after they were handed to her. The meeting also agreed that she was a foreigner and could not inherit her husband's land for cultivation nor the house she built with him. She is allowed to live on a small piece of land but she has no land to grow food to feed her family.

Anna now tries to fend for her 6 children by selling tomatoes at the roadside. The money she earns is barely enough to feed her children and yet she is also solely responsible for supporting them through school.

RAPED BY HER LATE HUSBAND'S BROTHER AND INFECTED WITH HIV

Kokoy Magdalena lives in Kapadakook Village, Loletio Parish, Panyangara Subcounty in Kotido District with her 5 children. When her husband passed away in 2012, Magdalena was only allowed to grieve his departure for a few months. Her late husband's family decided that she would be inherited by her brother in law. On discovering their intentions, Magdalena fled to the trading centre in Panyangara with her 5 children.

The family sought her whereabouts and informed her that she did not have a decision to make, she was to be inherited whether she liked it or not. They also told her that she had no right to take away her children from her late Husband's family

since the children belong to the clan and not to her. The family members then grabbed Magdalena and pinned her on the ground while her brother in law who was to inherit her raped her.

A few weeks after the incident Magdalena begun to feel sick. She visited a health Centre where it was discovered that Magdalena was not only pregnant but also HIV positive. It was later revealed that her brother in law who had raped her was HIV positive. Owing to the stress, Magdalena suffered a miscarriage and in the process her uterus was removed. She confessed to having suicidal thoughts. The Change Agents and women leaders in the

community counselled and continuously encourage her to accepted treatment.

The Change agents and women leaders mobilised communities to speak out against courtship rape, they also accompanied Magdalena to the Police station where she reported and opened a rape case against her brother in law. He was charged, tried and convicted of the offense. Magdalena's in-laws blamed her for this and denied her and her 5 children the land that belonged to her late husband.

Magdalena now lives in a small hut with her children in Panyangara trading centre with no land to grow food for her family. She is very sad!

A WIDOW'S SALE AGREEMENT DID NOT PROTECT HER LAND.

Pali Pali who is a resident of Panyangara subcounty, Kotido District is HIV positive. The Husband's family decided that she would be inherited despite her health condition. Pali Pali told her in-laws that she was not agreeable to being inherited because she was HIV positive, and had been educated about transmission of the virus. She therefore, refused to be inherited to avoid infecting any of them with HIV.

When her in-laws witnessed her adamance, she and her 4 children

were evicted off the land that she purchased jointly with her husband. She had a land sales agreement but it was not enough to secure her land rights;

The police whom she reported the matter to, demanded to meet with the previous owner of the land, which she failed to do because she did not know the whereabouts of the previous owner. The Police referred Pali Pali to the LC1 Chairman.

The LC1 Chairman also demanded Pali Pali to show him the man from whom she and her husband allegedly bought the land.

Unfortunately for Pali Pali, she did not know of the Seller's whereabouts.

Neither the Police nor the LC1 Chairman assisted Pali Pali in recovering her land citing no proof.

Pali Pali is now living destitute at Panyangara Trading Centre and confessed to sometimes begging to get a day's meal more particularly for her four children.

COULD JUSTICE HAVE BEEN ACHIEVED! ONE MAY WONDER!!!!

Akope Pauline who lives in Kateleng Ward, Lomoroitai Parish, Kabong West Subcounty in Kabong District is three years old was kidnapped and sexually abused while on her way to use the Latrine. In Karamoja, Latrines are constructed outside the manyatta. She went to the latrine while her mother was cleaning. Her mother shortly realised her daughter had not returned and went in search of her but could not find her. A desperate search ensued but to no avail, Akope was not found until 9am the following day by community members including women leaders who were part of the search team.

Akope was found lying on the ground, unconscious and bleeding profusely in a bush some distance from her home.



Lootan holds his three year old daughter. She was found lying on the ground, unconscious and bleeding profusely in a bush a few kilometers from her home.

Community members who found her informed her father Lootan Lokiri that his daughter had been found. Lootan ran with his daughter to Kabong hospital. At the hospital Lootan was told that he needed to inform police of the incident before his daughter could be attended to. He then rushed to the police station, where he was immediately given Police Form 3A and the Police helped him to take his daughter back to the hospital.

Police Form 3A is a procedural requirement for the provision of evidence on sexual violence. It is applied by law enforcement agencies to record medical practitioner's evidence in cases of rape and defilement. Examination using this form can be

undertaken by a medical doctor or clinical officer of registered midwife.

Akope was hospitalised for 30 days;

"When she was brought to the Hospital, she was bleeding profusely, her face and neck were swollen, she couldn't walk or talk and her eyes were damaged so badly that she couldn't see. The bruises on her neck indicated that her assailant tried to strangle her. Surgery had to be performed to restore her private parts which were completely ruptured. She is lucky to be alive." Angella John Bosco the clinical officer at Kabong hospital who examined Akope stated.

A suspect was arrested in connection with the offense but was later released. His release was due to the fact that he could not be produced in court within 48 hours as required by Ugandan Law.

"One of the reasons for the delay in court seating was because for over a month, the Magistrate Grade 1 of Kabong did not appear in court leaving the Police no choice but to release him. The Police also blame the Resident State Attorney in charge of Kabong took months to sanction the charges." A source who prefers his identity be kept confidential stated.

The suspect remains at large!!!

CONCLUSION

These case studies are a clear indication that unequal access, ownership and control of property by women and violence against women and girls are barriers that impede their full realization of their rights.

Culture and practice conflict with Statutory laws and impeding full realization of women's rights. the strong patriarchal system shapes the community agenda and norms leaving

women without a voice, and increased vulnerabilities.

The local governance system also prevails and local communities are more loyal and pay allegiance to the traditional system and leaders unlike to government leaders. This limits women's abilities to access their rights to their own and their family's land and limits their capacity to claim redress or to seek protection where these rights are violated.

Women and girls will remain discriminated against until government enforces and implements the progressive laws and policies and sustains a conducive environment for the enjoyment and realization of women's rights, women empowerment and gender justice.

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