

IN BRIEF

PROPERTY, LAND AND INHERITANCE RELATED FEMICIDE IN KENYA

Executive Summary

This technical brief emerges from Kenya's socio cultural analysis of femicide (UN Women Kenya report, 2026) and examines femicide linked to property, land, and inheritance disputes as a distinct and preventable pattern of gender related killing. Evidence shows that widows and older women face heightened risk following bereavement, particularly when they resist dispossession of land or housing. Across several counties, threats, evictions, ritualised violence, and witchcraft accusations are used to enforce customary succession norms and facilitate rapid transfer of property after a woman's death. These killings are frequently framed as "family matters" or customary enforcement, obscuring criminal responsibility. Structural vulnerabilities low female land ownership, weak tenure security, and complex succession procedures intersect with institutional gaps, including delayed protection orders, fragmented court jurisdiction, reliance on unsafe customary dispute resolution, and lack of a femicide indicator in official data. Preventing property linked femicide requires a shift toward safety first succession processes, rapid risk flagging and protection for threatened women, strengthened land and registry safeguards, and justice responses that treat dispossession related violence as serious criminal harm rather than private dispute.

1) Introduction — How land disputes end in killings

Kenya's socio cultural analysis finds that disputes over land, housing and inheritance frequently escalate to gender related killings of widows and older women, especially where patriarchal norms, bridewealth obligations and clan control over lineage property converge. In multiple counties (e.g., Bungoma, Makueni, Meru), women who resist dispossession after a husband's death are threatened, assaulted, and in some cases killed, with perpetrators framing violence as a "family matter" or customary enforcement of succession.

Independent evidence corroborates this pattern. The Technical Working Group (TWG) on GBV reports that femicide surged to 1,639 killings of women in 2022–2024, and explicitly lists domestic conflict, land disputes and harmful cultural practices among leading motivators; it also flags the absence of a femicide indicator in official crime statistics that obscures targeted response. Further, KIPPRA shows women's land ownership remains exceptionally low and many lack titles material conditions that heighten vulnerability at succession and embolden violent dispossession.

2) Gender and Land Rights Context



Customary norms excluding women

Despite constitutional guarantees and the Matrimonial Property Act (2013), customary regimes still shape practice: inheritance through male lineage, bridewealth anchored permanence of marriage, and “wife inheritance” norms limit women’s claims in widowhood or separation. A 2026 High Court commentary again warned that aspects of customary succession remain in tension with constitutional equality and called for legislative review.

Vulnerability of widows and older women

Media and field investigations show widows face evictions, violent attacks, or forced remarriage when they assert land rights. In western Kenya, public reporting documents widows threatened with eviction and forced inheritance, while county initiatives (e.g., Siaya Widows Protection Bill) have emerged in response. At the Coast, older women accused of witchcraft are attacked and expelled often as a cover for land grabbing with documented deaths and displacement to church run shelters.



3) Mechanisms of Harm

Evictions and ritualised violence:

Immediately after funerals or during succession, in laws or clans force widows out, sometimes using ritual attacks (e.g., okhusoola burnings in Bungoma) to legitimise dispossession.

Framing women as obstacles:

Assertive widows are cast as bringing “shame” or violating lineage order; attacks are reframed as clan discipline, not crime.

Witchcraft accusations to seize land:

In Kilifi/Kwale, accusations mobilise mob “cleansing,” hiding property motives; over 160 deaths and mass displacement of elders are reported by church linked shelters and human rights groups.

4) Case Evidence — Bungoma, Makeni, Meru

Bungoma:

UN Women narratives document widows killed after resisting land grabs, with land divided up within days and the killing framed as a clan affair. A separate case shows a widow’s house torched during a ritual attack that left her homeless illustrating community complicity and immediate dispossession.

Field interviews describe repeated threats and “mediation” pressure on widows, delayed protection, and killings rationalised as “family disputes” rather than prosecuted as homicide.

Makueni:

Meru:

Survivors cite longstanding abuse and succession related conflict; institutional delays and family “settlements” corrode justice. Courts regularly stay probate when land ownership is contested shifting claims to the Environment & Land Court (ELC) which prolongs vulnerability without interim protection.

5) Structural Drivers

- ◆ Customary control of succession: Chiefs, elders and clan forums often label these cases “private,” thereby normalising violence and undermining statutory rights.
- ◆ Data invisibility and misclassification: Without a femicide indicator, land linked killings are buried in homicide statistics limiting county targeting and public accountability.
- ◆ Women’s weak tenure security: Low title ownership and documentation gaps (KIPPRA) impede injunctions and facilitate rapid post killing land transfers.
- ◆ Witchcraft land nexus: At the Coast, accusations of sorcery escalate to terror, displacement and killing widely reported by church shelters and human rights desks.

6) Institutional Gaps

1

Protection orders

While PADVA enables interim orders, in practice no rapid mechanism exists for land threat GBV; chiefs and police often advise “family settlement,” delaying life saving measures.

2

Fragmented jurisdiction:

Probate courts distribute estates but cannot adjudicate title/trust: contested property must go to the ELC, leaving widows exposed while ownership is litigated.

3

AJS/ADR without GBV guardrails:

County reliance on customary ADR risks **ratifying dispossession** if safety checks and evidence preservation standards are absent. (Policy analyses on AJS/ADR note the need for formal safeguards.)

4

Under resourced legal aid:

Sparse county legal aid and paralegals mean widows **cannot file caveats/injunctions** quickly, weakening their bargaining power at the most dangerous moment.

7) Recommendations (County Ready & Typology Aware)



Probate fast track (safety first succession)

- ◆ **Create a “Widow and Older Women Succession Fast Track” within Family/Probate divisions:**
 - ◇ Interim occupation orders and prohibition on dealings (caveats) within 72 hours;
 - ◇ Mandatory referral to ELC where ownership is contested;
 - ◇ Police/DCI notified at filing when threats are alleged; coordinate with ODPP in 7 days for case conferencing.



Land rights protections (legal and administrative)

- ◆ **Operationalise Matrimonial Property Act:** require spousal consent verification and flag missing consent; registries should suspend registration on red flag transactions.
- ◆ County legal aid and paralegal desks at chiefs’ offices/GBVRCs to help widows file for letters of administration, caveats/injunctions, and police reports; link to county initiatives like the Siaya Widows Protection Bill.
- ◆ **Title regularisation for women (KIPPRA):** promote joint titling, simplify title issuance and publish quarterly titling dashboards to close the ownership gap.



Risk flagging and first response system

- ◆ “Red Flag” triggers across chiefs–police–land registries–courts for cases with recent bereavement; contested succession; threats/

assaults/rituals; older woman living alone; witchcraft accusation. Automatic protective referrals to police and GBV services.

- ◆ Coast protection package (Kilifi/Kwale): expedited relocation/safe house pathways, public ban on “cleansing” sessions before statements/evidence are secured, and joint oversight with church shelters/CSOs documented in Kilifi.
- ◆ Police Prosecution playbook for land linked GBV: evidence checklists (injuries, burnt dwellings, destruction, threats), witness protection referrals, and risk based bond/no contact orders.



Systems and policy reform

- ◆ Add a femicide indicator with “property/land linked” sub tag to homicide and GBV records; publish county dashboards disaggregated by typology.
- ◆ AJS/ADR guardrails: implement the National ADR Policy (Sessional Paper No.4/2024) so that criminal adjacent and GBV risk cases are excluded from customary settlement until police complete evidence steps; embed voluntariness & safety checks if ADR is used for civil aspects.
- ◆ Judicial practice directions for probate courts to:
 - ◇ stay confirmation where title is contested;
 - ◇ issue protective interim orders (occupation/no dealing) pending ELC outcome;
 - ◇ require early ODPP–police–health case conferencing when GBV risk is flagged.

8) Conclusion

Property, land and inheritance disputes are not private matters when they culminate in threats, evictions and killings. Evidence across UN Women's study and independent datasets shows predictable pathways: bereavement → dispute → threats → clan/ritual action → lethal harm—particularly against

widows and older women. Implementing succession fast tracks, legal/administrative land safeguards, risk flagging, no tolerance for witchcraft "cleansing", and AJS guardrails can disrupt escalation, protect women's tenure, and reduce killings.

References

- **Primary:** *Kenya's socio cultural analysis of femicide (UN Women Kenya report, 2026)* – county narratives, typologies, and recommendations.
- **TWG on GBV (2026, The Star coverage)** – 1,639 killings (2022–2024), motivators incl. land disputes; lack of femicide indicator. [oicrf.org]
- **KIPPRA (2024)** – women's land ownership/titling gaps; implications for vulnerability at succession. [hakiyetu.ke]
- **AfricaNews/AP / AP News** – reporting on **widow dispossession** and emergent county bills (Siaya). [lawguide.co.ke], [researchgate.net]
- **Global Sisters Report / OSV – witchcraft linked killings** and displacement in Kilifi/Kwale; land motives underpinning accusations. [africa.unwomen.org]
- **LawGuide commentary** – probate vs. ELC jurisdiction; the need to **stay confirmation** and protect parties while title claims proceed.
- **ADR Policy (Sessional Paper No.4/2024) & analyses** – need for **safeguarded ADR/AJS** so GBV risk cases are not diverted into unsafe customary forums.

Acknowledgement

This brief was derived from the report on the Socio-Cultural Analysis of Femicide in Kenya, developed by UN Women Kenya in collaboration with the University of Nairobi. It synthesizes key findings and insights to inform evidence based programming and policy dialogue on ending violence against women and girls. This brief was developed by Mary Wanjiru-UN Women Kenya Ending Violence Against Women and Girls Team Leader; Jack Onyisi Abebe- UN Women East and Southern Africa Knowledge Management and Research Specialist and Emily Mwasame-UN Women East and Southern Africa Knowledge Management Assistant under the overall guidance and leadership of Adama Moussa-UN Women East and Southern Africa Deputy Regional Director; Antonia N'Gabala-Sodonon-UN Women Kenya Country Representative and Dan Bazira-UN Women Kenya Deputy Country Representative.

We gratefully acknowledge the invaluable contributions of Joan Obunga-Legal Expert; Christine Okeno-UN Women Kenya Programme Analyst; Evelyn Okatch and Fatuma Abbas, Programme Associates in the Ending Violence Against Women portfolio. Their technical expertise, strategic insights and unwavering commitment were instrumental in shaping the content, strengthening the analysis and ensuring the relevance and quality of this brief.

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