

Illegal Property Seizure

Illegal property seizure is taking property through violence, intimidation, communal pressures or fraud without any legitimate agreement between the rightful owner and the person assuming possession. Across Africa, many widows and orphans are left defenceless when their husband or father dies. In this time of vulnerability, they become victims of ‘succession-related’ property grabbing, the term for illegal property seizure in the aftermath of a death. Victims often lose not only their homes but, for many who raise crops or engage in small enterprise on their land, their only sources of livelihood, leaving them and their children homeless and without income.

Property grabbing often arises from the perceived lack of land rights for women in traditional societies. Family members, local leaders and potential victims may not be aware of the legal rights of widows and orphans or the criminal sanctions that may arise from illegal property seizure. Moreover, agencies charged with enforcement of rights lack the knowledge and resources to meet the overwhelming need.

THE FACTS

- In rural areas of developing countries, very few landowners execute wills, and land is frequently passed through customary or traditional arrangements, which often disadvantage women. In a study conducted by IJM Rwanda, in 2007 less than 1% of the adult population in IJM’s geographic project area held a legally valid written will and no one had a legally valid title deed.
- In a recent study conducted by IJM in its casework area in Uganda, 30% of widows and orphans surveyed indicated that they had been victimised by property grabbing following the death of a parent or spouse.
- Even though rural women produce between 60% and 80% of food in developing countries, they own less than two percent of the land. (Oxfam)

IJM’S RESPONSE

IJM engages in casework to protect widows and orphans from illegal property seizure in Rwanda, Uganda and Zambia. In these countries, property grabbing is prohibited under both civil and criminal law. IJM legal professionals first seek to mediate a legally binding solution that identifies and restores the victims’ property rights; if perpetrators refuse to mediate, IJM legal staff ensure compliance in court. In addition to providing legal assistance, IJM increases legal literacy in poor communities through will-writing seminars, legal workshops and training sessions for communities and their leaders. IJM also provides aftercare for victims of illegal property seizure, assisting them to start sustainable micro-enterprises to provide a secure future for their dependents.

ABOUT INTERNATIONAL JUSTICE MISSION

International Justice Mission is a human rights agency that secures justice for victims of slavery, sexual exploitation and other forms of violent oppression. IJM lawyers, investigators and aftercare professionals work with local officials to ensure immediate victim rescue and aftercare, to prosecute perpetrators and to promote functioning public justice systems.

* In order to protect this IJM client, a pseudonym has been used and the photograph has been obscured. Real name and casework documentation are on file with IJM.



CLAIRE’S STORY – UGANDA

When Claire*’s husband passed away, she struggled to care for their four young children while dealing with her own serious health issues. Several years after her husband’s death, the value of the modest home she had shared with her husband increased. Her late husband’s relatives came to the house and told her they were kicking her out, selling the home and keeping the profits.

IJM lawyers were able to arrange a legally binding mediation securing Claire’s property for her and ensuring that her late husband’s relatives would respect her right to the home. IJM aftercare staff have helped Claire set up a piggery, which will be a sustainable source of income for her family.

