Inheritance Law, Wills and Women
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Rita Aciro-Lakor
Jacqueline Asiimwe-Mwesige
Centre for Basic Research
Luwero Nakaseke Paralegals Association

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About this Toolkit

Property rights economically empower women by creating opportunities for earning income, securing their place in the community and ensuring their livelihoods. When women are economically empowered, it spurs development for their families and communities.

Property Rights and Gender in Uganda: A Training Toolkit seeks to strengthen understanding of property rights for women and men as equal citizens. Because women in Uganda are often not treated as equal citizens, toolkit materials address what rights women have, how to communicate women’s rights, and the issues preventing women from exercising their rights.

The overarching goals of the training are to increase Ugandans’

- knowledge of their legal rights to property,
- understanding and recognition of women’s and men’s equality before Ugandan law, and
- ability to exercise and protect their own property rights while respecting others’ rights.

The first step in securing property rights is bringing knowledge to women, men, leaders, and communities of everyone’s legal rights and emphasizing that women’s legal rights exist, are protected by law, and are just as important as men’s.

The toolkit has five modules:

- Rights and Gender in Uganda
- Land Law and Gender
- Property Rights in Marriage and Family
- Inheritance Law, Wills and Women
- Monitoring Skills for the Community Rights Worker

Trainers can do all modules or focus on ones of their choosing. However, we recommend beginning with “Rights and Gender in Uganda,” especially for community rights workers with little previous training. This module uses a human rights approach as a positive starting point to introduce women’s rights, property rights and gender.

The modules use five different methods to engage participants:

- Background sections introduce new material, explain new concepts and discuss the gendered aspects of the module topic. Facilitators can use the Background sections as short lectures, reading exercises for participants or segues to new topics.
- Lecture sections provide specific information about the module topic. Facilitators need to present all of the information in Lecture sections clearly.
- Discussion sections promote group conversation, encourage participants to ask questions and share experiences, and highlight differences between custom and written law. The facilitator’s role is more to guide the conversation than present information.
- Exercise sections give participants a chance to practice a new skill or idea. Exercises can be used to make the ideas in Background, Lecture and Discussion sections more concrete.
- Handouts and Resources, at the end of every module, can be used during the training and by community rights workers in their own outreach or sensitization work.
Inheritance Law, Wills and Women

When someone dies, 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 person died without leaving a will (intestate succession).

The law in Uganda protects women’s equal right to inheritance. However, in practice, women’s inheritance rights are often violated. Widows are often denied the right to inherit their deceased husband’s property, especially land. Sometimes they are even denied the right to look after their own children. Sometimes widows are chased out of the matrimonial home or deprived of the right to use the family land to grow food for their families. Girl children are sometimes denied the right to inherit their father’s property.

The main laws that govern inheritance are:
- The Constitution of Uganda
- The Succession Act
- The Administrator General’s Act

Module Objectives:
Community rights workers will understand:
- What a will is
- What needs to be in a will
- How to carry out a will
- How to manage property when a person dies without a will

Community rights workers will be able to communicate:
- How having a will can protect a person’s family and avoid conflicts
- Women can own property that is given to them in a will and wills are a means to protect family members, especially women and girls, from property grabbing
- How to make a will

Community rights workers will bring to their communities:
- Increased awareness of wills
- Knowledge and services to write and witness wills
- Support to follow correct and legal procedures in managing property of the deceased

Handouts:
At the end of the Module are handouts that can be used both during the training and by community rights workers in their own outreach or sensitization in their communities. These include the following:
- Handout 1: Women and Inheritance
- Handout 2: Wills and Women
- Handout 3: If the Deceased Leaves a Will
- Handout 4: If the Deceased Does NOT Leave a Will

Total time: 8 hours
Customary Practices and Inheritance

Background Who Decides Inheritance

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 death. Sometimes customary leaders or family members make decisions about the deceased’s property that deny women and girls their equal rights to inherit property. The leaders or family members may not know what the law says about women’s and girls’ property rights or they may simply be following customs that have been present for generations. Remember that according to the Constitution, cultures or customs that undermine women’s dignity and their equality with men are not allowed.

Exercise What Happens When Someone Dies? (1.5 hours)

This exercise will promote discussion and draw out the differences between what happens under custom and under the law when men and women die. The exercise is also intended to gauge participants’ familiarity with inheritance law.

1. Introduce a fictional family, either by drawing a picture of the members or by listing their names and relationships. The family should have a husband, his two wives, one daughter younger than 18 years old, and one son younger than 18 years old.

2. Divide the participants into four small groups and give the following instructions:
   - Ask Group 1 to prepare a 5-10 minute role play showing what happens in the family in terms of managing property if the husband dies, especially issues of who does and does not receive property and where the wife and children will live. Ask the group to make sure that all the people who are usually involved in deciding about property or receiving property appear in the role play (even if some participants must play more than one part).
   - Ask Group 2 to do the same exercise but in the event that one of the wives dies.
   - Ask Group 3 to draw pictures of what happens when a person dies when s/he has written a will.
   - Ask Group 4 to do the same for a person who dies without making a will.

3. Have each group present their group work and have a discussion on the differences they see between what happens under custom and under the law as well as the differences when someone dies with or without a will. Ask the participants:
   - Why did characters in the role plays and pictures make the decisions they did?
   - Were there any decisions or actions that treated women differently from men or treated girls differently from boys?

Discussion Women and Inheritance (15 minutes)

1. Have the participants read aloud Handout 1, “Women and Inheritance,” with each person taking turns to read a different point.

2. Ask the following questions:
   - If a man and woman are not married but are living together, does the law recognize their claims over each other’s property or property they acquired together? What about if they are legally married?
   - Do women without children have a legal right to inherit property?

3. Invite the participants to ask questions.
Joint Property

Lecture  Bequeathing Joint Property
(15 minutes)

The Constitution gives women and men the rights to own property separately as individuals and to own property jointly with other people. Land, houses or other buildings, and businesses are examples of properties that people often own jointly.

It is important for friends, family, or spouses who acquire property together, especially land, to clearly decide if they wish to hold the property as one unit or whether they each have a defined share of the property.

How property was held during the deceased’s life affects how it may be lawfully distributed after death.

- Property the deceased owned by herself/himself may be disposed of according to her/his wishes in a will or by someone managing the estate.

- Property that the deceased owned jointly with someone else may automatically go entirely to the other owner if the parties owned the whole property together and not in shares.

- If the property was held jointly in common, it means that the owners had different shares. In this case, either owner has the right to say how her/his share should be distributed to beneficiaries in the case of his/her death.

Only property that the deceased owned may be given away or distributed.
Testate Succession and Wills

Lecture Making Wills (1 hour)

Testate succession is when the person who died (referred to as “the deceased”) had written a will describing how to divide her/his property. A person who is making or has made a will is called the testator. Persons making a will can choose who will manage their property after their death. This person is called the executor.

What Is a Will?

A will is a WRITTEN document made while a person is alive in which he or she gives instructions as to how his/her property and other affairs should be taken care of after death.

Sometimes a person will make an oral will by saying how s/he wants to have her/his affairs and property handled by stating these wishes out loud in front of witnesses. An oral will may not be accepted as valid in every circumstance. Witnesses may not remember clearly or may disagree with each other. Written wills are the most respected because the person can make her/his wishes known and record them so they cannot be disputed.

There are many good reasons to make a will. A will clearly expresses how a person wants her/his property to be distributed after death and uses the power of the law to support those wishes. Because the wishes are clearly expressed and written down, a person making a will can ensure that her/his property is distributed as s/he wants and not how others might want. A will can help avoid misunderstanding and maintain harmony among family members. Making a will helps a person to ensure that her/his family members receive shares of the property and are protected from persons who would try to grab that property from them. Parents can also write in their wills who they wish to care for their children and assign property to their children, to ensure that their children are well cared for.

Who Can Make a Will?

Every person, male or female, who is 21 years old or older and is of sound mind, can make a will. A person making a will must do so voluntarily and must be fully aware of what s/he is doing. People who are drunk or ill or otherwise not acting of their free will cannot make wills. People with mental health problems can also make wills during periods where they are lucid and understand what they are doing.

Rules for Making a Valid Will

1. A will must be in writing and signed or marked by the person whose will it is. This person is called the testator. If the testator is unable to sign or mark, then s/he can direct someone else to sign on his/her behalf in the testator’s presence.

2. The testator MUST sign or mark his/her will in the presence of two or more witnesses.

3. Both witnesses must be adults (i.e., older than 21) of sound mind.

4. The witnesses should not be beneficiaries of the will (i.e., people who will get something from will).

5. The two witnesses must both be present when the testator signs the will.

6. The two witnesses must see the testator sign the will.

7. If the will is more than one page, the testator should sign each page to guard against forgery.

8. The will must be dated to ensure its validity.
Remember that when making a will, a person can only give away property that belongs to her/him. The will cannot give away property that belongs to other people in the household or family unless the deceased and the other owners agreed that they each own shares of the property. In this case, the deceased’s will may give away her/his shares.

It is also important to ensure that there is proof of ownership of the property being given away. Proof of ownership may include land titles, sale agreements, log books for vehicles, an employment contract showing you are entitled to gratuity, share certificates, etc.

**What Goes in a Will?**

A testator has the right to make instructions as s/he wishes in his/her will, but as a matter of practice, wills contain the following:

- Personal details of the testator: full name, sex, age, date of birth, marital status, place of birth or origin, names of parents, clan and religion.
- If the testator was married, provide the name and personal details of the spouse and the date and venue of the marriage. If the testator had ever been separated or divorced, provide the date of divorce or separation along with available personal details of the former spouse.
- Names, ages, and dates of birth of any children and a note as to whether they are biological or adopted.
- Personal details of any other dependants.
- Clear and detailed description of the property.
- How the property should be divided among the beneficiaries.
- Guardians for minor children who will be responsible for looking after the children of the testator who are still younger than 18 years old.
- Aspects dealing with the burial.
- The name of the customary heir.
- The names of persons who owe money to the testator, and names of persons to whom the testator owes money. If the testator has debts to other people, the will should say how and when such people should be paid.
- Names of executor/executrix. This is a person whom the testator entrusts with implementing the will. The executor/executrix must be an adult and can be a woman or a man.
- The names and signatures of not less than two witnesses.
- A statement that the testator is of sound mind and is making the will without any coercion.

Note that where a person, by his/her will, disposes of property without reasonably providing for the maintenance of his/her spouse, children, or dependent relatives, these people may apply to the court (or someone may apply on their behalf) to seek payment from the deceased’s estate.

**Changing or Canceling a Will**

A will may be changed or canceled by the testator at any time before his or her death. The original will must be burnt, torn, or otherwise destroyed by the testator or some other person acting on the testator’s orders.

If there are significant changes in the testator’s life, for example marriage, divorce, death of a partner, or a new child, it is advisable to make a new will.
Custody of Wills

It is highly advisable that a person make at least three copies of his or her will. One copy of the will should be kept in a secure place like the High Court, the Administrator General’s office, a known bank or a law firm. A trusted friend or a relative may also keep a copy.

Interfering with a Will

Nobody (whether Local Council or clan leaders) has authority to implement the will of the deceased without first following all the legal steps mentioned above.

Only the court system can grant authority to implement the wishes of the deceased. Anybody who interferes with the property of the deceased before Grant of Probate (permission given by the court for the executor to carry out the will) commits a crime and may be prosecuted. It is illegal for anyone to tamper with or change the contents of a will.

Discussion How Wills Can Help Women and Girls (30 minutes)

1. Have the participants read aloud Handout 2, “Wills and Women.”

2. Ask the following questions:
   - Do you know anyone who has left property to a daughter or wife or who might want to leave property to a daughter, wife or other female relative?
   - Have you ever seen any resistance to daughters, sisters or other female relatives inheriting property? If yes, please explain.
   - How might children be better off if their parents made wills?

3. Invite the participants to ask questions.

Lecture How to Carry Out a Will after a Person Has Died (30 minutes)

See Handout 3 for the steps to follow to administer someone’s estate if s/he has left a will. The will should identify an executor who will carry out the steps of applying for permission to administer the estate, making a public announcement that s/he has applied for permission, and carrying out the will upon receiving permission from the proper authorities.
Intestate Succession

**Lecture Managing Estates When There Is No Will** (2 hours)

Intestate succession is when someone dies without making a will or where a court has declared the will invalid. This is very common in Uganda.

**Distribution of Property in Intestate Succession**

When there is no will, the law describes which persons may receive how much property. The law only allows for the following persons to receive property as beneficiaries:

- **Husband or wife/wives**: There must be a legally recognized marriage at the time of death. The husband and wife must have been living together for at least six months before the death. If there is more than one legal wife, the wives equally share the portion the law allocates to the spouse.

- **Children of the deceased**: Male AND female children born during marriage or outside marriage as well as any adopted children.

- **Dependent relatives**: Relatives who are completely or substantially dependent on the deceased.

- **Customary heir**: A person recognized by the customs of the tribe or community as being the deceased’s customary heir. The customary heir may be male or female.

- **Legal heir**: This is the deceased’s nearest living relative and takes the place of a customary heir if there is none.

The law also determines how much property each beneficiary may receive:

<table>
<thead>
<tr>
<th>Where a deceased person dies leaving a spouse, children, dependent relatives and a customary heir</th>
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<tbody>
<tr>
<td>Children</td>
</tr>
<tr>
<td>Spouse</td>
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<tr>
<td>Dependent relatives</td>
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<tr>
<td>Customary heir</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Where a deceased person dies leaving a spouse, dependent relatives, a customary heir but NO children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse</td>
</tr>
<tr>
<td>Dependent Relatives</td>
</tr>
<tr>
<td>Customary heir</td>
</tr>
</tbody>
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These allocations apply both when the deceased is a man and when the deceased is a woman. Similarly, all provisions and rules about leaving property to wives apply equally to leaving property to husbands.

The residential holding (the place where the family lives) and household property ARE NOT included in the property to be distributed according to these rules outlined. Surviving spouses and children have a right to stay in the home. Sometimes the residential holding is also called the “matrimonial home.”

When a person leaves a will, s/he may distribute property as s/he chooses and does not have to follow these allocations.

The following rights of widows and children are sometimes forgotten or violated in intestate succession:

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1. It is an offense for anyone to chase the widow or children out of the residential holding.

2. All children born both within and outside wedlock shall share equally in the children’s share of the deceased’s estate.

3. The widow(s) and the children (boys AND girls) have a right to stay in the home until any of the following happens:
   - In case of a widow, if she dies or remarries or ceases to occupy the house for a continuous period of six months, or if she consents to leave the house and voluntarily surrenders it.
   - In case of a female child, if she dies or reaches the age of 21, marries before attaining the age of 21, or if she ceases to reside in the house for a continuous period of six months.
   - In case of a male child, if he dies or reaches the age of 18, or ceases to reside in the house for a continuous period of six months.

4. Where a wife has been separated from her husband as a member of the household for a period of six months or more she will not automatically be entitled to share in the property of the deceased. She has to make an application to court showing that she was separated from the deceased with reasonable cause.

5. It is an offense for anybody to distribute the estate of the deceased without authority from a court of law.

Interfering with the Estate

Nobody (whether Local Council or clan leaders) can distribute or manage the estate of the deceased without first following all the legal steps mentioned above. Only a court can grant authority to administer the estate of a person who dies intestate.

Anyone who interferes/intermeddles with the property of the deceased before the court has given Letters of Administration commits an offense and may be prosecuted.

Procedure for Getting Letters of Administration

See Handout 4, which outlines the steps to administer the estate of someone who has not left a will. A close adult relative should apply for Letters of Administration, which give her/him permission to manage the estate. In managing the estate, this person must follow the law and not discriminate for or against heirs or dependents on the basis of sex.

Who are the Administrator General and Chief Administrative Officer?

The Administrator General is a public officer responsible for ensuring that estates of deceased persons are managed according to the law. The Administrator General sits in Kampala and is represented in each district by a Chief Administrative Officer (CAO) who handles business for the Administrator General’s office. The CAO recommends to the Administrator General persons who should be issued Certificates of No Objection, which allow them to get court permission to administer estates of deceased persons. The CAO may also hold family meetings to resolve disputes over distribution of property and give families advice about procedures to follow to manage estates lawfully.

The Administrator General:
- Receives reports of death
- Issues Certificates of No Objection
- Resolves disputes among beneficiaries or family members of the deceased
- Ensures that the rights of beneficiaries, especially minor children and widows, are not violated
What is the Community Rights Worker’s Role in Inheritance?

**Discussion  Your Potential Role in Inheritance Issues** (30 minutes)

Ask the group to list or describe what they can do as rights workers to help their communities in matters of inheritance and succession. Write their responses on the flipchart. Probe or make suggestions to ensure that the following roles are included.

1. Educate communities about the importance of making wills.
2. Help members of the community write a will.
3. Be a witness to wills if and when requested by people making wills. However, do not be a witness of a will that you have helped to draft.
4. Educate communities about the procedures to follow when a person dies with or without a will.
5. Assist people, especially widows and orphans, with obtaining the necessary documentation for processing Letters of Administration or Grant of Probate.
6. Assist people, especially widows and orphans, to follow up their cases in courts, with the Chief Administrative Officer, or with the Administrator General.
7. Provide advice and mediate in cases where there are family disputes about property division, ensuring that widows’ and orphans’ rights are protected.
8. Report any cases of interference in or mismanagement of estates to the police.

**Exercise  Giving Advice on Inheritance** (1 hour)

Now that the participants have a general understanding of testate and intestate succession and the roles and mandates of the courts and Administrator General, we will practice giving advice about inheritance problems using the case studies below.

1. Divide the participants into small groups. Assign each group one of the case studies.
2. Ask the groups to read through the case studies and determine what advice they would give the client and why. Emphasize that their role is to inform and explain about the law to help people reach their own decisions.
3. Have each group present their group work and ask the others for their feedback.
4. Use the Key Points for the Facilitator after the text of the case studies to ensure that certain points are covered in discussion.
5. Wrap up the session by correcting any wrong or misleading advice given.

**Case Study 1**

A meeting of MM’s clan members was held during MM’s last funeral rites. MM had two wives with whom he had a total of eight children. The legally married wife, Mrs. M, was chased away from hospital by the husband’s relatives and stopped from taking care of him. The second wife of MM, who was not legally married to him, was called in to look after him in the hospital. Four months later MM died. It was alleged that Mrs. M brought HIV/AIDS to the family.
During the clan meeting, the legally wedded wife and her four children were ordered to leave the matrimonial home. She was ordered not to take any property from the house. The clan meeting also ruled that the children of the wedded wife should not inherit anything of their father because of the crime committed by their mother.

Mrs. M has come to you for advice as a community rights worker. What advice would you give her?

(Source: Uganda Gender Resource Center's Training Manual for Anti-Violence Advocates, August 2007)

**Case Study 2**

J, an unmarried lady of 24 years, was the only daughter of her father who recently passed away. J’s father had written a will, and in that will he gave J some land. J’s three brothers and her uncles were not very happy that J got some land. They say according to their culture, women cannot inherit land. Moreover, they argue, J is bound to get married and might bring her husband of another tribe to take over their clan land, and they cannot stand such an abomination. J’s brothers and uncles are pressuring J to give up the land in exchange for some cows which, if she gets married, she can feel free to take with her to her new home. J’s uncles have threatened to disown her if she does not agree to their request.

J is confused. J is not about to get married but her uncles don’t believe her. She really wants to keep the piece of land her father gave her, but at the same time, she knows that she is supposed to respect her uncles.

She comes to you, seeking your advice as a community rights worker. How can she keep the land and still maintain ties with her brothers and uncles?

**Case Study 3**

Paul had been staying with Christine for 11 years, and they had four children, two girls and two boys. In their 11 years together, Paul and Christine acquired a lot of property including land, commercial buildings and houses. Most of the property was in Christine’s name though they managed it together. Just when they had made plans to go for a formal introduction ceremony at Christine’s parents’ home, Christine unfortunately died in a fatal accident. Christine’s parents have decided to take the four children to live with them. They say that because Paul and Christine were not married, he cannot get a share of her property.

Christine’s parents took over the property, claiming they needed it to help look after their grandchildren. However, they took the children out of the very good schools they were attending and put them in a local school nearby that’s not very good. At the same time the children complain to Paul that their grandparents mistreat them and do not give them adequate food or clothing. Also, Paul knows that Christine’s parents sold some of the property and bought themselves a car and opened up a shop.

Paul wants to know what he can do to get his children back. He also knows that if he can manage the property himself, he can take better care of his children.

As the community rights worker, please advise Paul.
Case Study 4

Mercy and Isaac were married according to custom about 30 years ago. Mercy does not think there is a marriage certificate. Before they were married, Mercy and Isaac used to live just outside of Kampala. Isaac worked in a store and Mercy worked part-time as a secretary. Shortly after their son was born, Mercy and Isaac moved back to the village. They built a house and started their own grocery store with the earnings they had made back when they lived near the city. Both of them worked there, and it was a good business. From the store’s earnings, Mercy and Isaac also bought four cattle and some chickens. They used the milk and eggs to sell in their store. Last year, Isaac became ill and had to stop working at the store. Mercy and Isaac gave the grocery to their son, Adam, who is now grown, but they still sell the milk and eggs to the grocery. After being ill for a long time, Isaac passed away last week.

Mercy has come to you for help. Her son, Adam, has taken the cattle (but not the chickens) to his own house. His wife milks them, and the milk is still sold in the store, but Adam does not pay any money for the milk. Mercy wants to have the cattle back and sell the milk to the store like she used to.

As a community rights worker, please advise Mercy.
Guide to Facilitator: Key Points to Draw from Case Studies

Case Study 1
- The law recognizes Mrs. M’s marriage to Mr. M because they were legally wedded. The law does not recognize the second marriage. Mrs. M is the rightful widow because she was legally wedded to Mr. M. The law does not allow mixture of marriages. That is, a man cannot marry under customary law, then marry another woman under Islamic law and/or another in church. The only exception to the mixed marriage rule is if only one woman is involved (for example, if a man marries a woman under customary law, he can also marry her in church or civil marriage).
- Mrs. M is entitled to inherit property of her deceased spouse. Even though Mrs. M had been separated from the deceased for four months prior to his death, the separation was not of her making but was forced on her by her in-laws. Furthermore, it is less than the six-month separation given in the law that would disqualify her from inheriting from Mr. M.
- It is against the law to chase a widow and the children out of the matrimonial home. In doing so, the relatives who did chase Mrs. M away could face punishment under the law. Mrs. M and her children have a legal right to stay in the matrimonial home.
- Because there is no mention of a will by Mr. M, Mrs. M should be advised to obtain Letters of Administration.
- Participants should be able to state the process for obtaining Letters of Administration.

Case Study 2
- Participants should be able to state the principle of gender equality enshrined in the Constitution. This principle means that daughters too are allowed to inherit land from their fathers.
- J has a right to the land her father gave her by will.
- People are not allowed to tamper/alter the will of a deceased to suit their purposes. If they are not happy with the way the deceased distributed property, they have to take this complaint to court.
- It is only the court that has the power to alter the contents of a will.
- Mediation between J and her uncles and brothers may be one way to resolve their tensions.
- If mediation fails, then the uncles and brothers can go to court to challenge the will if they wish to.
- Can anyone locate a copy of the father’s will?
- Are there any documents or certificates regarding the land in question?

Case Study 3
- In the strict legal sense, Paul is not a widower because he and Christine were not legally married. Cohabitation is not recognized as a form of marriage in Uganda.
- It was wrong for Christine’s parents to take over management of her property without the legal authority to do so.
- This legal authority to manage the property would come from Letters of Administration because Christine died intestate.
Paul, as the father of the children, can apply for Letters of Administration.

Participants should be able to explain the process for obtaining Letters of Administration.

By selling of some of Christine's property for their own use, Christine's parents have committed a crime called intermeddling and can be reported to the police.

Case Study 4

Mercy and Isaac bought the cattle jointly with money from the grocery store. Both Mercy and Isaac worked at the grocery store and contributed their own time and money to start the store. That means that some, if not all, of the cattle and the money from their milk belong to Mercy.

If Mercy and Isaac decided that some of the cows belonged to Isaac and some belonged to Mercy, the cows would be considered as being owned jointly in common. In this case it would be legal for the cows Isaac owned to be given to someone besides Mercy. If Isaac had left a will, he could have said who he wanted to receive his share of the cows.

Is there a will?

Did anyone obtain Letters of Administration or a Certificate of No Objection?

Are there any documents for the cattle?
Handout 1
Women and Inheritance

- According to the Constitution, women have the same right to inherit property as men. The Constitution says that women have the right to be treated equally with men and that women are equal in dignity with men.

- The Constitution bans any laws, customs, cultures and traditions that treat women unfairly or deny women the same opportunities as men.

- Women can inherit all kinds of property, including land.

- All women, regardless of their marital status or station in life, can inherit property and be named as heirs. This includes childless women, women with disabilities or living with HIV/AIDS, single women, women with only girl children, etc.

- The Constitution states that widows have the right to inherit the property of their deceased spouse and the right to look after their children if their spouse dies.

- For a wife or husband to have a legal claim to inherit a spouse’s property, s/he must either be legally married under one of the recognized forms of marriage in Uganda or mentioned in the deceased’s will.
Handout 2
Wills and Women

A good way to protect inheritance rights of women and girls is through wills. A will ensures that if the deceased person wanted to give property to women and girls, his/her intentions are clear and have the power of the law behind them.

- When making a will, a husband must ensure to make provision for his wife and for his female and male children. Otherwise the will can be contested. The wife must also make provision for her husband and children; otherwise the will can be contested.

- Women can be named as executors of property and/or can be given authority by the court to administer the estate of a person who dies intestate.

- Women have a right to make a will to give away property they own.
**Handout 3**

**If the Deceased Leaves a Will**

1. The will is read shortly after the deceased’s death but before burial, so that the deceased’s wishes for burial may be known. The will names the **Executor** – the person who will carry out the will.

2. The **Executor** obtains – a death certificate from a health facility and – a letter from the Local Council stating that the person died.

3. The **Executor** reports the death to the District’s Chief Administrative Officer (CAO) or Administrator General.

4. The **CAO or Administrator General** gives the Executor a Certificate of No Objection.

5. The **Executor** takes the Certificate of No Objection to a court to apply for permission to carry out the will. The value of the deceased’s property determines which court the Executor applies to:
   - Less than 200,000 UGX ➔ Magistrate II Court
   - Between 200,000 and 2 million UGX ➔ Magistrate I Court
   - Between 2 million and 5 million UGX ➔ Chief Magistrate Court
   - 5 million UGX or more ➔ High Court

6. The **Executor** places an advertisement in the newspaper that s/he has applied to court to carry out the will. Anyone who wishes to complain about the will must file a complaint with the same court within 14 days of the advertisement being placed.

7. If a complaint is filed, the **court** will hear the case and decide whether to carry out the will and how to carry it out.

8. If no complaint is filed, the **court** gives the **Executor** permission to carry out the will. This permission is called a **Grant of Probate**.

9. The **Executor** may then begin carrying out the will, including making an inventory of property, distributing property, and paying the deceased’s debts. Within six months of receiving the Grant of Probate, the Executor must file a true list of the deceased’s property with the court. Within one year of receiving the Grant of Probate, the Executor must file another list describing how the property was distributed. Once the will is carried out, the Executor must file a final report with the court. If the Executor does not manage the deceased’s property properly according to the will, other beneficiaries of the will may seek redress from the Executor in court.
Handout 4
If the Deceased Does NOT Leave a Will

A close adult relative should obtain a death certificate and a letter from the Local Council stating the deceased’s death.

The close adult relative uses the death certificate and letter to report the death to the Administrator General within 14 days of the death.

The Administrator General checks that
– the close adult relative is the proper person to have Letters of Administration
– the information given in the report of death is accurate
– there are no other persons with a claim to the deceased’s property

The Administrator General gives the close adult relative a Certificate of No Objection.

The close adult relative takes the Certificate of No Objection to a court to apply for Letters of Administration to manage the deceased’s property.

The value of the deceased’s property determines which court the close adult relative applies to:
- Less than 200,000 UGX → Magistrate II Court
- Between 200,000 and 2 million UGX → Magistrate I Court
- Between 2 million and 5 million UGX → Chief Magistrate Court
- 5 million UGX or more → High Court

The close adult relative places an advertisement in the newspaper that s/he has applied to court for Letters of Administration.

Anyone who wishes to complain about the applications for Letters of Administration must file a complaint with the same court within 14 days of the advertisement being placed.

If a complaint is filed, the court will hear the case and decide how to manage the estate.

If no complaint is filed, the court grants the close adult relative the Letters of Administration. The letters give permission to manage the deceased’s property. Now the close adult relative is called the Administrator.

The Administrator may then manage and distribute the property of the deceased.

Within six months of receiving the Letters of Administration, the Administrator must file a true list of the deceased’s property with the court.

Within one year of receiving the Letters of Administration, the Administrator must file another list describing how the property was distributed.

Once all the deceased’s property has been managed, the Administrator must file a final report with the court.