



WRI Action at the 57th UN Commission on the Status of Women 2013

The priority theme for the 57th Commission on the Status of Women to be held in New York 4 to 15 March 2013 will focus on the Elimination and prevention of all forms of violence against women and girls. WRI, along with hundreds of organisations working in this particular area, has prepared a statement highlighting the issues which has been of immediate concern.

It calls for, inter alia, the development of a protocol on the rights of widows which should encourage governmental action to improve their status ; the provision of criminal penalties for inhuman, degrading and life-threatening mourning rites and for any traditional or cultural practices which restrict the liberty, mobility and financial independence of widows; and the safeguarding of the families and dependents of widows and ensuring their rights are protected.



Image taken from Catholic News Agency:

<http://www.catholicnewsagency.com/news/holy-see-calls-attention-to-plight-of-rural-women/>



**Patsy Robertson
Chair, WRI**

There have been several academic studies of traditional widows rites in Africa. This is a welcome development as these studies underpin the increasing awareness by human rights and other organisations of the extent of the rituals which widows are made to perform.

By bringing the rigour of academic discipline to focus on an issue which a decade ago did not appear in all discussions or agreements regarding the human rights of women, this new development will give this still hidden issue the focus and support which it requires to engage national and international fora.

The studies, have and are being carried out in a number of areas in many countries in Africa. They strengthen the role of WRI and other organisations in placing this issue firmly on the agendas of the United Nations, the Commission on Human Rights and the States parties which have signed up to many conventions which cover action relating to human rights.

In this issue we have summarised some of the interesting and detailed studies which have increased our knowledge of these widespread practices. There are also reports by news organisations and bloggers of the continuing tragedy of India's widows.

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ABOUT WRI

HELP WRI



WRI Statement for 57th CSW in New York March 2013

"Promoting a better and fairer future for widows"

BACKGROUND

Article 1 of the Declaration on the Elimination of all forms of Violence against Women defines violence against women as *"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"*.

However, one category of women, namely widows, continues to suffer high levels of discrimination, irrespective of culture, religion, ethnicity, economic status or education. They are excluded from communities, forced to marry a relative of the dead husband, and may have to endure harmful mourning rites. Between 15 and 20% of widows are under the age of 45, have young families to look after, or are caring for elderly parents; the violence experienced by such widows affects the whole family.

Article 4 of the Declaration on the Elimination of all Forms of Violence against Women states that: *"States Parties should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination."*

The Commonwealth, in its Equality Plan of Action 2005-2015 recognised that *"Approaches to gender-based violence have often failed to recognise the special predicament of widows . . . who may be especially vulnerable due to their economic and social circumstances. There is evidence that widows of all ages are abused through traditional practices which include discrimination in inheritance and property ownership. . . Integrated approaches undertaken by all relevant agencies are required, underpinned by comprehensive laws and policies, monitoring and enforcement systems, and mechanisms to ensure accountability for implementation."*

Only one of the General Recommendations made by the Commission on the Elimination of all Forms of Discrimination Against Women (CEDAW) mentions widows (Article 16(1)h), in the context of inheritance rights: *"Often inheritance rights for widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished."*

Article 20 of the Protocol to the African Charter on the Rights of Women in Africa does make specific reference to Widows rights: *"State Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:*



that widows are not subjected to in-human, humiliating or degrading treatment;

that a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;

that a widow shall have the right to remarry, and in that event, to marry the person of her choice.

THE CHALLENGES

Despite numerous provisions in international instruments protecting the rights of women, in many communities the rights of widows are disregarded. For instance:

Widows cannot inherit land and property as male inheritance laws still prevail. Widows are often violently evicted from their homes and land by clan members or husband's relatives. These unequal property rights hinder development by contributing to low agricultural production, food shortages, underemployment, and rural poverty;

Widows can be stripped of their homes and belongings;

Widows may lose the right to remain unmarried or protect themselves from forced marriage to a close relative of the husband;

Widows may lose custody of their children;

Widows may lose their place in society, they are denied access to medical care or protection as they become socially and financially isolated.

Impact of HIV/AIDS

The HIV/AIDS pandemic has contributed to the increased numbers of widows worldwide, particularly young widows and child widows. HIV positive

widows face discrimination and those free of HIV/AIDS but whose husbands died of the disease are forced to leave the marital home. Current inheritance laws leave most widows without the economic means to support themselves and their children.

In Africa widows are forced to undergo humiliating and life threatening cleansing rites from which they can contract HIV and other STDs. These rites traditionally involve having sexual relations with a male relative to cleanse them of the shade of their dead husband and to protect the village. A new and worrying phenomenon is the use of professional cleansers – men who do this either out of duty (e.g. as village headman) or for payment.

Land, property and inheritance Challenges

In 2005, the UN Commission on Human Rights, adopted the Resolution on Women's equal ownership of, access to and control over land and the equal rights to own property and adequate housing. This urges States Parties to ensure women are given equal rights to own and inherit land, to adequate housing and urges States to reform the law so that women are given access to the economic and technological means to improve access to markets. However, discrimination persists as the law is not put into practice. Widows continue to be excluded, subjected to violent abuse by their in-laws who force them to leave the marital home. Even in communities which do recognise inheritance rights, widows are threatened with violence, ostracised and disowned by their families if they do not sign over their rights.

Forced marriage

Article 1 of the Supplementary Convention on the Abolition of Slavery states



that States should take all measures, including legislation to abolish: **"(c) Any institution or practice whereby:**

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person;..."

However, in many countries forced marriage continues to be the norm, especially for young widows. Widows who refuse to be inherited by a male relative of the deceased are persecuted (regularly beaten or emotionally blackmailed, expelled from the community). Agreement brings other traumas. The widow becomes little more than a slave for the rest of the family, especially in polygamous households.

Impact on Family

The children of widows also suffer social exclusion, having to assist their mother financially. They are withdrawn from education, have to work at early ages (sometimes as street children) and sometimes, in the case of girl-children, forced into early marriage, prostitution or worse so that the family can make ends meet.

Inhumane and Degrading practices

In addition to their rights being disregarded, widows in many traditional communities, may suffer inhumane, humiliating, and life threatening mourning practices such as:

being forced to undergo horrific cleansing rites;

being forced to drink water used to wash the husband's body;

being forcibly shaved;

being obliged to spend up to a month without bathing or changing their clothes, eating food placed on the floor for them;

living in isolation, their freedom of movement curtailed for long periods, which means they cannot support their children either emotionally or economically;

being accused of causing their husband's death (especially if the husband died of HIV/AIDS); and this may lead them to be accused of witchcraft.

RECOMMENDATIONS

WRI recommends that the Commission on the Status of Women develop a Protocol on the rights of widows. This could draw on both the General Recommendation and Protocol to the African Charter (see above).

Such a Protocol:

must encourage community leaders and civil society groups to engage with government to improve the situation of widows.

must include must provide for criminal penalties for inhuman, degrading and



life-threatening mourning rites and for any traditional or cultural practices which restrict the liberty, mobility and financial independence of widows. must also safeguard the families and dependents of widows and ensure their rights are protected.

WRI recommends that the Commission on the Status of Women and the Human Rights Commission should require that all States Parties submit information on the status of widows' rights when presenting their country reports.

WRI recommends that clauses promoting the rights of widows should be included in all human rights Protocols and that all instruments relating to gender-based violence should include specific provisions relating to violence against widows of all ages.

WRI recommends that national governments should be encouraged, when developing legislation and in particular women's rights legislation, to engage with widows as part of any consultative process.

WRI recommends that all national governments should be required to record statistics on widows when they provide population statistics to General Assembly, the Economic and Social Council and the Commission on Population and Development.

Widows Rights International
November 2012

STATEMENT SUPPORTED BY

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FORWARD

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NATIONAL ALLIANCE OF WOMEN'S ORGANISATIONS

Women's Resource Centre, Ground Floor East, 33-41 Dallington Street,
London, EC1V 0BB, UK

WIDOWS IN DEVELOPMENT (WiDO)

84 NZA Street, Enugu, Enugu State, Nigeria

WORLD YOUNG WOMEN'S CHRISTIAN ASSOCIATION (World YWCA)

16 Ancienne Route, CH-1218 Grand Saconnex, Geneva, Switzerland

WOMEN IN LAW SOUTHERN AFRICA (Malawi)

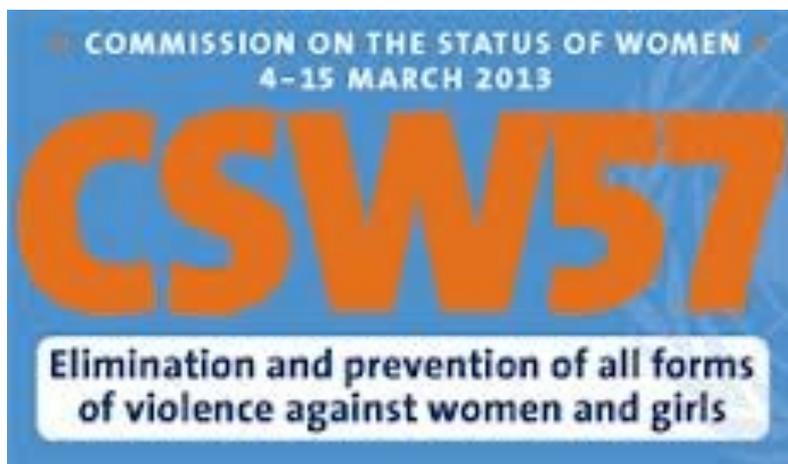
Malawi National Office, Private Bag 534, Limbe, Malawi

WOMAN OF PURPOSE,

PO Box 300, Pallisa, Uganda



WRI Advocacy in New York



WRI will be well represented at next year's Commission on the Status Of Women, where they will be meeting with organisations working for widows rights from Asia and Africa and will be co-sponsoring meetings at the UN to ensure that widows rights are an integral part of the campaign to eradicate violence against women worldwide.

The Commission (CSW) is a functional commission of the United Nations Economic and Social Council (ECOSOC). It is the principal global policy-making body dedicated exclusively to gender equality and advancement of women. Every year, representatives of Member States gather at United Nations Headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and women's empowerment worldwide.

The Commission was established by ECOSOC resolution 11(II) of 21 June 1946 with the aim to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. The Commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights.

More details about the Commission and its work is available at:
www.un.org/womenwatch/daw/csw/index.html



Academics look deeper into the harmful practices against Widows In Africa

Many articles have been published this year by academics at such institutions as the University of Toronto, Canada, Chicago State University, USA as well as other Universities in Nigeria, on the issue of Widows Rights and the cultural rituals they are subjected to, which ultimately leads to their expulsion from their homes and villages.

The first study *Healing Bereavement through Rituals: A Review of the WepaWanno Widowhood Purification Practices* by Professor Michael Onyedika Nwalutu of the University of Toronto, Canada explores the traditional widowhood rites in WeppaWannoland, which is on the western side of the Niger river. According to Professor Nwalutu this area has extensive purification rituals designed to heal bereavement and he documents the critical role of indigenous bereavement rituals on the health and recovery of widows. The full study was published online in July 2012 , *Sociology Mind* 2012. Vol.2, No.3, 313-324 (www.SciRP.org/journal/sm).

The next article published in the Forum on Public Policy called *The Perpetuation Of Injustice Against Women: Reflections On Widowhood: Practices In Africa And The Task Of The Writer In Challenging The Status Quo* was written by Professor Christine N. Ohale, Depart-

ment of English, Foreign Languages and

Literatures, Chicago State University. In this article she states that the problems of widowhood across much of Africa are neglected in literary discourse and indicates that it is like death, a taboo subject.



The article deals with the customs of the Igbo and their religious belief. She maintains that the widowhood practices have their roots in the low status of women generally in this society with no rights to inheritance or land ownership.

The article details the extensive range of rites which the widow is forced to undergo and the author states "that the perpetrators of these barbaric widowhood rites are unmindful of the extent of the widows' human rights violations as these cruel treatments are reserved for widows, and widows only".



This detailed report is a valuable document which provides full information on the need for organisations such as WRI to continue their work to support widows. Available at:

www.forumonpublicpolicy.com/vol2012.no1/archive/ohale.pdf

A research investigation of violence against women in the western part of Nigeria has been published in the African Journal of Social Sciences by Rashidi Akanji Okunola and Matthias Olufemi Dada Ojo at the Department of Sociology University Of Ibadan, Nigeria and Department of Sociology, Crawford University of the Apostolic Faith Mission, Igbesa Nigeria.

It deals with a spectrum of abuses against women including domestic violence, emotional and psychological abuse, sexual harassment and rape, trafficking and places widowhood rites firmly in this category of abuse.

This important article documents the range of abuses which women, not only widows suffer globally and that available research shows that there "is a persistent problem which needs persistent confrontation." (The full paper is available at www.sachajournals.com ISSN 2045-8460 Online).

The fourth article, looks at policy responses to widowhood rites in Ogun State, Nigeria and was published in the

American International Journal of Contemporary Research Vol. 2 No. 5; May 2012 written by Doctor Tayo O. George, PhD of the Department of Sociology, Covenant University, Ogun State Nigeria. The paper takes into account reports from organisations such as UNDP and UNICEF as well as the United Nations Beijing Declaration and Platform for Action (1995), which highlight that "Human rights and fundamental freedom are the birth right of all human beings, their protection and promotion is the first responsibility of Governments".

The study recommends that "gender equality policies and frameworks that positively affect women especially widows should be formulated to guide existing cultural widowhood practices that infringe on the fundamental human rights of widows".

The study also recommends that "women themselves should be active participants in issues relating to the enforcement of their fundamental rights. In as much as widowhood practices are considered as cultural practices transferred from one generation to another, obnoxious widowhood rites that traumatises and devalue women emotionally and psychologically should be abolished."

This paper is available at www.ajcrnet.com



The Plight of India's Widows



Three reports have highlighted the situation which India's estimated 40 million widows who are expected to mourn for the rest of their lives.

Guest Bloggers Sara Barrera and Eva Corbacho for Women Under Siege website, part of the Women's Media Centre, highlight the current issues surrounding widows in India and quote Mohini Giri, director of the Guild of Service based in Chennai who's comments are included in the article: *The ongoing tragedy of India's widows* in which Giri claims that widowhood "is a state of social death, even among the higher castes".

Hand prints representing royal widows who were 'strongly advised' to undergo the practice of Satī. The tradition is very rare and banned in India, though the custom is still practiced. (image: alexleo13 / flickr)

This article along with *'Women Face Sexism and Sexual Violence in the 'City of Widows''* written for the Urban Times online magazine (available at <http://urbantimes.co/2012/08/women-face-sexism-and-sexual-violence-in-the-city-of-widows/>) and *"Shun the sight of a Widow"* available on the Worldpulse website at <http://worldpulse.com/node/58084> also explore the custom of forcing widows to wear white, part with their jewellery, and more conservative traditions even demand widows shave their heads. Thousands are forced to leave their families and seek refuge in Vrindavan, about 90 miles (145 kilometers) south of New Delhi. The "city of widows," as it is known, is where more than 15,000 widows live in order to worship Krishna and search for spiritual salvation.

According to Meera Khanna, a trustee of the New Delhi-based Women's Initiative for Peace in South Asia, and a contributor to of a book called *Living Death: Trauma of Widowhood in India*, this is designed so as discourage male sexual desire.

The articles provide detailed descriptions of the situation which widows in India currently face, and offer a horrifying picture of the high level of abuse which is their fate in Vrindavan, where they have sought refuge. They are raped, forced into prostitution and suffer daily from being a widow and a woman. The articles highlight the high level of sexual exploitation of many younger widows forced in to prostitution to earn money for the temple.

The full article is available at www.womenundersiegeproject.org/blog/entry/the-ongoing-tragedy-of-indias-widows)



ABOUT WRI



Widows' Rights International supports organisations in sub-Saharan Africa working for social justice and human rights for widows including:

- ◆ Right to keep their home and property
- ◆ Right to inheritance and land ownership and possession
- ◆ Right to keep their children
- ◆ Right not to be forcibly married to the dead husband's kin
- ◆ Right to work outside the home

PLEASE SUPPORT OUR WORK!

Go to www.widowsrights.org and press the button to help us help these disadvantaged women in their struggle for their basic human rights.

WRI works:

- ◆ to promote the recognition of widows' special vulnerability
- ◆ to combat negative social attitudes which lead to their isolation, exploitation and poverty
- ◆ to bring these practices to an end:

WRI mobilises action by:

- ◆ International organisations
- ◆ National governments
- ◆ Legal and other civil society organisations



Yes, I want to support WIDOWS RIGHTS INTERNATIONAL' s struggle for social justice for widows in sub-Saharan Africa.

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