



Widows' Rights International

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MESSAGE FROM THE CHAIR

WRI – Chair's Report, October 2008

During the past year, WRI has undertaken a thorough review of its objectives and capabilities in order to meet the new challenges which now confront us. This is due to an unprecedented increase in the requests for partnership arrangements with groups, particularly in Africa, as the advocacy for widows rights which we and other organisations have spearheaded, have energised people in many countries to work to improve the condition of widows and their children.

This pressure on us coincides with a definite contraction of the numbers of trust or foundations and in the financial support which they have provided to organisations such as WRI. That is why we are making a special appeal for donations, however small, from all our supporters. Below is an example of our new material which we now include in all our publicity and funding initiatives.

At the same time we are appealing for help with a project to collect data on the numbers and condition of widows in a selected group of countries. The parameters of the project are set out below and we would welcome any relevant information from our subscribers.

Patsy Robertson, Chair
October 2008



Dear Friends,

Imagine

Your husband dies...

His family claims your house as their property

They seize the land you once farmed and all of your belongings

They claim the assets you worked hard to earn

You no longer have enough money to feed your children

You cannot afford to keep your children in school

You are raped by your brother-in-law as an act of ritual 'cleansing' and risk becoming HIV positive

You are considered bad luck, a witch and rejected by your community

Just imagine if this is ignored

You have nowhere to go and no-one to turn to

This is the reality for women and girls in many parts of the world.

Imagine their need for help

WRI takes a dual approach, working at grassroots and international levels to help this ignored segment of society.

Widows' Rights International is re-launching and needs your support through donations. To find out how to donate, please follow this link to our new web-site <http://www.widowsrights.org/>.

We would appreciate it if you could forward this appeal to ten other people in your contact list.

Imagine what we could achieve with your support.

DATA GATHERING INITIATIVE

Help requested from WRI Newsletter readers

WRI is currently compiling information about the situation of widows in a number of African countries so that we can provide

- a coherent picture of abuses of their rights and the underlying causes of such abuses which can be tackled by legislative remedies;
- a series of case studies illustrating the response of the legal system – both positive and negative – which can be used to demand changes in legislation
- a well documented picture of the commitment made by governments to ending abuse of widows human rights – both as signatories to international conventions and as repositories of laws which can be used to protect widows subject to abuse; analysis of such laws as do exist, and the why they fail to protect widows; analysis of implementation mechanisms and their weaknesses
- an analysis of census categories and the reliability of the data censuses provide on the numbers of widows
- a good picture of the work of community groups (CBOs), non-governmental organizations (NGOs), and human rights lawyers in establishing wide public recognition of the right of widows to home, children, livelihood and social respect.
- Clearly thought through ways ahead to end abuse of widows' right to respect, social support and comfort after the death of a husband.

Initially we are aiming to assemble dossiers on these themes on four countries: Malawi, Kenya, Ghana and Uganda.

Our urgent request to WRI Newsletter readers is to send us information relevant to any one or more of these six areas for one or more of these four countries – whether this comes from your own research or that of others, newspaper accounts, from attending court cases or indeed representing

widows at court, from recent changes in the law or the application of the law. You will know that over the past 4 years we have published a number of accounts of the appalling injustices suffered by widows, but also inspiring account of how widows are collectively combating prejudice and outmoded customs.

We give a few examples below of the type of information we are urgently seeking.

Do national censuses give us an accurate picture of the number of widows

Excerpt from an analysis of 1989 Kenya census.

(We found) two major inconsistencies in our thinking on widows and their categorization in censuses: First, we found that African widows, specifically those of the Luo ethnic group, do not fit the standard census definitions of marital status. We found that inherited widows are not systematically designated as married or widowed in the census, which can lead to false estimates of current and ever widowhood.

Second . . . widows do not always conform to the stereotypical image of elderly, celibate, non-productive dependents. Luo widows are often young, independent family managers and providers with more resident children to care for than married women. This autonomy is coupled with less support from attendant men, however, which appears to translate into lower economic status, as widows are concentrated in lower-income farm work and have poorer housing than married women. In particular, inherited widows have an attendant male in the inheritor, although he does not appear to offer much in terms of economic support . . . Current widows have no formal form of male support. Consequently, widows signify a large proportion of women who may be socially and economically neglected.

What do census figures tell us about the comparison between widows and widowers

Excerpt from Broken Bodies - Broken Dreams: Violence against Women Exposed

All over the world, women live longer than their partners. Some forms of violence against older women are based on cultural practices that specifically target widows, who are often regarded as insignificant without their husbands. While widows of all ages are subjected to mistreatment, older widows can be particularly vulnerable when their age lowers their status in the community and makes caring for themselves more difficult.

In many countries, including Azerbaijan, Burundi, China, Ethiopia, India, Lithuania, Malaysia, Russia, South Africa and Sudan, over half of the women over age 60 are widowed. In 15 out of 16 countries listed in a 2002 report on the state of the world's older people, between 5 percent and 25 percent of men over age 60 are widowers, whereas 35 percent to 65 percent of women over age 60 in the same countries are widowed, a huge discrepancy. The same is reflected throughout Asia: More than 50 percent of older women and only 13 percent of older men are widowed.

To what extent are governments and the judicial system in breach of commitments made in international protocols or conventions.

Excerpts from a report on the responsibilities of judicial and extra-judicial Stakeholders in upholding /implementing the law.

Breaches of the right to women's real property

The Protocol on the Rights of Women in Africa recognises women as responsible for the development, access and control of productive resources such as land, and the guaranteeing of such properties. Provisions of laws in force in many countries, especially the constitutions, grant the right of possession of land to citizens as a fundamental human right. However, the acquisition and the enforcement of the right to property by women in African countries are often fraught with problems or obstacles. Any kind of obstacle related to a woman's socio-economic status makes the enjoyment of this right difficult.

Two cases forming part of conflicts reported to Benin and Burkina Faso by women prove certain aspects of the problem. In July 2003 in Benin, a 37-year-old woman was swindled by a 39 year-old farmer. Setting himself up as the landlord, the farmer sold the land to the victim who paid him an amount of 250,000 FCFA. He took her to an already sold property and gave her a property agreement bearing other names. The woman found out later and reported the case to the Allada police station. In 2003 in Burkina Faso, a woman bought a plot of land and paid two million CFA for it. The landlord then refused to give her the title deed which confirms her right of possession of the said plot. To make it worst, he sacked her. The poor woman referred the case to the public prosecutor's department of Ouaga. In these two cases, women are faced with difficulties to materialise their rights to possession of lands they had acquired due to their inadequate social status which makes them particularly vulnerable to acts that aim at denying them of this right. They are considered incapable of possessing real properties. Moreover, their inadequate education prevents them from having the knowledge on how to negotiate effectively and in partnership as illustrated in the example from Benin.

A great number of conflicts brought about by violations of the rights of women have been resolved informally by extrajudicial actors like traditional and religions leaders. The actors must take up the challenge of reconciling in

their professional and public lives, the traditional and communal values which they grew up with and the current demands which advocate adherence to values which are essentially individualistic and egalitarian. In exercising this role of conflict resolution they quite often come out with solutions which manifest their conscious or unconscious adherence to traditional values.

How can old traditional customs be changed without widespread, government supported public education campaigns.

Excerpts from a newspaper story about the sex "cleansing" of widows (Malawi)

Ms. Nsofu, the nurse and AIDS organizer, argues that it is less important to convince women ... than the headmen and tribal leaders who are the custodians of tradition and gatekeepers to change.

"We are telling them, 'If you continue this practice, you won't have any people left in your village,' " she said.

She cites people, like herself, who have refused to be cleansed and yet seem perfectly sane. Sixteen years after her husband died, she argues, "I am still me." Ms. Nsofu said she suggested to tribal leaders that sexual cleansing most likely sprang not from fears about the vengeance of spirits, but from the lust of men who coveted their relatives' wives. She proposes substituting other rituals to protect against dead spirits, like chanting and jumping back and forth over the grave or over a cow.

Like their counterparts in Zambia, Malawi's health authorities have spoken out against forcing widows into sex or marriage. But in the village of not far from the nation's largest city many remain unconvinced.

Evanse Joseph Fundi, a 40-year-old headman, is courteous, quiet-spoken and a firm believer in upholding the tradition.

While some widows sleep with male relatives others ask him to summon one of the several appointed village cleansers. In the native language of Chewa, those men are known as fisis or hyenas because they are supposed to operate in stealth and at night. Mr. Fundi said one of them died recently, probably of AIDS. Still, he said with a charming smile, "We cannot abandon this because it has been for generations."

Educating Men of Influence to bring about change at the local level

Excerpts from a report on workshops for village chiefs and elders on new property laws, Ghana

In three communities a workshop on property law was held from 9 am to 11 am. And at each workshop attended by the chiefs, community men and women, the facilitator introduced the topic to the participants, telling them the findings of the research on the causes of poverty among widows, after

which widows shared with the community their experiences when their husbands died.

At one location a widow spoke of how she was driven out of the house she and her husband had built and she had to sleep under a tree for three months. Another woman could not control her tears as she spoke of how she and her children were maltreated; she said her children refused to eat food for four days.

A young widow confessed how a young man was seriously looking at her when they stripped her naked. She asked the man why he was looking at her and the young man said he felt bad for her. Another widow said she refused to strip naked at her husband's first funeral. Afterwards almost everybody in the village was against her saying she had committed adultery and killed her husband and that was the reason she refused to strip naked. So during the final funeral she had to strip naked. One widow told of her pain when her children saw her nakedness at the funeral of her husband.

The chiefs, community elders then attended further workshops where they learned about the laws prohibiting mistreatment of women and children. One chief and his elders agreed that from that day of the workshop onward they would not allow certain things such as stripping widows naked during funerals and forcing them to drink the water their husband's body was washed in. They also agreed that the widow and her children should get the husband property and when a widow's daughter gets married, a portion of the dowry (the cows) should be given to the mother.

Although this was the only village that took immediate action to stop some of these widowhood practices, the other villages asked that we give them time to think about what they should do. There was no doubt of how badly they felt about the exposure of these abuses.

(Editorial note: Ghana is the only country in the world that has attempted to eliminate degrading and harmful widows' mourning rites by legislation. The 1989 amendment to the Penal Code criminalises the acts of any person who compels a widow to undergo any custom or practice that is cruel, immoral, or grossly indecent. But no one has ever been arrested and brought to court under this law; it is difficult to see how an illiterate and marginalised rural widow could realistically use this amendment even if she was aware of it. However, the existence of the law provides leverage for action and possibilities in the future for some collective action. . .)

A five point plan of action to gain inheritance rights for widows

Excerpt from UNAIDS study, summarized as footnote in Widows, Aids, Health and Human Rights in Africa, Vanessa Von Struensee

At the global level, the Convention on the Elimination of All Forms of Discrimination Against women (CEDAW) has focused on equality in property

as one of its important directives and a number of United Nations initiatives have also focused on the issue and passed a number of resolutions. At the country level, three types of legal change are necessary: amending laws, increasing legal literacy, and recording women's share of property – which is especially important in South Asia and sub-Saharan Africa.

While many countries have made efforts to review and reform relevant law – constitutional, marital, property, family and equal opportunity, translating these laws from theory into practice at community level remains a challenge. Several countries have established paralegal services to help women pursue and defend their property and inheritance rights. Related to this are community and national-level activities involving the training of traditional leaders, community and women's groups and professionals including lawyers, judges, registrars and police. Although such activities are considered generally successful, there are concerns about ensuring sustainability and uniform standards. Successful action will focus on five key areas:

- Documenting women's land and housing rights and tenure security in high HIV/AIDS prevalence areas
- Raising public education and awareness, especially among national policy makers and donors.
- Reforming legislation, including customary law and practice
- Identifying strategic litigation opportunities, especially improving legal skills, establishing legal precedents through test cases, improving the court system, and ensuring women's access to legal structures and processes
- Identifying and supporting experimentation within communities to change economic and institutional arrangements including initiatives that seek to support the collective ownership or lease rights to land and establishing land trusts for AIDS orphans

"A step toward gender equality would begin with a recognition of the autonomy and independence of women and a re-examination of the rationales for the various widowhood practices in light of changing economic, social, and political circumstances. The solution must include an abolition of those practices considered inhuman and degrading burial rituals, and a recognition of the rights of widows to inherit those properties falling outside the class of family property."

Uche U. Ewelukwa, *Post-Colonialism, Gender, Customary Injustice: Widows in African Societies*, Human Rights Quarterly 24 (2002)

NEWS FROM AFRICA

Study of Widows Rights in Eastern Uganda

The growth in Asia and Africa of community based organisations dedicated to tackling the violations of the human rights of widows is now an important result of the work which organisations such as WRI have been engaged in for the last decade. This has also led to an increase in the studies undertaken on the situation of widows in rural areas many countries and these have exposed the deep-rooted cultural basis of the human rights violations which mar the lives of widows and their children.

A recent thesis on the challenges facing widows with regard to their right to property control and ownership in two districts in Eastern Uganda has been sent to WRI by the author, Stuart Bigirwenkya, the Executive Director of the Lake Albert Children's Women Advocacy and Development Organizations (LACWADO). LACWADO caters for the concerns, needs and strategic interests plus aspirations of more than 64,823 people Buliisa District. and is involved in community mobilizing and organizing, training, and policy dialogue, advocacy and lobbying for socio-economic structural reforms that enhance development at community level.

The abstract of the study states that the objectives were to investigate the causes of violation of property rights of widows, find out the coping mechanisms by the widows and offer durable solutions to the full realization of widows' property rights. The study used a comparative research design, comparing Mukono and Bushenyi districts.

Both qualitative and quantitative research methods of data collection were employed, for example, in depth interviews, observation, questionnaires and focus group discussion. The population category or population of concern included widows and key informants. Different sampling techniques were used for the different population categories.

The findings indicate that negative community attitude towards widows and lacks of protective laws are greatly responsible for the violation of widows property rights. In the same respect it is indicated that appeasement policy is the major strategy or coping mechanism used by the widows.

The study recommends the following in order to uplift the rights of widows.

- i) Enactment of specific law on widows property rights
- ii) Intensive community sensitization on the legal rights of widows.

The study also pinpoints the differences between districts with one registering higher cases of abuse of property rights of widows and land being

the major form of property that is greatly under abuse. There are also specific questionnaires which can be useful for data gathering in other regions.

Witchcraft accusations against older women – mainly widows - defenceless because of social attitudes.

From "Broken Bodies - Broken Dreams: Violence against Women Exposed.":

Witchcraft accusations ... result in violence against older women in some African countries. In Tanzania, an estimated 500 older women are murdered each year because of witchcraft claims. In Mozambique, more than 90 older women were victims of violence in one month, the majority a result of witchcraft allegations. When communities cannot find logical explanations for events, such as a death or crop failure, they may accuse older women in their village of witchcraft.

Such accusations might be used to justify driving an older woman from her home, stealing her possessions or killing her for her property. Ntombama Mlalazi, a 62-year-old widow, was accused of being a witch in her village in Zimbabwe and ordered to submit to an exorcism by her local chief. "People were dying, and *tsikamutanda* [witch hunters] said I was responsible. They made me crouch over a bucket with boiling water and covered me with a blanket. When I cried out the steam was hurting me, I could hear the *tsikamutanda* saying the demon was leaving.

NEWS FROM ASIA and the Middle East

Housing Widows in Iraq

According to the Washington Post, in July the Iraqi Government set up a community of 150 trailers in Kadhimiyah neighbourhood of Baghdad to house the increasing number of widows and children who have lost their husbands and fathers in the war. Noria Khalif Abdullah, one of the women living in a trailer with her five children, lost her husband in Basra when he was tortured and shot dead because he was Shiite. Noria initially stayed with her parents, but after spending a year in a house inhabited by more than 25 people, she was forced to move to the park full of metal-walled trailers. Due to the government's oversight in providing the trailers with basic electricity and water, a number of widowed families have had to move to the surrounding empty houses, risking their safety and lives.

To see the full article and photographs, go to:

<http://www.washingtonpost.com/wp-dyn/content/article/2008/09/14/AR2008091401989.html>



Source: www.washingtonpost.com

The Forgotten Women – A Documentary by Deepa Mehta

Director, Deepa Mehta, has followed up her Oscar-nominated film, *Water* with a documentary on the same subject of widows in India. From an article on Bloomberg.com, David Hamilton, the Producer of both films, said that viewers of *Water* were skeptical of the portrayal of widows in India. "Audiences tended not to believe it," he said. "They found it too far a reach for them."

The Forgotten Women documents the plight of the many widows in India who are forced out of their homes, shunned by their communities and trapped in a life of begging and isolation. The film compares the experiences of widows living in urban versus rural environments and notes the differences in the lives of widows today and widows in the past. *The Forgotten Women* shows that even with an improved situation for widows in India over the years, millions of widows still face stigma and exploitation and are denied their fundamental human rights.



Sources:

http://www.telefilm.gc.ca/data/production/prod_4973.asp?lang=en&cat=lm&y=2007
<http://www.bloomberg.com/apps/news?pid=20601088&sid=aaOJu4iNe2bA&refer=muse>

WHITE RAINBOW – a film on widows to raise funds for humanitarian and women's issues

A feature film which deals with the how shunned and stigmatised widows in India are overcoming obstacles and emerging empowered has been made to kickstart a campaign to support humanitarian and women's issues around the world. The film was made by an independent production company based in North San Diego County, California. **WHITE RAINBOW** (www.whiterainbow.com) is on DVD and will be sold and WRI will be given a portion of the sales of the DVD to WRI supporters.

The film informs and inspires people to take action against the inhumane treatment of widows in India, while at the same time it can help raise much needed funds for groups dedicated to changing the world. Until we are able to provide a direct link on our web page, it would be helpful, if you purchase the DVD, that you mention that you wish a donation to be made to WRI

PENSION RIGHTS FOR WIDOWS

The appalling saga of a struggle by the widow of a junior government official in a State in India has been sent to us by a correspondent. It concerns the application by a widow left with two children whose husband died in 2005 in service and who was entitled to a State pension. In August this year, the Government sanctioned a partial amount towards the arrears which had by now accrued, but there was no indication that she was still eligible for a full family pension and other benefits to which she is entitled. This particular widow is now in severe financial difficulties and has spent the past year visiting Government offices which have so far been unable to sanction her pension. Her petitions which detail the harassment and difficulties which she has faced have so far failed to change her situation and despite her dire financial situation, she appealed to a higher tribunal which deals with matters relating to government service. The Tribunal directed the

Government authorities to disburse the benefits with a given period, this was not done and the widow has now taken the Government to court for contempt. A final judgment has not been communicated to us, but this tale is symptomatic of the violations of the rights of widows in many countries. Despite Government laws and court judgments, widows are still denied their rights because it culturally permissible to take such action.

African Centre for Gender and Development

The photograph of African women was taken from the website of the African Centre for Gender and Development , a Division of the United Nations Economic Commission for Africa (ECA). The Centre sponsors programs on human rights, gender equality and works for the social and economic advancement of women. There are also initiatives to help widows and their children.



ABOUT WRI

Widows' Rights International supports organisations in South and West Asia and Africa working for social justice and human rights for widows including the:

- 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

Traditional customs in many developing countries, especially in Asia and Sub-Saharan Africa – which can deprive a widow of home and livelihood or subject her to social ostracism - lead to dire poverty for widows and their children.

Even when modern laws exist to prevent these abuses, ignorance of the law, or cultural habits, impede access.

Widows are young as well as old, because of:

- * child marriage
- * HIV/Aids
- * civil strife

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

WRI offers resources for:

- capacity building and networking
- advice and information for national groups, especially through our website
- research into the status and condition of widows and their children
- legal action for widows' rights
- assistance to raise international awareness of degrading practices
- advocating creation of international instruments protecting widows' rights
- supporting regional meetings to promote social justice for widows

Financial assistance may be available for:

- * pioneering activities by and for widows which provide examples of best practice
- * activities designed to establish legal precedents; heighten public awareness; repeal of laws inimical to widows
- * action to influence international agencies to condemn practices which deny widows their rights
- * action to train widows and legal personnel in rights awareness



If you are a tax payer in the UK please consider signing a GiftAid declaration which converts every £10 gift to £12.80; every £15 gift to £19.20.

Yes, I want to support WIDOWS RIGHTS INTERNATIONAL's struggle for social justice for widows in South and West Asia and Africa.

Name.....
 Address
 Postcode
 Telephone e-mail:

I would like to give (please tick): £5 £25 £50 £100

Other £.....

Please debit my account

Bank sort code

Once Monthly Quarterly Half year Annually

Starting on (date):/...../..... Signature

YOUR bank name and address

Name Address
 Postcode

Gift Aid Declaration

Using Gift Aid means that, if you are a UK taxpayer, for every pound you give, we get an extra 28 pence from the Inland Revenue, helping your donation to go further. To qualify for Gift Aid, what you pay in income tax must be at least equal to the amount we will claim in the year.

Tick the box if you are a tax payer and would like us to reclaim tax on this:

 Date of Declaration :/...../.....

Please return this form to the address below and Thank You for supporting WRI.