



Widows' Rights International

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EDITORIAL

Efforts by WRI to garner international support for action against harmful traditional beliefs and practices surrounding widowhood continue. This year, WRI is continuing to build up support for action at the United Nations which would instruct the world body to undertake research into the conditions and status of widows, particularly in Asia and Africa, and to promote commitment by Governments to end abuses against widows.

WRI sent a delegation to the recent Commission on the Status of Women, held at the United Nations, New York from February 27 to March 10. Meetings were held with many of the representatives of community groups, non-governmental organizations (NGOs) and human rights practitioners working on widowhood issues. At a special event, Widows Rites and Wrongs, organised by WRI to raise awareness of the issues, testimonies from widows in Africa and India were read out and served to highlight in a personal but painful way the suffering which so many widows undergo in many countries.

Meetings were also held with representative of Governments and the success of these meetings in New York and the expressions of support for WRI's work have invigorated us to widen our outreach to prominent legislators in African countries as well as in India and Nepal. We will be working with Governments to sponsor a resolution at the United Nations which will facilitate the inclusion of widowhood issues in all aspects of the work for gender equality being undertaken by the entire UN family.

This is especially important because in the Secretary General's proposals for the agenda of the CSW over the next few years, widows are mentioned only in the context of HIV/AIDS prevention. No mention was made of widows in sections devoted to inheritance and property rights, action in support of the rights of the child, or any of the other issues which are included under the rubric of gender equality.

It is to redress this blatant disregard of the human rights of widows that WRI will be campaigning in the coming months and we seek the support of Governments, NGOs and concerned individuals.

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ABOUT WRI

Widows' Rights International supports organisations in South and West Asia and 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

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

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NEWS FROM AFRICA

Woman Of Purpose (WOP), our Ugandan Partner

IMPACT OF SENSITIZATION

“Knowledge is power!” So goes the famous saying. That is what the Hope for Widows Project has set out to confirm. When we announced that we were going to carry out a baseline survey on the conditions of widows in Agule and Kameke Sub Counties of Pallisa District in Eastern Uganda, many people wondered why anyone would be bothered about widows.

“Why waste time asking us questions when you already know how poor we are. Instead, give us money for income generating activities” most of the widows said. The baseline survey showed that most of the widows were resigned their fate i.e. living under the burden of cultural beliefs and the tyranny of in-laws. The community was not bothered about widows – they were described as carriers of bad luck and whatever problems they went through were considered a result of the curse they brought to the clan through their widowhood!!

When we started helping the widows by making contributions for burial expenses, repairing dilapidated grass thatched roofs and sometimes helping out with medical bills, the community woke up to the realization that the widows were not an abandoned and cursed group. We initiated community empowerment through legal education programmes. This was mainly through visiting bereaved homesteads and educating mourners about the need to respect widows’ rights. The community is educated about the importance of supporting widows and orphans using attendance at the funerals to talk to the mourners about the need to look to the future and protect as well as support them. We help the community realise that no woman ever desires to be a widow and that any woman can find herself widowed at any time.

The result so far is that the widows are beginning to walk with their heads held high. Members of the community have realised that there are people who are concerned with the welfare of widows. Thanks to the legal aid clinics provided by our associate lawyers and para-legals, who visit our offices twice a month to offer legal advice, widows are gaining greater respect and mistreatment of widows is now diminishing.

The widows have banded themselves in groups; group members visit and help each other. This cooperation helps them share their challenges. Because of this, even the community including cultural leaders, are beginning to change their perspective on widows. With more sensitization, we believe that widows’ rights will be respected, such as their rights to inherit their husbands land and property, stay and care for their children, lead a normal life and not be ridiculed and treated like third class citizens just because they are widowed.

Jane Opolot
Project Director,
HOPE FOR WIDOWS
PALLISA, UGANDA.

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Widows Development Organisation (WiDO) our partner in Nigeria

Mrs. Eve, a 26 year old housewife with one daughter, came to WiDO having heard one of their information jingles on the radio.

"My husband died of TB (and probably AIDS) in August. Since then I've been having terrible difficulties with my in-laws. Although they didn't help at all in raising the money needed for his burial, I found on my return from the hospital that my father-in-law and my husband's younger brother had ransacked my wardrobe and removed my husband's bank passbook and other things from our house. My father-in-law refused to allow my entry into the family compound to collect my personal belongings. In fact they told me that thieves had broken in and stolen everything. I knew this wasn't true because I saw some of my sisters-in-law wearing my dresses! So immediately reported this 'theft' to the Traditional Ruler and the Police, and they found some of the so-called stolen items my father-in-law's own house.

But things got worse. After my husband's burial, his younger brother took over the house we owned in the nearby town! He ejected our tenants and replaced them with new tenants, and refused to give me any account of the new tenants' rent. A little while later my little daughter fell sick, but my in-laws refused to give me any money which I badly needed for the medical bills for the child. I did what I could but my resources were few. The child eventually died."

A Vanguard Team member takes up the tale. "By the end of November 2003, we arranged for a Peace/Reconciliation meeting with both families to take place in the Igwe's (traditional ruler) Palace. Initially her in-laws ignored the Igwe's requests for them to attend such a meeting but finally in early March 2004, a meeting was held in the home of the Igwe's representative. This was attended by 4 Chiefs from the Igwe's Cabinet, members of Eve's family and her in-laws, the Investigating Police Officer (IPO) and our two of our Team. The Igwe's representative handed over the items found in her father-in-law's house which were checked by the IPO against Eve's inventory. Eve took her personal belongings from the items and the bank passbook (bearing a balance of N70,000.00) It was agreed that the Hiace Litace bus Eve's late husband had owned and which had been in an accident, should be given to his father.

The meeting then moved to Eve's marital home so that she could retrieve what personal effects still remained there. Her father-in-law however initially refused to allow her to take a fridge and a typewriter but after entreaties, consultations and negotiations, he agreed that she should take them.

The meeting then returned to the Igwe's representative's house so as to decide what Eve should get from the rest of her late husband's remaining property, including a gas cooker which was in her late husband's house in Abuja. Due to the approaching dusk, we could not stay for this phase of the negotiations. Mrs. Eve promised to inform us of the result of the final negotiations but did not do so.

Eve takes up the story again.

"Here we are 6 months on, and I am still trying to recover the money in my late husband's bank account. Also apart from the personal effects I managed to collect during the Vanguard Team's visit to my in-laws village, I haven't heard anything more about my share of my late husband's property. But I'm wearied by all this and think I should just give up any hope of getting anything of my late husband's property, except for the gas cooker. I want to start life afresh and forget the whole horrible experience. I'm also hoping to get married again very soon."

If you are interested in knowing the outcome of these cases, please contact us at
enquiries@widowrights.org.

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A Sister Organisation In Ghana (WOM)

NEGATIVE TRADITIONAL AND CULTURAL PRACTICES

The Widows and Orphans Ministry (WOM) has been conducting workshops on the causes of widows' poverty, widowhood rites and practices. More than one thousand participants from four communities attended the workshops, and included Chiefs, elders, opinion formers and group leaders, and widows. At each workshop the Director of WOM gave participants the findings of the research on the causes of widows' poverty, after which widows shared their experiences when their husbands died.

One widow spoke of how she was driven out of the house she and her husband had built and slept under a tree for three months. Another widow told of how her dead husband had left bullocks yet his relatives are using these bullocks to farm whilst she and her child weed with their hands. Another woman could not control her tears as she told the story 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 he replied that he felt bad for her. Another widow said she refused to strip naked at the first of her husband's funeral rites, but then everybody in the village were against her saying that she had committed adultery and killed her husband which was the reason why she refused to strip naked. So during the final funeral rites she had to strip herself naked. One widow told of her pain when her children saw her nakedness at her husband's funeral.

TWO SUCCESSFUL OUTCOMES

- A workshop was held in Kongo. After the workshop the Kongo Chief and all the elders agreed that from the day onward they would not strip widows naked during funerals and would end the drinking of any concoctions. They also agreed that after the death of the husband, the widow and her children should use the husband property and when a widow's daughter gets married, a portion of the bridewealth or the cows should be given to the mother. One of the elders also spoke of how only girls are trained in cooking and doing all household jobs leaving the boys behind. All agreed that boys should also be trained in cooking in the home.

Kongo was exceptional because they took immediate action to stop some of these negative funeral practices. The other three villages asked for time to think about possible changes but at the same time there was no doubt of how badly they felt to the exposure.

- BA, about 30 years old, was her husband's second wife, and they had three children. His first wife had five children. Three years ago he died after a short illness. During his lifetime BA's husband was able to put up six rooms for himself and his two wives. After his death, life was so hard for BA that she had to move to town to look for a job to take care of her children. Through the WOM she was trained in baking bread.

One day she decided to visit her in-laws and to clean her rooms; while she was sweeping, her husband's brother came in and asked why she had come to the house. He beat her so severely that she had to go to hospital. She reported this to WOM, and he was arrested and imprisoned. After two months he was given the option of paying a five hundred thousand cedis fine or spending a further six months in prison.

This case has scared a lot of in-laws from beating widows.

With thanks to Madam Betty Ayagiba, National Director, Widows and Orphans Ministry, Ghana for sending us this article which we have somewhat shortened

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VICTORY FOR HUMAN RIGHTS IN AFRICA: AFRICAN PROTOCOL ON RIGHTS OF WOMEN ENTERS INTO FORCE

Solidarity for African Women's Rights (SOAWR), a coalition of groups across Africa campaigning for the popularization, ratification and domestication of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, welcomes the 15th ratification by Togo of the Protocol on 26 October. The Protocol will now come into force within 30 days, marking a milestone in the protection and promotion of women's rights in Africa and creating new rights for women in terms of international standards.

The other countries that have ratified the Protocol are Cape Verde, The Comoros, Djibouti, The Gambia, Lesotho, Libya, Malawi, Mali, Namibia, Nigeria, Rwanda, Senegal, South Africa and Benin.

For the first time in international law, this groundbreaking Protocol explicitly sets forth the reproductive right of women to medical abortion when pregnancy results from rape or incest or when the continuation of pregnancy endangers the health or life of the mother. In another first, the Protocol explicitly calls for the legal prohibition of female genital mutilation, and prohibits the abuse of women in advertising and pornography. The Protocol sets forth a broad range of economic and social welfare rights for women. The rights of particularly vulnerable groups of women, including widows, elderly women, disabled women and "women in distress," which includes poor women, women from marginalized populations groups, and pregnant or nursing women in detention are specifically recognized.

"The 19 national, regional and international organizations of SOAWR have been working tirelessly since July 2003 when the Protocol was adopted for ratification," said Muthoni Wanyeki of FEMNET, a coalition member. "This moment is a testament to their work and the work of other civil society groups working across Africa for ratification." The coalition delivered to heads of state a petition for which signatures were collected from across Africa by pen, email, online and by text messaging (SMS) from people encouraging their governments to ratify the Protocol. "To our knowledge, this is the first time that SMS technologies were used on a mass scale on the African continent in support of human rights," said Firoze Manji of Fahamu, the SOAWR member that developed the technique.

"The protocol should not be viewed in isolation," added Hannah Forster of the African Center for Democracy and Human Rights Studies. "It would be prudent to approach its domestication and implementation in consonance with other relevant international instruments." Added Gladys Mutukwa of coalition-member WiLDAF, "There are 38 member states of the African Union that have not yet ratified the Protocol. Our work will not end until they too show their commitment to women's rights in Africa and become party to the Protocol."

"The coming into effect of the Protocol is just the first step in securing the protection of the human rights of African women," explained Faiza Jama Mohamed of Equality Now, another coalition member. "However our task remains incomplete until state parties exercise the political will to protect, promote and respect these rights."

From: equalitynow@kenyaweb.com
Nairobi, Kenya

See also: Progressive Law for African Women comes into Force
By Kathambi Kinoti
From the AWID Resource Network, Resource Net Friday File, Issue 253, December 2, 2005
resource@awid.org

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WOMEN'S INHERITANCE RIGHTS TO LAND AND HOUSING

In almost every society, rules have been designed to determine who will take over the property and responsibilities after a death in the family. But housing and land are still regarded as under the control of men. Even formal laws sometimes perpetuate this, and prevent women from inheriting. Even if laws are equal, custom and tradition dominate and prevent women and girls from inheriting. The result is that women and girls, after the death of a father or husband, are often robbed of the housing and land they live in and left homeless and destitute.

While this discrimination stems from customs that favor men for inheritance and property ownership, it is also enabled by government policies and laws that discriminate in inheritance and divorce matters. Many widows are barred by law and custom from inheriting property, evicted from their lands and homes by in-laws, and stripped of their possessions. Religious laws prevent women from inheriting their equal share. Some women who are widowed are coerced or see no other option but to give their share of family land to their brothers in exchange for economic support. In Africa, inheritance is a daily issue. With the tragedies of armed conflict, HIV/AIDS, and poverty, widowhood is a reality for a full 25% of all African women. In some countries, for example Rwanda, 50% of women are widows. The plight of women demands that States deal aggressively with inheritance, and that this no longer be considered a private matter. It is a question of rights, and it is ultimately the responsibility of the State to ensure that these are fulfilled. But too often, inheritance is viewed as a private matter, causing governments to be reluctant to interfere.

Even where women have legal rights to own and inherit houses, land or other property, they are ignorant of that right. Many women do not know that legal means exist through which they can claim these rights. A few women who are aware of this have access to legal advice. Even if they have access to legal advice, some do not have money to obtain this advice. A woman's access to property usually hinges on her relationship to a man usually father, brother, husband. When the relationship ends, the woman may lose not only her home and land, but livestock, household goods, and other property.

In some communities in Africa, a widow will inherit land in trust for her male children provided they are minors. In some parts, a widow will be given a life interest in the land. If she remarries however, such arrangement however, she risks forfeiting all claims to this land. It should be noted that the life interest only grants women access to land and property and not ownership so they have no right to engage in any transaction related to the land. In order to inherit, sometime widows are forced to undergo cleansing or other rituals. These often involve coerced sex with an in-law or other relative or even a stranger. Such practices must end.

It is therefore important for the government to bring about critical changes that are needed in policies, strategies and laws as well as undertake gender analysis at every stage of policy design, implementation and evaluation to ensure that all forms of gender discrimination are eliminated and to protect and promote women's land and housing rights They must also protect and promote women's land, housing and inheritance rights, as well as restore confiscated property and provide alternate shelter and livelihoods for women.

From **Women's Land Link Africa 2006** (<http://www.wllaweb.org/>)

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Landmark ruling, Lusaka, Zambia

LUSAKA, 21 Dec 2005 (IRIN) - A precedent setting ruling earlier this month by a local court in Zambia has given women married under customary law the right to a share of marital property in the event of a divorce or death of the husband. Previously, a woman married under customary law would not be entitled to a share of property, irrespective of whether she had contributed to its acquisition.

Zambia has a dual legal system, and although statutory law takes precedence over customary law, the fact that many people live in rural and traditional settings has given customary law primacy in large parts of the country. The subordination of women and the indulgence of men has been a feature of marriage under customary law, which stipulates that marriage is a union of a man who may or may not already be married and a woman who must be unmarried at the time of entering into matrimony. In the event of a divorce, most tribes do not recognise a woman's right to a share of marital property - she gets whatever her ex-husband or his family decides she can have.

Local courts have to be guided by the traditions and customs of Zambia's seven main tribes, but because the practices and procedures remain unwritten and subjective, magistrates often use their own judgment when deciding such cases. The situation was exacerbated in towns, where magistrates have had to deal with several customs or tribes simultaneously.

"The magistrates find it difficult to make decisions because of the societal influences, which are mixed with some tribal customs. It is only in the villages and rural areas where one tribe dominates that local courts are able to adjudicate properly using local customs," observed Matrine Chuulu, coordinator of the NGO, Women and Law in Southern Africa (WILSA).

In the divorce case between Martha Kembo Mwanamwalye and Collins Mwanamwalye on 9 December, Magistrate Mwamba Chanda ruled that "notwithstanding that the parties in this matter were married under customary law, justice demands that when a marriage has broken down, the parties should be put in equal position to avoid any one of them falling into destitution".

The magistrate's ruling was welcomed by Chuulu. "This is an interesting and progressive judgment: interesting because this ruling came from a local court, the custodian of tradition and lore, and it bases its judgment on tribal customs; progressive because for a long time women have suffered destitution when there is a divorce," she commented. "It is difficult for women to get their share of matrimonial property even when they are married under the statutes, but for customary unions it is worse because custom does not give a woman any right to demand anything - in some customs even the children are taken away," she added.

The Law Development Commission in Zambia is in the process of compiling a handbook on customs for local courts to take note of when determining cases of a traditional nature. Referring to the Mwanamwalye matter, Chuulu concluded, "But in the meantime, we welcome decisions like this, as it shows that society is changing for the better."

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Traditional inheritors

We give below a short excerpt from a paper by Nancy Luke (Assistant Professor at Brown University), presented at the Population Association of America Annual Meeting, May 2002 entitled *Widows and "Professional Inheritors": Understanding AIDS Risk Perceptions in Kenya*. It provides an excellent example of how customs do change over time but not necessarily to women's benefit.

"... in light of AIDS, the institution [of widow inheritance] has changed considerably and has resulted in a dangerous and unsatisfactory arrangement. . . Widows remain under great social pressure to continue the tradition by finding an inheritor and being cleansed, and many believe deviation from this responsibility will still be punished with *chira* (*eds* a wasting disease). At the same time, widows believe they have lost their rights to a responsible, respectable inheritor who assists them financially or materially.

. . . it appears that the traditional economic support supplied by many inheritors has diminished. Although this support did not always amount to much, many respondents say that today widows receive nothing from inheritors. Moreover, the tables have turned so that inheritors now expect widows to support them. Inheritors insist on receiving food, clothing, and domestic upkeep, and many respondents noted that they have become a financial burden to widows. For example, one woman noted: "Widows are suffering The inheritors are mainly idle and just come to eat in these homes" (Widow, aged 26). One male respondent explained how he had inherited his sister-in-law after the first inheritor gave her no support. He remarked, "Inheritors are opportunists who are looking for a good, easy life where they get good food, clothes etc., while he wastes your money. Otherwise there is nothing good the woman gets in the whole arrangement" (Man, aged 22). Finally, an NGO representative explained: "It is very rare to find a situation the way it is supposed to be [inheritance in the traditional manner]. Inheritors have the upper hand. Tradition has favoured them, and they can take from widows."

It is also evident that inheritors are no longer good men. Brothers-in-law and other clansmen who live in the neighbouring community want to preserve the Luo customs and often are the most insistent that widows complete the rituals. But due to their fear that widows have AIDS, these local men refuse to inherit. This compels the widow or her family to search for someone else to complete the practice, and this person is usually a "stranger" from another village or part of Luoland. The fact the new inheritors are strangers to the local area means their backgrounds are unknown. In general, Luos often blame strangers for bringing disease or immoral behaviours to a region—even if they are Luos from another location. In short, traditional inheritors are married, respectable, related men, while widows do not know or trust the new variety of inheritor. This new development leaves widows with the feeling that they are "forced" into inheritance with men they have not chosen.

The demand for unrelated men to inherit local widows has led to the phenomenon of "professional inheritors." These are young, often single men who inherit numerous women with the benefits of acquiring the wealth of the deceased husbands and enjoying numerous, legitimate sexual partners. . . .

The phenomenon of professional inheritors is the most likely explanation for widespread fear that inheritors transmit AIDS. From the widows' perspective, these men are particularly risky because they travel from widow to widow to fulfill the sexual rituals. Widows also agree that cleansing would not be legitimate if a condom were used. Moreover, inheritors are inherently risky types who "don't accept" condoms in any case. Thus, widows fear that inheritors have HIV/AIDS or other sexually transmitted diseases and they cannot protect themselves from these risks. Nevertheless, widows are under great pressure to be cleansed and inherited by these available men.

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NEWS FROM ASIA

From our Partner ASHISH, Secunderabad, India

The story of Esther, a member of ASHISH

Esther is an illiterate widow about 65 years old. She had five children - three daughters and two sons – one of whom died. She lives with her eldest daughter Pushpa in one room of the house left to her by her husband.

Esther's husband Raja was a fitter on the railways. One day after he retired he went to hospital for a medical check up and that same day wrote his will - his children were aware of this. He died during the night. Esther called a family meeting because there were debts to be paid off - mainly to do with expenses incurred in the marriage of the two younger daughters and medical treatment for her son who died. But, despite having a job at the Railways and being the only financially sound person in the family, her only living son refused to help. He told his mother to sell the two rooms of the house to pay off the debts. He then turned round and filed a suit for partition of the property into eight equal shares!

Esther was asked to appear in court but her poverty meant she could not engage an advocate. So ASHISH agreed to help her contest the case. Our basic argument was that Esther's late husband acquired the property through his own earnings and left it to his wife, therefore the children are not entitled to have the property partitioned. Unfortunately the witnesses to the will gave contradictory statements. One confirmed that he had witnessed Esther's husband sign the will, but the notary testified that Esther's late husband had executed the will in his presence but that he did not see anyone else sign it. This was bad news for us, because if the witness had signed the will after the will was notarized the Court might set it aside.

The judgement: Esther's plea that the will was executed in her favour was not accepted. The court took the view that the will was fabricated on the grounds that it was executed by Raja on the way back from hospital on the day he died. This judgment is curious since all the parties agreed that Raja had written a will. An appeal has to be filed against the order by the Court ordering partition into eight equal shares.

ANALYSIS :

The case has caused ASHISH considerable pain as it is a prime example of property being manipulated by the son of a widow. Esther is fighting for a roof over her head. She has sold one of the two rooms and is left with a small room. During the course of the trial she became bed ridden and is unable to even to get up. Her daughter Pushpa is taking care of her. If she is able to retain the small room, Pushpa will continue to help her in the expectation of getting the room on her death. If she loses it, she has nothing to fall back upon and Pushpa will withdraw support. This is the general condition of all widows in India; they are looked after as long as they have property to give. When that property or its proceeds are gone, they are thrown out on the street.

The stand taken in the judgment by the Learned Judge that the will could not have been executed on the same day as Esther's husband's death displays the inherent prejudice society shows towards women inheriting property from their husbands.

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From our partner The Association of Strong Women Alone (ASTHA), Rajasthan

The story of Kamal Patik, age 40, one of the ASWA Leaders

I got married when I was 16; my husband was a tailor, sewing at home. I had my first son at 17 and then 2 more sons in quick succession. For each delivery, my in-laws sent me to my parents. My parents having borne all the costs involved, I was returned to my husband and in-laws. My misfortune was that my husband, Kailash, was a drunkard, and beat me regularly. When he died I was then about 35.

Kailash's death occurred just a little before the first Rajasthan Widows' Convention held in November 1999. I had heard about the Widows' Convention and decided to attend. It was there I felt the strength of women together, and got the courage (*himat*) to reach out and join the Association of Strong Women Alone. I've been with them ever since and am now one of its leaders.

Last year my son decided to get married. My son's marriage was to be performed at a group marriage; that's where many couples of the same caste are married at the same time. I badly wanted to attend his marriage, and to carry out the ceremonies performed by the parents of the bridegroom. But as attendance at children's' weddings are forbidden to widows, my in-laws firmly opposed my wish to do this. So I talked to the members of my local ASWA Committee. They said "We are with you!" They collected some money from each member, and bought a bright red "chundari" or special cloth that is put over the head of the mother of the groom at the time of the marriage. They bought the "bindees" (the ornamental dot that is stuck on the middle of the forehead – and forbidden to widows), bangles, and a saree. My in-laws were very unhappy – they wanted me to obey tradition but the Association members made them understand that it was necessary to break customs that were hurtful and which marginalized widows.

They asked them: "Where were you all these years when Kamal's husband was alive and beating her? Did you give her any help then, or after his death when she was alone as a widow?" I also reminded them that I was paying for all the expenses for the marriage, and that they had given me no help. So finally they said "Okay, do what you want." I joined in the singing and dancing of the women on the stage set up in the hall where the marriages were taking place. By then, the press had arrived to cover the event and I had many photos taken showing my hennaed hands, my bangles and the chundari. I was so happy and my son was so proud too that I was with him on this auspicious day.

Note from another member of ASWA.

At this group marriage there were couples and their friends and family members from 12 Districts of Rajasthan and Madhya Pradesh; in 10,000 people in all. The members of the Association spoke from the stage, and urged all those attending to abandon the customs of ostracising and marginalizing widows. They called upon all the mothers who had sons or daughters being married, to come up on the stage and join in the dancing – "You have a right to be here, and to celebrate!" Those who came up got the red "tilak" (a streak of red powder or "kunku") put on their foreheads. ASWA made everyone there understand the need for change. Some people protested, but ultimately, everyone was quiet, some were convinced, and a good atmosphere prevailed.

The repercussions of this event will reach far and wide, and contribute to breaking down the customs which are based on the superstition that widows are inauspicious.

Widows Rights International (WRI), Registered Charity no 1069142

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The widows' survey by our partner in Afghanistan (AWEC)

The survey programme has finished. We surveyed about eight hundred widow women in five provinces of Afghanistan, that is, Kabul, Mazar, Herat, Maidan Wardak and Paktya. We have finished the coding, and soon we are going to finish the data entry.

We faced some problems during survey. For example some widows' families wouldn't let us to talk with them but rather demanded "what will you do to help us?" Some even said that "lots of organisations have come here and told us that they will help us but, they didn't?"

The project activities are going very well. We have arranged additional training for all the women; after receiving the trainings, all of them got small loans and started their own businesses.

We also started a bead weaving program, which has proved to be very successful. The women are very happy to have learned bead weaving and most of them have even started small and private businesses selling their woven beads.

From Zainab Abassi
Project Manager,
Widows' Rights & Support Project
AWEC

Good news for widows in Kabul.

CARE International with funding from the Canadian government has been providing widows with much needed food rations - split peas, powdered milk and soya oil - since 1996. But suddenly this year they heard that the \$2.5 million annual funding had been withdrawn.

"We are widows. We are all wondering what will happen to us without this food," said one Afghan woman, speaking through an interpreter in Kabul. "We appreciate receiving this food," said the woman, who would not give her name. "We don't want it to end. We pray all the time for the government of Canada to continue our food."

The widows planned to stage a public rally in Kabul to draw attention to Ottawa's decision to stop funding the program. Before it could take place the Canadian government changed its mind and has agreed to continue the CARE feeding programme for another year. WRI is delighted to hear of this wise reversal of the decision, but also of the determination of the widows to demonstrate in public against the decision.

CARE also provides widows with skills training and micro-credit projects; widows are given chickens to sell eggs, or sewing machines to open their own seamstress businesses. Groups of widows with small businesses have been organized into savings co-operatives, through which members can apply for modest loans.

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India – Cultural Symbols of Widowhood

LIVING DEATH: TRAUMA OF WIDOWHOOD IN INDIA

Edited By V. Mohini Giri, Gyan Publishing House - New Delhi, India

Exerpt from Chapter 4 - Widows in India: A Psycho-Social Analysis, By Vasantha R. Patri

Cultural patterns are manifested in symbolic rituals. Widowhood has its own specialized ceremonies. All these are aimed at marginalizing the widow socially. Characteristically the rituals symbolize her social rejection and her deprived/denied sexuality. Typically the woman's new lowered status is displayed by several features. Most of the rituals are humiliating and traumatic for all women. The most visible of these rituals is the tonsure of the hair (cutting the hair off from the scalp) on the head. This not only "uglifies" the widow, but also makes her realize her lessened power in the entire social order. Tonsure is a form of symbolic castration. This is clearly a patriarchal ploy that stands for her subjugation to the society and especially, the men. Tonsure is thought to be a symbol whereby the danger posed by the sexuality of a widow to the adult men in a society could be restrained.

The widow is traditionally made to give up all ornaments, observe fasts, wear only white garments, and even sometimes sleep on the ground.

Other symbols of widowhood are the breaking of the glass jewellery bangles. This ritual is often carried out in a brutal and violent manner that adds to the sense of humiliation and identity loss of the widow.

The colour red is banned for widows. Red symbolizes sexuality and fertility.

A widow is regarded as inauspicious....bad luck.

Strategies to Control Female Sexuality of Widows

The need to control female sexuality has existed in all societies, at all times. This is more so in the case of widows, as:

*Patrilocality - According to this Hindu custom, a woman has to leave her parental home at the time of marriage and join her husband in his home. Widows, who continue living in their husbands' home, live a life of rejection, poverty, and deprivation of physical and emotional needs.

*Patrilineal Inheritance - Even though the inheritance rights of widows are statutory, the customary practices dominate. These include share-cropping or managing her land, usurping the land altogether, and perhaps even forcing her to leave the home, village, etc.This is total control over a widow's property and is a form of virtual control over her.

*Remarriage System - Many childless widows may remarry, but most widow mothers do not remarry. Usually a man who agrees to marry a widow has several limiting factors in himself. He may be very old, physically disabled, or without property, etc.

Apart from the bereavement, isolation, loneliness and social outcaste conditions, women are also abused and brutalized as widows.

Many widows in India are fortunate in terms of the slowly breaking down of the rigid cultural/social norms. Better economic support is also helping widows in their adjustment. Resources like higher education, work, wages, are also leading to enhanced control a widow has over her life. This is also resulting in better self-esteem.

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Women's inheritance: next steps

By Bina Agarwal

The livelihood and empowerment prospects of millions of women who depend on agriculture for survival are affected by their legal rights in land. For many these prospects have been enhanced by the recent Hindu Succession (Amendment) Act 2005(HSAA) which deleted the gender discriminatory clause on agricultural land. But this benefits only Hindu women, leaving intact the disabilities facing non-Hindu women, especially Muslim and tribal women — something that should concern all of us who work for gender justice.

Muslim women in India fall under The Muslim Personal Law (Shariat) Application Act, 1937. With this, the Shariat superceded "custom or usage to the contrary" for all property, *except agricultural land*, as the basis of personal law for Muslims in undivided India, except J&K. Earlier, Muslims (like most Hindus before the 1956 Hindu Succession Act) were governed by a mosaic of local customs, laws and practices, some in sync with the Shariat, most at variance with it. The '37 Act, by abrogating custom, enhanced most Muslim women's rights, since typically customs (except among matrilineal Muslims, as in Kerala), were highly discriminatory: some entirely excluded daughters, others placed them (and widows) very low in the succession order. In contrast, under the Shariat, a daughter and widow cannot be excluded by any other heir and are protected by the overall testamentary restrictions, even though their shares are always lower than men's. However, the '37 Act, excluded a critical form of property: agricultural land. Section(2) provides that:

"Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift, or any other provision of Personal Law, marriage, dissolution of marriage, including Talaq, Ila, Zihar, Lian, Khula and Mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions, and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat)."

Later the southern states extended the '37 Act to include agricultural land by deleting the phrase "save questions relating to agricultural land". TN, Karnataka and AP did so in '49. Kerala followed in '63. Elsewhere, however, succession to agricultural land continues to depend variously on customs, tenorial laws, etc, with differing implications across the unamended states.

In some, eg, Maharashtra, Gujarat, and Bengal, there was no strong presumption in favour of custom even before the '37 Act. Here, even without amendment, the Shariat could be presumed to cover agricultural land. The same holds for the parts of AP and Karnataka which were earlier in the former Hyderabad state, and where custom at variance with Mohammedan law was not admitted even before 1937. But in many other states, eg, Delhi, Haryana, HP, Punjab, UP and J&K, highly discriminatory tenorial laws and customs, at considerable variance with the Shariat, continue. These virtually exclude women from rights in agricultural land. For instance, in UP, with one-sixth of India's population, non-Hindu women's land rights are still subject to the UP Zamindari Abolition and Land Reforms Act '50. Section 171 of the Act, which defines succession to a man's land, gives primacy to the male lineal descendants in the male line of descent. Only in their absence can a widow qualify. Daughters come lower. Tenorial laws in Delhi, Punjab, Haryana, HP and J&K give similar primacy to male heirs. This is contrary to the rights promised to Muslim women by the Shariat.

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Continued ...

Notably, on agricultural land, Pakistani and Bangladeshi Muslim women are better off. In Pakistan the '37 Shariat Act was superceded by later laws. Finally, the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962 included agricultural land and extended the Shariat to all of West Pakistan, except 'Tribal Areas' in the NWFP. The Act entitled Muslim women to inherit all property, including agricultural, with shares as prescribed by the Shariat. Pakistani women's groups played a key role in this reform.

Muslims of East Pakistan (now Bangladesh), however, continued to come under the '37 Shariat Act. But here women were not disadvantaged since even before this Act customs contrary to Islamic law were not enforced in (undivided) Bengal: here the Shariat (by presumption) applies also to agricultural land, as outlined in Mulla's *Principles of Mohammedan Law* 1990, and confirmed by my discussions with Bangladeshi lawyers.

Surely in India too it is time to remove this anomaly. Deleting the phrase "save questions relating to agricultural land" in Section 2 of the Shariat Act, would bring all property, including agricultural, in line with the Shariat. Although, women would be entitled to smaller shares than men, still this amendment would go a long way in enhancing Muslim women's rights in this critical livelihood source. Vast numbers of Muslim women depend on agriculture for subsistence, many as de-facto household heads, as more men move to non-farm jobs. Indeed one of the earliest grassroots demands by Indian women for land rights came from poor Muslim women in West Bengal who, in '79, told their panchayat: "Please go and ask the government why when it distributes land, we don't we get a title? Are we not peasants?" These women and millions like them deserve an answer. But government land distribution is limited, and inheritance remains the main source for women's land access.

On other aspects of inequality, the only Muslim countries with full gender equality in inheritance laws are Turkey and Somalia. In some others, like Bangladesh, women have debated whether the constitution should define personal law. My aim here is, however, more modest and the reform suggested vis-à-vis agricultural land is doable within the purview of the Shariat. The precedent for such amendment already exists in southern states.

Tribal women are the second major category facing substantial disabilities in inheritance. Given the non-codification of their laws, tribal communities are governed by customs which (except under matriliney) discriminate against women. And even the limited customary land rights many tribal women enjoyed historically have been eroding. Attempts at gender-unequal codification in some north-eastern states have been opposed by women's groups there. It is critical that any codification is along gender-equal lines.

There is a window of opportunity today for reform-minded political leaders, activists and intellectuals to work together, to correct historically embedded gender disabilities. Let this chance not be missed.

Bina Agarwal is professor of economics, Institute of Economic Growth, Delhi

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Widows – in Bangladesh

A widow – a woman whose husband is no more. Losing a family member, particularly the life partner, is the worst tragedy that can happen in one's life. But societal practices and exclusion darken a widow's life even further. The social practices surrounding widowhood in the Indian Sub-Continent show a cross-cultural uniformity. In every culture or religious group widowhood is inauspicious. In Bengali society both in Bangladesh and in West Bengal, widows experience tremendous psychological and societal brutality in the name of social rules and norms.

When her husband dies, a woman is stripped of her own place in society: "*Keep your eyes downcast. You are a widow, now.*" my mother-in-law ordered me. "*You have eaten up my son, so you must suffer.*" A widow loses almost every right in her husband's house and there is no one in her father's house to take responsibility for her. In this situation she is in a big dilemma. The main reason behind this is the poor economic condition of the woman who doesn't get proper education or doesn't get involved in any income generating activity. Thus the question of economic security marks the nightmare of her widowed life. If a widow has adult sons, she may have some measure of security. But if she is childless or has only daughters, she usually faces multiple problems, including isolation, harassment, denial of land, and even death.

Even today widows are accused of being 'responsible' for their husband's death. They are pressurized to observe restrictive codes of dress and behaviour; excluded from religious and social life; physically and sexually abused. If they own some property, they are often cheated of it. Although the Hindu Succession Act 1969 made women eligible to inherit equally with men, yet 30% of widows reported serious conflicts over inheritance, land, property, and residence in a 1994 study. These conflicts often ended in violence. Brothers-in-laws may harass, persecute, beat, torture, and even arrange the murder of a widow. In the Jharkhand region of Bihar, of the 46 Santhal women persecuted and killed as 'witches' in recent years, 42 were widows with land rights.

In India the proportion of widows to the total female population is about 9%, or more than 40 million. Among women above the age of 60, the proportion of widows rises to 64%. In Bangladesh in 1981, nearly 12% of all females aged 10 years and over were widowed, as compared to only 1.2% of men. This is in part due to the age differences between husbands and wives, and the greater incidence of remarriage for widowers. Because of child marriage, and marriages to older man, many widows are still young women.

Under Islamic Law, widows are entitled to inherit at least 1/8th of the dead husband's property and land. In practice, this share is frequently 'managed' and then taken by the brothers-in-law. In a 1995 Bangladeshi survey on property inheritance, only 25% of widows had received their rightful share in the inheritance from a deceased father, and only 32% from their husbands. In Muslim communities, widows were treated as their sons' dependents. Without an adult male to provide support widows find it hard and sometimes impossible to claim their lawful property rights.

As widows, women suffer some of the most severe subjugation of their whole lives. The abuse of widows has unfortunately received little attention from the women's movement. New attitudes will only come about when widows themselves take collective action. Widows are often more independent and effective than most married women. Freedom from conjugal control and the need to earn a living often impels them to be more assertive than their married sisters. They can be real agents of change.

Thanks to Bindya Chakroborty for sending in the article of which this is shortened version

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The Women for Human Rights Single Women Group (WHR) **A Sister Organisation In Nepal**

The Women for Human Rights Single Women Group (WHR) has been working for the rights of single women (widows) for past eleven years. WHR has been able to highlight the issue of single women in the 10th five year plan of the country: as a result His Majesty's Government has allocated budget for the empowerment of single women in 15 districts of Nepal.

WHR has been able to change some of the discriminatory laws against single women such as the need to return the property after remarriage and the requirement to be 35 years to be able to get the property of deceased husband. Neither are now necessary. Similarly WHR filed a case in the Court to annul the requirement that a single woman needed the agreement of a male family member to get a passport. Last year the government decided that women, including single women, do not require a male family member's permission to get a passport. This provision is applicable not only to Single Women but to other women as well.

WHR together with Pro-Public, another NGO, filed a case against the need for single women (widows) to get consent from their 16 years old sons regarding their share of the matrimonial property. The Supreme Court on Thursday 15 December 2005 ruled that women are not required to obtain consent from their father, husband, son and unmarried daughter if they wish to sell and hand over ownership of their property.

Women's property, Supreme Court ruling

On November 29, the Supreme Court ruled that women under 35 would no longer need their parents' or husband's consent to apply for a passport. This time the court has given two more reasons to celebrate.

First, the Supreme Court on Thursday ruled that women are not required to obtain consent from their father, husband, son and unmarried daughter if they wish to sell and hand over ownership of their property.

Second, the court has ordered the government to review a provision in the Civil Code that deprives married women of parental property and forces women to return such property once they get married. The Supreme Court said the existing provision in the Civil Code, which forces women to return property after their marriage, contravenes the right to equality and CEDAW. Under then order, the government is required to form a committee of parties and experts concerned to review the existing provision.

Taking up public interest litigation filed by Pro-Public, an NGO and Lily Thapa, president of Women for Human Rights Single Women Group, the court on Thursday scrapped a provision in the Civil Code (11th Amendment) relating to Women's Exclusive Property. The provision made it mandatory for unmarried women, married women and widows to obtain the consent of their father, husband, and son or unmarried daughter if they wish to sell or hand over ownership of more than half their property. Women were however free to use their property at will if the amount is being used was less than half the total property.

A special bench comprising Justices Min Bahadur Rayamajhi, Badri Kumar Basnet and Kalyal Shrestha issued the court orders today.

From the Kathmandu Post, Friday December 16, 2005

Thanks to WHR for sending us this article

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HOW YOU CAN HELP WRI

If you can give us information about recent changes in legislation in your country which protects widows from discrimination, or new social policies which are aimed at supporting widows who live in poverty, this is of great help to our research effort. Just send us an email with the details.

If you can provide us with really good statistics about the number of widows in your country, whether they are in rural or urban areas, and whether they are between 15-29, 30-59 or 60 and over, this is also very useful information.

If you have good and detailed information about struggles widows in your country are waging, or victories they have won through the courts, please let us know. All this information is very helpful for us in compiling our picture of the position and condition of widows and what needs to be done by governments and international agencies to remedy social injustices.

It you would like to help us support more widows groups, **send us a donation**, or ask us for a **gift aid declaration** if you are a UK tax payer. You can also log onto our website where there is a donation facility.

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