



<http://www.un.org/cyberschoolbus/untour/subunh.htm>

## CALL FOR UN ACTION ON WIDOWHOOD

A coalition of international NGOs have launched a campaign for a United Nations resolution on Widowhood. At meeting at the United Nations headquarters in New York, as above, the terms of the resolution was agreed.

This action is a result of the rapid increase in numbers of widows worldwide due to natural and man-made disasters, conflict, wars, and diseases such as HIV/AIDS.. In most cultures of South Asia, and Sub-Saharan Africa and the Arab region as well, a widow is doubly victimised as a woman and as a widow.

It is estimated that there are at least 245 million widows around the world, more than 115 million of them living in devastating poverty along with some 500 million children. There is a tremendous need for policies to create an enabling environment for widows and their families.

The majority of these widows are poor and illiterate and the almost universal lack of inheritance rights means few or no assets or home. As a woman, she is less likely to have decent employment or pension. As a widow, her outside movements are restricted, her clothes mark her as a widow, and she is isolated. She joins the unorganized sector to find work. Widows of conflict are vulnerable to rape, sexual exploitation. Women widowed due to HIV/AIDS and affected by the same are shunned by society and cannot access infrastructural resources.

Widowhood affects future generations as well. A widow's children usually share her abject poverty and are more likely out of school: begging, in exploitative work, or - her daughters - caring for the family or married early. The circle of poverty is

unbroken as the daughter of a widow, out of school, is again illiterate and untrained with no access to decent employment.

It is against this background, that a campaign for a United Nations resolution on widowhood has been launched by **Guild of Service, India, South Asian Network of Widows Empowerment in Development** (coalition of South Asian NGOs), **Widows for Peace through Democracy** (coalition of NGOs working in conflict-affected countries), and **the widow activists from Sub-Saharan Africa, South Asia, and West Asia** during the 54th Session of the United Nations Commission on the Status of Women, and supported by many NGOs including **Widows Rights International**.

*Continued on page2...*

**The resolution calls for:**

1. Commission a United Nations Report on Widowhood in Conflict.
2. Appoint a United Nations Special Representative on Widowhood.
3. Create a fund to enable widows' organizations to mobilise and ensure the voices of widows are heard on their issues related to peace negotiations and legal reforms, including constitutional reform and law committees.
4. Urge State Parties to fund the collection and disaggregation of data based on marital status and family structure, including data to combat marginalisation and multiple marginalisation.
5. Recommend that The CEDAW consider monitoring the status of widows on the country level and adopting a "General Recommendation" to States Parties on this issue.
6. Organise international meetings in Asia and Africa during 2011 and 2012 on Widowhood and its relation to human rights, poverty, and justice.
7. Acknowledge and urge States Parties to recognise that the goals of the Millennium Development Goals and the Beijing Platform for Action cannot be reached if widows remain an invisible group within the larger, homogenous group of "women". The vital need is to Mainstream Widowhood issues into UN action to achieve the MDGs and the objectives of the Beijing Platform for Action, United Nations Security Council Resolution 1325, and its subsequent resolutions, including all international and regional policy meetings.
8. Include "widows" as a specific category in National Action Plans for implementing SCR 1325 and for Development.

The resolution was submitted by: *Ranjit Jayanti, Representative at United Nations for Guild of Service, India, (NGO in Consultative Status with ECOSOC), CoNGO Member (national level NGO working on the empowerment of widows for the last 4 decades) and its affiliate War Widows Association of India. Guild of Service, India is a member of the South Asian Network of Widows Empowerment in Development (coalition of South Asian NGOs working on widowhood), Widows for Peace through Democracy (umbrella network of NGOs working on widowhood in conflict-affected countries), and Global Action on Widowhood (international advocacy coalition of NGOs working on widowhood).*

**Resolution drafted and signatures collected by:** *Meera Khanna, Guild of Service, India at [khanna10@airtelmail.in](mailto:khanna10@airtelmail.in)*

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# Message from the Chair



**Patsy Robertson**

There has been increasing support for action on widows rights, not only at the UN but also, in the promotion of education about rights, inheritance and property right, custody of children, and the irradiation of harmful cultural practices, by organisations in many countries.

In this context WRI has been active in compiling a comprehensive database of international case-law, legal judgements surrounding the issues related to Widows. We hope to advance this exercise by making the information available on our website in due course.

We are also taking advantage of every opportunity to inform key professional groups about the legal situation currently prohibiting Widows from exercising their rights.

Recently our trustee Dr. Karen Brewer spoke on "Widows Rights are Human Rights, Dishonourable Crimes and Forced Marriages" at the Commonwealth Law Conference held in Hyderabad, India in February 2011.

Over 800 delegates attended the 17th Commonwealth Law Conference which was inaugurated by Prime Minister Manmohan Singh at the Hyderabad International Convention Centre . The five-day biennial conference was held in Febru

ary 2011 in India after a gap of 40 years. Commonwealth Secretary-General Kamalesh Sharma and others were present on the occasion. Chief Justices of 10 Commonwealth countries.

Dr. Brewer told the conference about WRI's programme to gather information on case law affecting widows rights, including inheritance and property rights, gender based violence and abusive cultural practices. She received important feedback on practices around the Commonwealth from lawyers and judicial officers attending the session.

She also outlined the atrocious cultural practices that widows still face despite the international provisions protecting the rights of women including widows being forced to marry against their wishes to relatives of their dead husbands.

Lawyers from many parts of India and West Africa described the inhumane treatment experienced by widows in their own countries and welcomed the fact that work was now being undertaken to publicize their plight.

Patsy Robertson  
Chair WRI



*Conference delegates in Hyderabad*

**Widows' Rights International**

Registered charity number: 1069142

## RIGHTS OF WIDOWS AND WOMEN IN AFRICA

Twenty-nine countries have now ratified the protocol on the rights of women in Africa to the AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS.

The charter was ratified in 2005 and it marked a milestone in the promotion and protection of women's rights in Africa.

It concentrates on particularly vulnerable groups, including widows, elderly women, disabled women, poor women, women from marginalized population groups and pregnant or nursing women in detention.

The campaign for the ratification of the protocol was led by the SOLIDARITY FOR AFRICAN WIDOWS RIGHTS, a coalition of groups across Africa in which the Africa Regional Office of Equality Now, plays a leading role. It focused on the domestication and popularization of the Protocol which it had been promoting since April 2004.

The pace of ratification was very slow and there was concern that it might take years for the Protocol to come into force unless member states were held publicly and consistently accountable for their promises to ratify it.

This 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.

### **Article 20 in the protocol deals with Widows' Rights, as set out below:**

States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a) that widows are not subjected to inhuman, humiliating or degrading treatment;
- b) 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;
- c) that a widow shall have the right to remarry, and in that event, to marry the person of her choice.

### **Article 21—Right to Inheritance**

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.

2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

The countries that **have ratified the Protocol as of 13 October 2010** are twenty-nine: Angola, Benin, Burkina Faso, Cape Verde, The Comoros, Democratic Republic of Congo, Djibouti, The Gambia, Ghana, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Tanzania, Togo, Uganda, Zambia and Zimbabwe.

Even though the Protocol has now come into force through the efforts of Solidarity for African Women's Rights and others, the campaign continues for ratification by all African Union member states, and for the domestication and popularization of the Protocol.

The campaign is calling on all NGOs to mobilise support for the ratification of the protocol by all African States.

*Full Protocol:*  
<http://www.african-union.org/root/au/Documents/Treaties/Text/Protocol%20on%20the%20Rights%20of%20Women.pdf>

***By distributing the protocol you will support the campaign which continues for ratification by all African Union member states, and for the domestication and popularization of the Protocol***

*(Equality Now. Accessed from:*  
<http://www.equalitynow.org/english/campaigns/african-protocol/african-protocol.en.html>*)*

*(Image of map taken from:*  
<http://www.theteacherscorner.net/printable-worksheets/maps/africa-maps/>*)*

# NEWS FROM AFRICA

## KENYA

### DEFENDING WIDOWS' RIGHTS TO LAND

'Watchdog' groups in Kenya have been active in supporting the land claims of widows and orphans.



*Rehabilitated widows and their children.*

Two activists Violet Shivutse and Esther Mwaura-Muiru are involved in these community groups, which mediate between families and local authorities, document cases of injustice and refer them to legal institutions. They also work to reduce conflict caused by competing claims. The watchdog groups also encourage communities to defend their vulnerable members, and prevent cases of disinheritance.

In an interview with AGFAX which reports on science in Africa, they describe in detail how they tackle the difficult task of representing widows to ensure they are receiving justice before the courts, authorities and in other legal institutions.

The watchdog groups play an active role in mediating cases which are often long delayed in the courts. There are cases where the widow's house has been demolished and the community has had to be mobilised to rebuild it and to help rehabilitate her into the community.

*( The full interview is available at: <http://www.agfax.net/radio/detail.php?i=385&s=t> Agfax: Reporting Science in Africa. December 2010. )*

## MALAWI

### WOMEN CLAIM EQUAL SHARE OF PROPERTY RIGHTS

Malawi's Constitution states that women are entitled to "a fair disposition of property that is held jointly with a husband".

However when a marriage ends, the current law considers property to be held "jointly" only if they had made direct financial contributions to said property.

Women and in particular widows report that the law disenfranchises them and that they continue to be short changed upon the dissolution of the marriage or death of a husband.

However, an NGO, The women and Women and Law in Southern Africa Research Trust (WLSA-Malawi) has now taken the government to the Constitutional Court where they are challenging the current Marital Property Law, arguing that it discriminates against women.



WLSA-Malawi is requesting the Constitutional Court to declare Section 17 of the Married Women Property Act invalid, or as an alternative, to declare that Section 17 be interpreted in a manner that recognises women's contributions to marital property and guarantees that women receive

half of the marital assets upon the end of a marriage.

According to a research paper by Duncan McPherson titled: "Property Grabbing and Africa's Orphaned Generation: A Legal Analysis of the Implications of the HIV/AIDS Pandemic for Inheritance by Orphaned Children in Uganda, Kenya, Zambia and Malawi",



property grabbing appears to be merely a symptom of a much deeper crisis confronting Africa - that of chronic poverty.

"In affected countries, therefore, many (including women) see the dispossession of widows and orphans as a fact of life, not a problem to be overcome. Widows and orphans are expected to cope, the former by returning to their parents, and the latter by accepting whatever guardianship is arranged, no matter how oppressive. They are not expected to complain," McPherson notes.

***For full text and the story of a dispossessed widow please see: <http://www.ips.org/africa/2010/12/malawi-women-claim-equal-share-of-family-property> )***

# NEWS FROM AFRICA

## UGANDA

### Widows in Uganda lose homes.

New information based on a recent study of the ways in which widows in Kampala, Uganda have been deprived of home ownership on the death of their husbands has been published in an International Law Journal.

This study, which is based on life story interviews with widows in the middle-income areas of Kampala, found that women are prevented from inheriting the matrimonial home due to customary laws and practices.

In terms of statutory law, the Succession Act dictates that the matrimonial home is inherited by the eldest son of the deceased.

The research findings show that widows can only inherit the matrimonial home under the following circumstances:

Firstly, if a widow is the joint owner of the home, there are no legal and social obstacles that prevent her from inheriting her husband's share of the home.

Secondly, a widow can inherit the home if her husband stipulates it in his will. However, even if she is the sole

beneficiary, unless the husband also appoints the wife as the sole executor of the will, the husband's family can conspire to prevent her from inheriting the home.

In addition statutory and patriarchal customary laws combine to deprive widows of their matrimonial home. Consequently, the matrimonial home is almost always owned by the husband's family.

*The full article was published in the Journal of Law and Conflict Resolution Vol. 3(1), pp. 7-13, January 2011 .*

## NIGERIA

### Progress in the Africa Human Rights Education Project (AHRE)

Education in the use of human rights instruments as a tool for social change is making good progress in many countries in Africa. The AHRE project is involved in 10 African countries, enabling individuals, groups and communities to understand and express their concerns in human rights terms; to demand, exercise, support and defend their rights. From Senegal to Kenya, Togo to Sierra Leone, as well as Ghana, Mali, Benin, Uganda, Cote d'Ivoire and Burkina, thousands of rights holders are now aware of the importance of human rights education for the protection and promotion of human rights.

In northern Ghana, for instance a widows and orphans movement has succeeded in abolishing the barbaric habit of stripping women naked in the street as part of the ritual of widowhood. This was a direct result of education people through theatre productions as well as talks, thereby engaging the local communities.

Women were targeted and traditional chiefs encouraged to ban this and other widowhood practices. The next campaign will be to prohibit negative widowhood rituals that force widows to marry the brother of her dead husband and the subsequent neglect of the children of the deceased.

In addition some Soweis (FMG practitioners) in Sierra Leone are partnering with human rights groups to fight against this harmful traditional practice by sensitising the other Soweis. They are calling for a ban against this violating practice especially from being performed on young girls and, for the past 2 years, they have successfully prevented the continuation of this practice.

*For full text, please see: <http://hreafrica.blogspot.com/>*

# NEWS FROM AFRICA

## MOZAMBIQUE

### HARMFUL PURIFICATION RITES SPREAD HIV/AIDS



Picture sourced:  
<http://www.qm/africa/mozambique/beira/article/mozambique-widows-risk-hiv-in-purification-rites>

A disturbing tradition in certain Mozambican provinces known as Khupita Khufa is said to partly be responsible for the spread of HIV in the country. Practised by the Sena ethnic group of the Sofala, Tete and Zambézia regions, the ritual insists that within three months of the demise of her spouse a widow has to sleep with a male relative of her late husband, without the use of contraception, three times a day for a week in order to spiritually 'cleanse' her household.

If a widow refuses to go through with the ritual she is said to be bringing misfortune on

the family. This can lead to her as well as her children being denied inheritance of the deceased's estate. In several cases she is isolated from the community and sent back to her parents' house.

Many practitioners of Khupita Khufa believe that the use of contraception would impede the efficacy of the ceremony. There are alternative methods of fulfilling the ritual involving animal sacrifice but the cost of slaughtering their own valuable livestock is too much for some Mozambicans. The sexual option is simply much cheaper.

NGO's such as the Provincial Nucleus for the Fight against HIV/AIDS are doing their best to inform communities of the risks of the ceremony. The increasingly popular evangelical churches, which routinely condemn some of the most pernicious traditions, are also having a positive impact. As a result, fewer families are practising Khupita Khufa although there is still a way to go before the sexual element is completely abandoned.

To mitigate the risks of contracting HIV sexual health NGO's are encouraging the use of condoms during the purification ceremony. However given the apprehensions concerning contraception this is yet to be an idea wholly embraced by some.

#### **Resources:**

<http://www.savethechildren.org.uk/en/docs/denied-our-rights.pdf>

<http://www.plusnews.org/report.aspx?ReportID=81496>

<http://www.fao.org/docrep/012/al131e/al131e00.pdf>

# NEWS FROM ASIA

## NEPAL

### NGO'S COME TO THE AID OF NEPALESE WIDOWS

Widows of men who fought and subsequently disappeared during the civil war in Nepal (1996-2006) have been receiving economic assistance from international NGOs to stave off the threat of abject poverty.

Many Nepalese men, more than two thirds of them married, remain missing following the ten year conflict between Government forces and Maoist rebels which left more than 16,000 people dead.

Families seeking answers are coming up against resistance. State soldiers are exempt from being prosecuted for crimes such as murder and abduction. In early 2010 lob-

byists successfully managed to get parliament to consider a bill that could secure criminal prosecutions.

However no progress was made to ratify the bill prior or since the election of Jhalnath Khanal in February 2011.

The lives of the women left behind are made even more difficult by the social mores which dictate that rather than to earn an income, a widow is expected to stay home and look after her family.

She is not permitted to remarry until her husband is confirmed dead. Without official confirmation she has no claim to the family estate until twelve years have elapsed since her husband was last seen alive.

In 2008 the Nepalese government paid families of some of

the missing the equivalent of US \$1,385 in interim compensation; an amount that would only provide short term relief at best. The International Committee of the Red Cross (ICRC) has since attempted to alleviate the suffering of hundreds of widow-led families by donating various agricultural resources and livestock.

Until the truth emerges about the whereabouts of their husbands or more long-term government assistance is forthcoming, support from NGOs such as the ICRC is the main lifeline for these Nepalese widows and their families.

*(Read more about the plight of the widows of Nepal at <http://www.irinnews.org/Report.aspx?ReportID=91475>)*

## AFGHANISTAN

### HIDDEN WAR WIDOWS IN HELMAND

A recent article on the BBC's Asian Network tells a harrowing tale highlighting the situation which highlights the situation surrounding Afghanistans' two million war widows. The article states that:

After decades of conflict in Afghanistan, there are almost two million widows leading secluded, poverty-stricken lives. But now all-female army units are going into remote villages in an effort to integrate these women into wider society.

In a small village on the edge of the Bolan desert, near Laskhar Gah, a group of

women sit huddled together on a sunny terrace. Some are girls, barely out of their teens. All are shrouded in dark veils.

These women are widows. This one village is home to at least 80 of them.



They are the tragic victims of three decades of conflict which has created a generation of widows and orphans.

In rural Afghanistan women

are invisible, locked behind doors in the safety of their compounds. Reaching such women is a huge challenge for the International Security Assistance Force (ISAF), but one that is considered vital. It is also viewed as an important part of the wider counter-insurgency campaign in Afghanistan.

As it is culturally inappropriate for male troops to have any contact with local women, teams of women soldiers form units, known as the Female Engagement Team (Fet), to try to engage with Afghan women.

*Accessed from: <http://www.bbc.co.uk/news/world-south-asia-12558998> )*



# ABOUT WRI

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## PLEASE SUPPORT OUR WORK!

Go to [www.widowsrights.org](http://www.widowsrights.org) and press the button to help us help these disadvantaged women in their struggle for their basic human rights.



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**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
- 

### **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.

Name .....

Address .....

Postcode.....

Telephone ..... e-mail:.....

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

Please debit my account

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