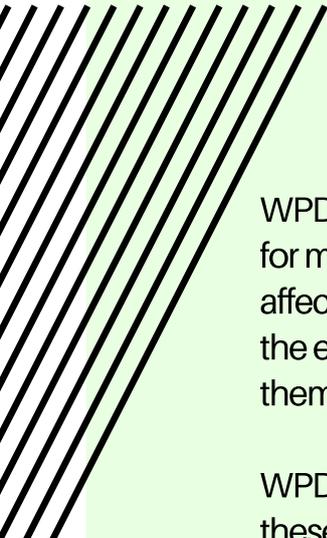


WIDOWS FOR
PEACE THROUGH
DEMOCRACY

**DOSSIER ON WIDOWHOOD:
ISSUES OF
DISCRIMINATION
FOR THE
ATTENTION OF
CEDAW**

**JULY
2018**

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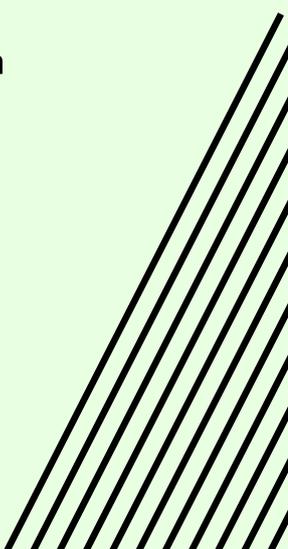


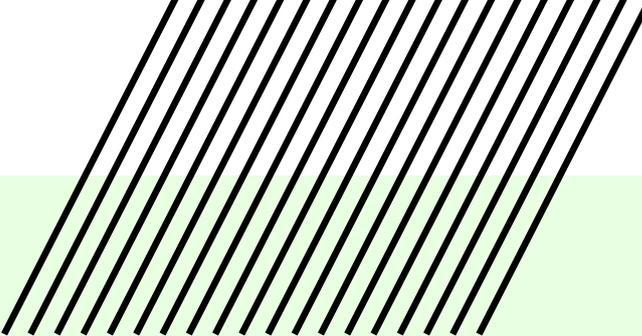
WPD (Widows for Peace through Democracy) is the umbrella organisation for many partner widows' organisations in developing and conflict-affected countries. It was established for the empowerment of widows and the elimination of the discrimination and violence that many millions of them experience daily.

WPD is deeply grateful to the CEDAW committee for inviting us to discuss these urgent issues. We hope this focus on them will encourage the committee to develop a general recommendation.

Widowhood gets no mention in any of the Sustainable Development Goals (SDGs), not even in Goal 5 on gender equality. But denying widows their rights is relevant to every goal, since the poverty and inequality created by neglecting to address this issue is an obstacle to peace and reconciliation, and fuels further conflict. It is vital that these issues are addressed using all available means, otherwise none of the goals of SDGs can be achieved. A CEDAW General Resolution on Widowhood would reinforce the message to governments to ensure they accommodate widowhood issues in their strategies to achieve the SDGs, and their policies for the 2030 Agenda.

The demographic picture has dramatically changed since WPD first presented its dossier on 'Issues of Discrimination in context of Widowhood for the attention of CEDAW' in 2010. There has been an unprecedented and exponential increase in the number of widows and wives of the missing, due to continuing eruptions of armed conflict, revolution, civil war, sectarian violence, the rise of fundamental extremism, HTPs like child marriage and polygamy, natural disasters, HIV and AIDS, Ebola, and natural disasters. The poverty and stigma of widowhood is exacerbated in conflict and post conflict environments, making them ever more vulnerable to abuse, exploitation (physical, psychological, sexual and economic), especially when they are displaced, IDPs, refugees or asylum seekers.

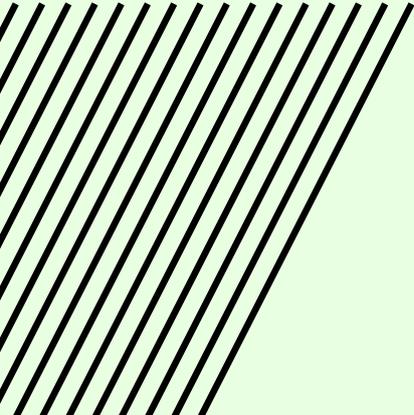


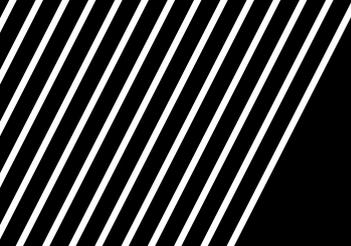


While there will always be war and armed conflict, more recent struggles, from Syria to Sri Lanka, Afghanistan to Iraq, and Yemen to Nepal, have had a highly significant effect on the persistent targeting and exploitation of widows. This is manifest in an increase in practices such as sexual slavery, forced marriage and abduction, demonstrated by the thousands of Yazidi women and children who have been abducted and sold by ISIS, and the abduction of two hundred and seventy six young girls in Nigeria by Boko Haram. Other concerning issues, such as concubinage and marriage markets, are less visible, but clearly on the increase, as demonstrated by reports of the abduction of young widows and girls in Iraq and South Sudan.

General Resolutions 19, 30 and 35 have done much to make governments more accountable for failures to eliminate discrimination against women, and General Resolution 35, focusing on women in conflict situations, does mention widows. However, the systematic, widespread and often invisible discrimination that widows, wives of the missing, and their daughters experience, demands and merits a new GR focused directly on this ever increasing sub-sect embracing women and girls of all ages, from child widows through to elderly grandmothers.

For these reasons, it is imperative CEDAW considers this urgent issue; continued inaction will destroy entire communities and their futures.





1 Lack of data

Key to the achievement of the overall SDGs, not solely Goal 5, is the gathering and analysis of data, of which there is a glaring omission in most countries. Only very few have managed to gather quantitative and qualitative data on widows. Such data would give vital information, not just of number and ages but also of their individual experiences of violence within and outside the family, survival and coping strategies, access to justice, and their capacity to enjoy their rights, (for example to inheritance and land), that their own constitution, in law and on paper, guarantee them.

This absence of data is the chief obstacle to getting the issues of widowhood effectively addressed by the UN, the international community, member states and civil society. This information gap is particularly acute in conflict and post conflict scenarios, where so many widows have been displaced and are living precarious lives in IDP and refugee camps. By failing to comply with each of the CEDAW articles, from 1-16, governments are actively discriminating against widows in their lack of action.

There exists a considerable amount of anecdotal information regarding widows, and approximated estimates of numbers offered by NGOs, media and government reports. The estimates of the number of widows globally is in excess of 300 million. Further, it is estimated that at least 115 million widows live in chronic poverty, with an estimated 86 million who have been physically abused. Yet these figures are often far below the actual number.

Best practice does exist and should be shared. For example, WPD's Nepal Partner, Women For Human Rights Single Women's Group (WHR/SWG) have mapped and profiled widows, by training them to band together and work collaboratively with local district committees. The result of this is that hitherto invisible or hidden discriminatory practices have been revealed, and, for the first time all widows are now enumerated in the national census.

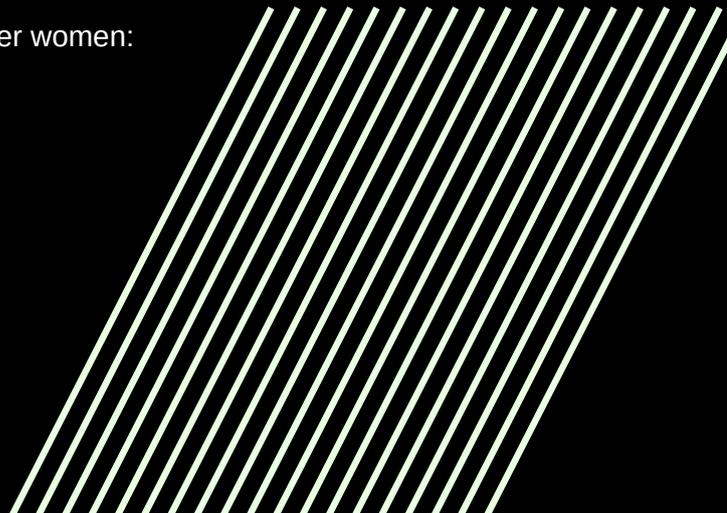
2 Discriminatory customs

Widows in many countries are targeted by a deep rooted stigma, perpetuated through shaming and life-threatening customary practices. Women who have lost their husbands are regarded as ill-omened, whose husband's death serves as a punishment for crimes the wife had committed in a previous life, a common belief in Pashtun communities in Afghanistan. They may be directly accused of murdering their husbands, as occurs in Nepal, even if the death is a result of HIV.

Often, the suspicion of widows being witches is enshrined in the culture and language. In some communities, the vernacular word for 'widow' means 'harlot', 'prostitute', 'witch' or 'sorceress', a crime for which the punishment is stoning¹. Widows are frequently subjected to dangerous and degrading burial rights, like being forced to wash a dead husband's body and drink the dirty water, as well as 'ritual cleansing', whereby the widow must have unprotected sex with a stranger, in order to alleviate the sin of her husband's death. Further violent practices include scarification, and the shaving of her head with unclean razors or broken bottles.

Widows are also denied participation in religious or cultural celebrations. They are forced to live in mourning, banned from wearing colourful clothes, jewellery and makeup and made to remain inside for up to a year. If they remain with their in-laws they may be imprisoned in the house and treated like servants. Very often they are avoided altogether, seen as 'tainted'. The cultural stigma of widowhood restricts the ability of widows to function in society and as citizens with rights.

1. Help Age International, 2011. 'Violence against older women: tackling witchcraft accusations in Tanzania'





3 Discrimination in marriage

The stigma of remarriage is an insuperable problem that faces many widows. This stems from the belief that if a widow marries another man, her deceased husband's soul will go to hell, and she is treated with deep suspicion or avoided. This is demonstrated in the case of the child brides of Boko Haram, abducted and forcibly married to the insurgents, who on their return may face rejection by family members and the wider community. Similarly, in the case of the forced Yazidi brides, of whom three thousand are still unaccounted for, discrimination and stigmatisation may also result following their release. In this, they risk rejection and abandonment by their families and community, especially when they return pregnant or with children born from rape by their abductors.

WPD also campaign on behalf of 'half-widows': the wives of the missing or forcibly disappeared, whose freedom to remarry is compromised as they are unable to obtain any reliable information on their fate of their husbands. This excludes them from being eligible for a 'Declaration of Presumed Death', and thus are unable to achieve closure, receive social support, pensions, rights to inheritance, and freedom to remarry and rebuild their lives.

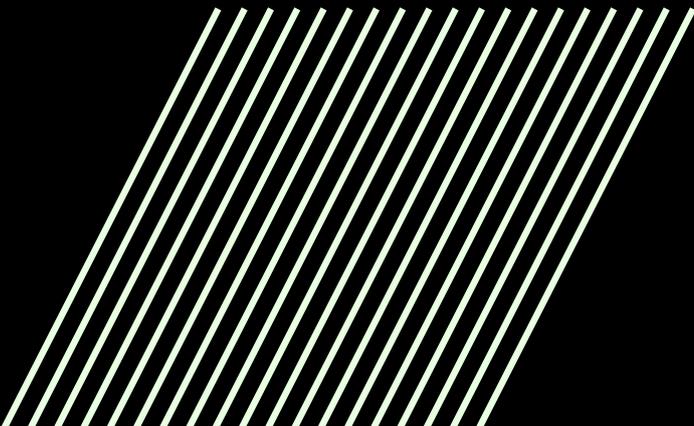
Impoverished widows without support may be forced to marry off their daughters as child brides. Recent Unicef statistics suggest that as many as one in five girls worldwide are married as children, very frequently to much older men. Where this occurs, it is likely to perpetuate a cycle in which the child brides themselves become widows, and need to marry off their own children. As well as the personal and economic restrictions these widows face, this custom also disempowers the country, depriving it of its future resource and workforce.



4 Lack of access to education

The deep rooted and sustained poverty that many widows endure also affects their children and dependents, cementing the cycle of poverty of widows handed down the generations, where the same obstacles and discrimination that widows suffered are passed on to their children. According to UN estimates, around 94 per cent of widows in Afghanistan, and 80 per cent in Nepal, cannot read or write, and have insufficient aid or resources to care for their children. It is estimated that 1.5 million children whose mothers are widowed are expected to die before reaching the age of five. Millions of widows are left unable to send their children to school at all or are forced to withdraw them early, and so deprive them of a proper education.

This economic situation, further compounded by coercion by in-laws and relatives, forces widows to send their children instead to work, or to marry them off early so to not bear the sustained economic burden. This leaves the children of widows vulnerable not only to child labour, prostitution, radicalisation and crime but also to human trafficking, setting in motion intergenerational poverty.





5 Inheritance, land rights and property

Widows also encounter systematic abuse and discrimination even where substantive laws should guarantee equality, depriving them of their rights to inheritance, land and property. Many UN Member States have reformed laws on succession and inheritance, and now only fifteen countries legally prohibit women from their right to inheritance. However, there is abundant evidence that such laws are not implemented, to the extent that customary prohibition exists in practice in over ninety countries preventing widows gaining ownership or tenancy of land.

Further discrimination lies in the failure of systems to produce legal documentation. This could result in the widows inability to claim back their dead husband's property. Laws actively preventing wives of the missing from claiming back their husbands property still exist in Nepal, whereby wives of the missing must wait twelve years until they can claim back the husband's property. Where widows are refugees, migrants or IDPs as a result of conflict or natural disaster, they lose that most basic human right of their own nationality.

Most widows have little access to courts. When they are able to present cases there are few successes. Even if a widow has her claim upheld, she may be unable to enforce her remedies back in her family or community. The perception of widows is as a burden on the family, and if they are denied rights to inheritance, they are forced to leave the family home.

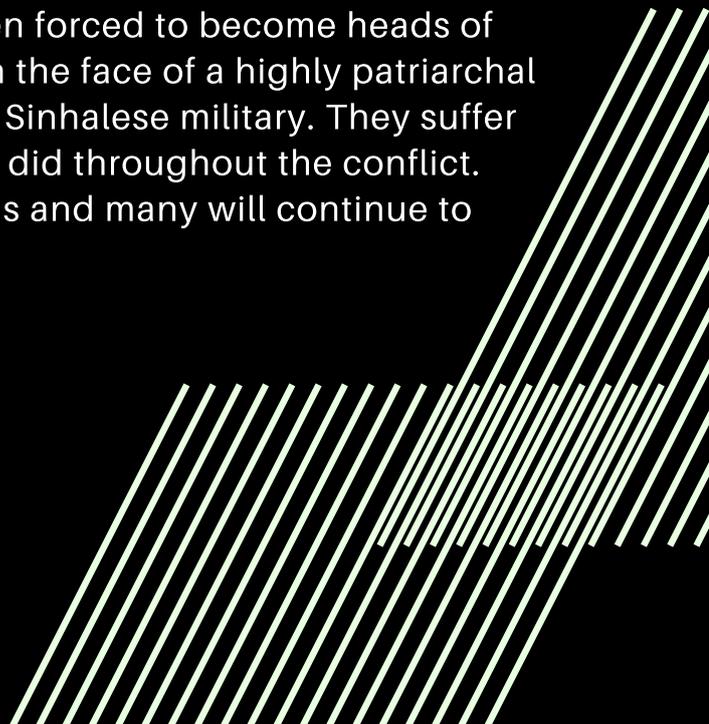
Some governments, such as Pakistan and Afghanistan, recognise and support widows in the form of a small pension, but in practice many government allocation systems are corrupt, neglecting the poorest and most in need, or altogether non-existent. Even when governments do provide such assistance, a lack of education leaves many young widows unaware even of the existence of, let alone procedure to access such financial benefits.

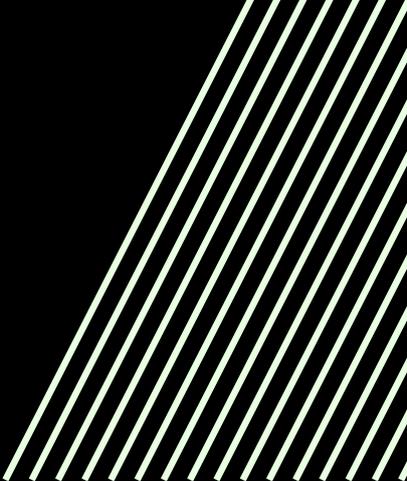
6 Conflict and post-conflict situations

Situations of conflict introduce further opportunities for discrimination and abuse of widows. By definition, conflict increases instances of widowhood and wives of the missing, and many women, as in Syria today, must make the decision to leave some of the most deadly sites of conflict, or be killed. They suffer in a variety of ways, in IDP and refugee camps as migrants and asylum seekers, or raped as a casualty of war, enduring not only the trauma of the conflict itself but also the aftermath. Addressing the specific needs of conflict-affected women and involving them more fully in the design and implementation of transitional justice programs are essential steps.

The evidence from different countries is compelling. In the post-conflict Nepal, the survivors of sexual violence, many of whom are widows, have not been able to be register as armed conflict survivors, or receive any compensation or medical support. The Nepali constitution also prevents children of single mothers and those whose fathers have refused to acknowledge their paternity, an inevitable consequence of sexual violence in conflict, from obtaining citizenship certificates.

In the post-conflict situation in Sri Lanka, tens of thousands of Tamil war widows and wives of the missing have been forced to become heads of household and primary income earners, in the face of a highly patriarchal and rigid society, under the control of the Sinhalese military. They suffer gender-based violence and abuse as they did throughout the conflict. Most have crippling socio-economic needs and many will continue to suffer long term trauma.



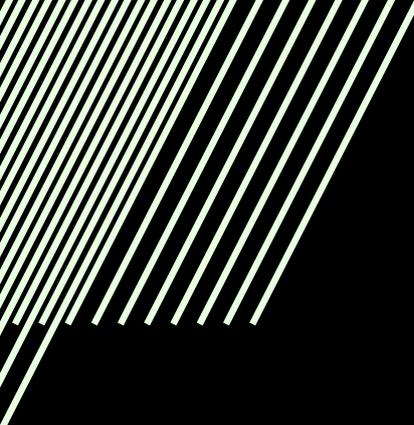


7 Widows' engagement in decision making

Eighteen years since UNSC 1325, widows' access and participation in all stages of the decision making process is still virtually non-existent. Widows are rarely represented at peace accord tables, nor referenced in targets in NAPS for the implementation of UNSC1325 and its succeeding UN resolutions on peace and security. It is essential that widows and that their needs are accommodated in the creation of post-conflict legislation, on international, national and local levels.

We have best practice to inform this, in Nepal, with the Women for Human Rights Single Women's Group (WHR-SWG) in Nepal, and the Association of Genocide Widows (AVEGA), participating in developing NAP on 1325. In the case of Nepal, among the 197 women members of the first Constituent Assembly, 51 were widows.





8 Lack of access to justice

Access to justice is fundamental to the restoration of rights to widows. They are often the most cruelly deprived of these rights, in particular those who are illiterate, regardless of whether the constitution or particular legislation has been met to the standards to CEDAW. Instead, such decisions are governed by deep-rooted interpretations of patriarchal, traditional, customary and religious law. This is compounded by corruption, bureaucracy and prejudices of officials in the justice system, further depriving equal access to justice in settling disputes over land, inheritance, marriage and the custody of children.

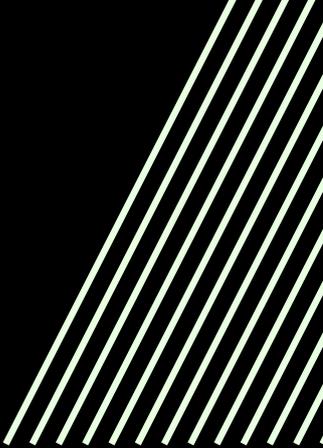
Conflict afflicted widows and wives of the missing are unable to obtain restorative justice and reparations for the violence and trauma they and their dependants have suffered, or see accountability or punishment for the perpetrators who have murdered their husbands or committed acts of sexual violence, including rape. Meaningful transitional justice must also seek to tackle widows' severe economic and physical vulnerability, which should be carried out through internal country programmes implementing pensions, debt relief and psycho-social support. However, the most fundamental challenge is to overcome the inbuilt political and bureaucratic resistance, on both domestic and international levels.

9 Widows and CEDAW

By now, widows should be protected from all forms of discrimination and exploitation through the full implementation of CEDAW by State Parties. However, this has still not happened. Not once, in any of the Commission of the Status of Women Agreed Conclusions addressing compliance with the twelve action areas of the Beijing Platform for Action, has there ever been a single mention of widowhood. Whilst there is piecemeal implementation of CEDAW in State legislation, customary laws are still paramount and seldom challenged. This inaction and lack of attention to a deeply problematic violation of rights is inexcusable.



Urgent Recommendations



WPD urges the CEDAW Committee to:

1. Hold State Parties to account on the status of widows when considering their periodic reports.

2. Develop a General Recommendation to State Parties:

- To support widows to form their own organisations to allow them to articulate their needs and fill the gap in data using alternative methodologies
- To ensure that widows are engaged in consultations relating to law reforms and their implementation
- That they use their penal laws to criminalise all harmful traditional practices
- That they accommodate the WPD Widows Charter, based on CEDAW, into domestic legislation
- To ensure a resolution on widowhood is put forward to the Human Rights Council

WPD is grateful for the opportunity to address members of the CEDAW Committee on this urgent matter, and would be happy to assist the Committee further.



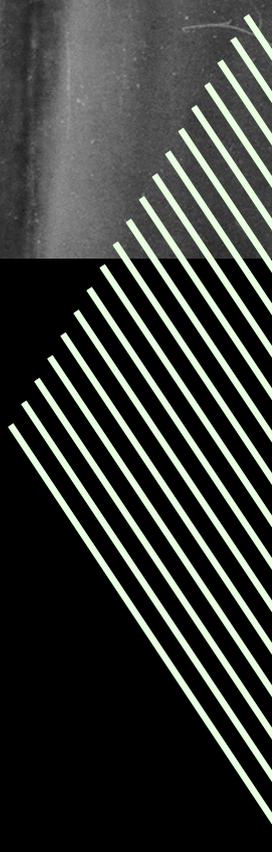


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