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WIDOWS FOR PEACE THROUGH DEMOCRACY

WIDOWS SPEAK OUT
Abuse and Discrimination
Resilience and Agency
A dossier of evidence for
the attention of CEDAW
2020

Introducing the dossier compiled by
WIDOWS FOR PEACE THROUGH
DEMOCRACY, containing current case
histories and evidence from the world's
leading experts on widowhood issues

Alice Lees, Independent Consultant to
WPD and Margaret Owen OBE,
Founder and President of WPD,
November 2020



WIDOWS FOR PEACE THROUGH DEMOCRACY

Contents and Aim of the Dossier

- ▶ Cases were requested from over 100 organisations and 90 individual professional contacts worldwide
- ▶ Country cases are from Afghanistan, Bangladesh, Bosnia and Herzegovina, Colombia, Democratic Republic of Congo, India, Iraq, Kenya, Kosovo, Myanmar, Nepal, Nigeria and Pakistan
- ▶ The individual cases are presented in sections each illustrating a specific type of discrimination against widows
- ▶ Each case is correlated with relevant Articles of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- ▶ The dossier is a resource for CEDAW, Member States, United Nations agencies, NGOs, state actors and local organisations concerned to learn about discrimination experienced by widows and how to protect their rights



Main findings

- ▶ Stigma, discrimination against and abuse of widows of all ages occurs across a wide spectrum of cultures, religions, ethnic groups and regions worldwide
- ▶ Widows suffering deprivation of assets and abuse are forced into extreme poverty and destitution and are excluded from social protection and access to essential services and housing
- ▶ Impacts of extreme poverty and destitution are begging, prostitution, child labour, withdrawal of children from education and early or enforced marriage of any children
- ▶ This creates further generations of disadvantage and poverty – a crucial issue to address if we are to progress the SDGs and realise the rights of women
- ▶ An unprecedented increase in widow numbers is due to armed conflicts, migration, natural disasters, child marriage to older men, epidemics of disease – and now Covid 19



How the dossier is organised

20 case testimonies of discrimination, each fully referenced to give contextual evidence from the widow`s own country or region, are presented in the following sections, followed by recommendations

- ▶ INHERITANCE, LAND AND PROPERTY RIGHTS
- ▶ ACCESS TO JUSTICE
- ▶ STIGMA: MODIFYING SOCIAL AND CULTURAL ATTITUDES TO WIDOWHOOD
- ▶ RELIGIOUS AND ETHNIC DISCRIMINATION
- ▶ CHILD MARRIAGE AND WIDOWHOOD
- ▶ CONFLICT AND POST-CONFLICT SITUATIONS
- ▶ HALF WIDOWS (WIVES OF THE MISSING OR FORCIBLY DISAPPEARED)
- ▶ OPPORTUNITIES FOR REMARRIAGE
- ▶ DISCRIMINATION AGAINST OLDER WIDOWS
- ▶ WIDOWS WITH DISABILITIES
- ▶ WIDOWS' ENGAGEMENT IN DECISION-MAKING
- ▶ LACK OF DATA
- ▶ RECOMMENDATIONS FROM WIDOWS FOR PEACE THROUGH DEMOCRACY

INHERITANCE, LAND AND PROPERTY RIGHTS

CEDAW ARTICLE 16:1.

'States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration

- ▶ Securing ownership and/or control of assets, particularly property, is often the greatest factor protecting widows from potential deprivation and the ensuing discrimination
- ▶ In many countries traditional law is used by the dead husband's relatives to justify evicting a widow from her marital home and seizing her land, property and possibly children
- ▶ Asset stripping and dispossession often takes place even when prohibited by international, national or regional laws



ACCESS TO JUSTICE

CEDAW Article 2 - Duty of States:

'States agree to pursue by all appropriate means a policy of eliminating discrimination against women, undertaking to take concrete steps to eliminate discriminatory laws, policies and practices in the national legal framework'

CEDAW Article 15 - Equality before the law:

'States shall ensure that women and men are treated equally before the law. Women have the same legal right to enter contracts, own property and choose their place of residence'

- ▶ Despite legislation to protect rights, widows are often unable to access justice
- ▶ Reasons include fear of violence, illiteracy, lack of documentation, corruption, cost, language barriers, geographical remoteness, and traditional practices overriding national laws
- ▶ In 2015 at least 38 million of an estimated 258 million widows globally were living in extreme poverty, with basic needs unmet
- ▶ Numbers are an underestimate due to estimated increases of widows, lack of up to date global data on widowhood and difficulties faced in collecting national data on both widows and half widows



STIGMA: MODIFYING SOCIAL AND CULTURAL ATTITUDES TO WIDOWHOOD

CEDAW Article 5 - Stereotyping and cultural prejudices: 'States shall take appropriate measures to eliminate stereotyping, prejudices and discriminatory cultural practices. States shall also ensure that family education includes a proper understanding of maternity as a social function and the recognition of the roles of men and women in the upbringing of their children'

- ▶ In many countries widowhood is stigmatised resulting in rejection and abuse
- ▶ Stigma is often perpetuated by traditional prohibitions on dress, diet and social mobility; discriminatory mourning and burial rites; and harmful traditional practices (HTPs)
- ▶ Widow inheritance involves widows being forcibly 'passed on' to a designated male such as the brother of a deceased husband
- ▶ Ritual sexual cleansing forces a widow to have sex with a male relation or even a non-relative and can increase HIV transmission
- ▶ Widows may not be informed of the cause of their partner's death and may not find out until they themselves become ill



RELIGIOUS AND ETHNIC DISCRIMINATION

By September 2018 Bangladesh was hosting at least 1.1 million Rohingya refugees who had fled from Myanmar

Their practice of *purdah*, brought to the camps from Myanmar, was severely restricting the mobility of Rohingya widows

Systematic use of sexual violence was used by the Myanmar army as a weapon against the Rohingya in Rakhine state ; unprotected widows continued to be 'easier prey 'in the camps

By the end of the war in June 1999 an estimated 4.4% of the female population of Kosovo had been raped or sexually assaulted by Serbian police, paramilitaries or soldiers

Sexually abused widows in Kosovo had to choose between compensation for the sexual abuse and a war-related payment for a husband`s death.



WIDOWS FOR PEACE THROUGH DEMOCRACY

CHILD MARRIAGE AND WIDOWHOOD

CEDAW Article 10 - Education: 'States shall ensure that women have equal rights with men in education, including equal access to schools, vocational training, curricula and educational resources'

CEDAW Article 16 - Marriage and family life: 'States shall ensure that women have equal rights with men in relation to marriage and as parents, as well as in respect of other aspects of family life'

- ▶ In 2016 at least 1.36 million of an estimated 258 million widows globally were child widows - not including those from unregistered religious or 'customary' child marriages
- ▶ Child widows range in age from birth to 18, with 12 per cent of girls married before the age of 15 in some countries
- ▶ Deprived of their childhood and often their education, as minors in law child widows have little or no access to justice
- ▶ A child bride may have greater 'bride price' value than an adult woman, and a landless and or impoverished widow will have limited choices of partner for any daughters, whose own risk of early widowhood increases if given or sold to a sick or far older man.



CONFLICT AND POST-CONFLICT SITUATIONS

Although CEDAW articles do not specifically refer to women in conflict situations, the 2000 UN Security Council Resolution (UNSCR) 1325 requires parties in a conflict to prevent violations of women's rights and to support women's participation in peace negotiations

- ▶ The plight of widows is worsening in conflict and post-conflict situations, where they often predominate among IDPs, refugees and asylum seekers
- ▶ Conflict and post conflict increases their vulnerability, particularly when unaccompanied, to sexual, physical, economic and psychological exploitation
- ▶ Widows are the least likely to be adequately rehabilitated and returned to their villages and lands as they frequently do not possess the relevant documents to prove legal title
- ▶ Evidence shows that high levels of sexual and gender-based violence tend to persist even after conflict has ended
- ▶ Up to half a million women had been raped in Rwanda during the 1994 genocide and 60,000 raped in the war in Croatia and Bosnia and Herzegovina
- ▶ 22 years after the 1992-95 war, 7,500 people were still living in more than 100 'collective centres' in Bosnia and Herzegovina, the majority being single mothers and widows with inadequate access to housing, food, healthcare, education and other social and economic rights
- ▶ By 2013 only about 200,000 of the around 1.5 million widows in Iraq were receiving financial support from the government



HALF WIDOWS - WIVES OF THE MISSING OR FORCIBLY DISAPPEARED

Enforced disappearance is now classified as a crime against humanity

Relevant to the 'half widows' of men who are missing or forcibly 'disappeared' are the UN Committee on Enforced Disappearances and the International Convention on the Protection of All Persons from Enforced Disappearance

- ▶ In 2019 WPD highlighted the situation of the half-widows of Jammu and Kashmir. Special laws such as the Armed Forces (Jammu and Kashmir) Special Powers Act 1990 were impeding accountability and jeopardizing the right to remedy for victims of rights violations, with impunity continuing for enforced or involuntary disappearances
- ▶ In Iraq some wives of the missing have no marriage contract, meaning they must ask for a lawyer to register the marriage before being able to even start compensation proceedings
- ▶ In 2015 the UN Committee on Enforced Disappearances found Colombia's number of disappearances very high, but the number of those sanctioned very low, with no member of the armed forces or of the guerrillas having been sanctioned
- ▶ A Colombian disappearance was only registered as 'enforced' upon a relevant court ruling, with widows being refused information about forcibly 'disappeared' husbands; experiencing discrimination in inheritance of property, receiving no adequate pension or compensation, and being unable to remarry due to lack of official documentation



OPPORTUNITIES FOR REMARRIAGE

- ▶ A 2017 study of the prevalence, types and patterns of VAWG in South Sudan found that the already widespread practice of wife inheritance accelerated as more men were killed in the conflict
- ▶ 63% of those reporting being widowed and re-married were re-married to brothers or other male relatives of their deceased husbands, often without their consent
- ▶ Such remarriages often result in psychological and physical abuse from the new husbands' families to both the 'inherited' widows and the widows' own children
- ▶ The 'inherited' widow may just be an addition to a number of pre-existing wives in societies where polygamy occurs
- ▶ In many situations widows may be forced by destitution to remarry a man not of their choice in order to survive
- ▶ In some countries religious restrictions constrain the length of the waiting period for 'half-widows' to remarry, or the wives of the 'disappeared' lack relevant documentation



DISCRIMINATION AGAINST OLDER WIDOWS

CEDAW's 2010 'General recommendation No. 27 on older women and protection of their human rights' compels State parties to address multiple discrimination against older women, and observes that while many older women face neglect when no longer considered useful in productive and reproductive roles, both widowhood and divorce further exacerbate discrimination. States parties are also mandated to repeal all legislation that discriminates against older widows in respect of property and inheritance, and to protect them from 'land grabbing'

- ▶ A 2015 UN report found three times more women than men widowed globally within the 60-64 age group, with widowed women less likely to remarry
- ▶ Female widowhood at age 60-64 was over 40 per cent in Indonesia, Mongolia, Pakistan and some sub-Saharan African countries - particularly in conflict affected countries and those with high HIV prevalence
- ▶ Discrimination against older widows, often harmful and violent, is widespread globally, with older widows more vulnerable than younger ones to theft of property or assets
- ▶ Persecution of older women accused of being 'witches' continues in a number of countries
- ▶ Victims of extreme violence accused of witchcraft include older women living alone, who are very often widows



WIDOWS WITH DISABILITIES

The CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND OPTIONAL PROTOCOL (in force 2008) contained no mention of widows, and a 366-page 2018 UN report, *Realizing the Sustainable Development Goals by, for and with persons with disabilities*, had only one mention. Abuse and discrimination against disabled individuals is widespread globally.

This is a 2020 case history from the dossier

- ▶ 'Sick and disabled widow Grace's youngest daughter W. M. helped narrate this testimony on behalf of her mother. Grace's son offered to take care of both his disabled mother and W.M, inviting them to live with him, but soon afterwards colluded with Grace's eldest daughter to confiscate their mother's title deed and sell off her property. Although promising to share the proceeds of the sale with Grace, he instead gave his mother a 22-day notice to vacate her premises, and the local chief did nothing to help Grace and W. Although Grace was unable to cater for herself and in a wheelchair, even requiring help just to go to the toilet, the community did not want to be associated with her in her disabled condition and W.M. went to the Catholic church to seek help as her brother had promised to kill her if she ever came into his presence. The case was reported to the police, but due to lack of resources they could not pursue the case. Although W.M. has been severely beaten by her brother while attempting to seek justice for their mother and he still threatens to kill her, she is still willing to pursue justice for her mother if given the right support and resources to pursue the case in court. Grace is depending on well-wishers for food, while W.M, who also has a child, struggles to earn enough to cater for all their needs by doing casual domestic work in other people's households'.



WIDOWS' ENGAGEMENT IN DECISION-MAKING and the need for DATA

CEDAW Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

CEDAW Article 8: States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

- ▶ Widows should have a strong and collective voice in order to achieve the aims of the CEDAW articles and have a vital role to play in successful implementation of UNSCR 1325, peace building and reconstruction
- ▶ A case example of effective lobbying to achieve such representation is that of the Nepal NGO Woman for Human Rights Single Woman's Group (WHR-SWG), which works to secure the political, social, cultural and economic rights of single women in Nepal
- ▶ WHR-SWG has successfully campaigned to change discriminatory laws and policies, including securing widow allowances for all ages, gaining more equal property rights for widows, and lobbying with the government to collect data on widowhood at National level
- ▶ Reliable and comprehensive data is fundamental for the issues of widowhood to be effectively addressed by the UN, Member States, and civil society, and for the realisation of the SDGs
- ▶ Disaggregated statistics by age, location, ethnicity, disability and numbers of widows and their children, plus evidence on needs, experience of abuse and violence, support systems, coping strategies and actual roles of widows and 'half widows'
- ▶ The gathering and analysis of such data must be a priority for all member States to be complemented by data collection by civil society, specialised UN agencies and widows organisations to fill this knowledge gap.



RECOMMENDATIONS FROM WIDOWS FOR PEACE THROUGH DEMOCRACY (WPD)

- Development of a CEDAW General Recommendation (GR) on Widows
- Implementation of a UN Human Rights Council Resolution on Widows
- Establishment of a UN Independent Expert on Widows
- Incorporation in the recommended GR and UN Human Rights Council Resolution of points contained in the Articles of WPD`s CHARTER FOR THE RIGHTS OF WIDOWS

<https://www.widowsforpeace.org/widows-charter/>

- ▶ All aspects of the discrimination against and marginalization of widows must be recognised as violations according to the UN Declaration of Human Rights
- ▶ The CEDAW General Recommendation should include as a requirement that State Parties use all appropriate measures to:
 - (a) Procure reliable and comprehensive data, with disaggregated statistics for the numbers and ages of widows and their children
 - (b) Identify and urgently address all forms of discrimination experienced by widows and their families
 - (c) Support and work collaboratively with widows' associations and relevant NGOs to gather the relevant data.
 - (d) Ensure that widows are engaged in any consultations relating to law reforms and their implementation
- ▶ WPD also recommends that the narrative on widows in the proposed CEDAW GR and UN Human Rights Council Resolution should be framed in a way that highlights widows' key role in society as vital contributors to the world`s economy and invaluable assets during peace-making



A note on compiling the Dossier

Cases were requested from over 100 organisations and more than 90 individual professional contacts worldwide

For confidentiality and security, pseudonyms are used in the dossier except where names of individual widows have already appeared in the public sphere with their consent

Special attention was paid to presentation of evidence from countries and regions where widow discrimination is most acute

Case examples are from Afghanistan, Bangladesh, Bosnia and Herzegovina, Cameroon, Colombia, Democratic Republic of Congo, India, Iraq, Kenya, Kosovo, Myanmar, Nepal, Nigeria and Pakistan

Cases may be forthcoming from Kashmir, Sri Lanka, Ukraine, Mali, South Sudan and Tanzania

Delays in sending case studies are due to respondents being fearful of retaliation by practitioners of traditional customs or by state actors; by legal systems prioritising criminal dossiers; by lack of staffing capacity, and sometimes complete lack of political access

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WPD acknowledges and gives grateful thanks to the Network for Social Change and the Robbins Family Trust without whose generous support this work would not have been possible



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