

EXECITVE SUMMARY

Widowhood is a clearly defined social role for women, which is associated with prescribed institutionalised cultural and religious norms and concomitant social sanctions if deviation from social role expectations occurs. An altogether different set of norms applies to men upon the death of their wives. Indeed, the concept of widowerhood is not well known, especially in polygamous societies: a man does not become a widower upon the death of his wife because there are other wives in his family, or because there is an expectation that he will soon remarry. Widowers, even when elderly, are far more likely to remarry than widows of any age.

An overview of relevant literature and empirical studies reflect different experiences of widows vis-à-vis that of widowers. This is partly due to the strict role prescriptions and socio-cultural control that apply to widows, and not to widowers. Prejudice and discrimination associated with gender stereotypes that apply across the lifecycle of women and men seem to galvanise during widow(er)hood, with differential effects on the status of women and men. A woman's status shifts drastically (downward) after the death of her spouse in contrast to the widower's status, which remains unchanged. A decrease in social status not only has implications for women's livelihood, economic status and quality of life, but also increases women's vulnerability to discrimination, abuse, harassment and gender-based violence, as well as her ability to assert her rights. Both women and men experience increased social pressure during widow(er)hood, but in opposite directions: widows are pressured to remain 'loyal' and 'faithful' to their late husbands, and to honour their memory, whereas men are often pressured into a quick remarriage, regardless of their readiness or wish to remarry. If widows remarry, they rarely do so of their own free will. In some communities, widows may be forced into new conjugal relations with a male relative or be forbidden to remarry, even if they may wish to do so. Furthermore, gender stereotypes regarding the innate ability of women vis-à-vis that of men to nurture and care for children lead to assumptions about women's natural ability to 'cope', even in the absence of resources. Conversely, assumptions about men's 'natural inability' to care for children often results in the removal of children from their father after the death of their mother to be cared for by other women.

Women's human rights advocates from a wide range of cultural contexts are working to ensure the continuation of cultural practices and values, while working to change cultural practices that may

harm women. They are challenging this binary by demanding that states respect, protect and fulfill both women's human rights and cultural human rights, recognising that both sets of rights and the interplay between them are integral to people's enjoyment of the full range of human rights.

The CGE conducted an in-depth countrywide study on experiences of widowhood in different cultures and in different geographic areas in South Africa. This study was aimed at exploring the immediate, intermediate and long-term effects, as well as the underlying and structural causes of the discriminatory and disempowering experiences of widows and widowers at all levels of life in a number of selected communities across South Africa. A qualitative approach, data collection methods and analysis were adopted in this study. The qualitative approach was crucial because it not only reveals why a phenomenon occurs, but also develops "a detailed understanding of individual views, attitude and behavior".

Respondents for the study were selected from

- Households: widows living in households and institutions of care, together with their family members (own family and family-in-law)
- Communities: people in positions of power, including church leaders, traditional leaders, community leaders, neighbours, informal networks, non-governmental organisations and caregivers of widows in institutions of care
- Business: employers of widows and of widows' deceased husbands, financial institutions
- Government: officials on all levels of government who deal with widows

Respondents were drawn from urban, peri-urban and rural areas in each of the nine provinces. The number of respondents per province reflects the demographics of each province, particularly the diversity of the population in terms of age, race, socio-economic class, language group, culture and religious affiliation. Care was taken to also include respondents with disabilities and respondents who are affected by HIV/AIDS.

The findings of the study reveal large-scale discrimination against widows and widowers, including imposition of burdens, obligations or disadvantage, and withholding benefits, opportunities or advantages, as well as regular harassment of widows and widowers in the context of household, community, state and market place. These include:

- Chasing-off from spousal property, and property grabbing

- Removing of children and not allowing the widow(er) access to her (his) children/dispossessing the widow(er) of her (his) children and denying her (him) access to them
- Hindrance (in)and not allowing the widow(er) to have friends, to make personal decisions, to work, to travel or to conduct business
- Name-calling and accusing the widow(er) of killing or bewitching the deceased
- Forcing the widow(er) to engage in practices that (s)he finds humiliating and harmful, including choosing the future spouse for the widow/er, withholding of food, water and medical treatment.

Many widows have shown remarkable determination and courage in the face of tragedy and – either individually or in collaboration with other widows – have become self-supporting and entrepreneurial, running small businesses, farming and supporting their children and dependants. Many widows are enormously resourceful and resilient and go on to manage successful creative lives, both personally and professionally.

While some women and men incorporate gender equality, or at least attempt to incorporate it, in their marriage and family relationships, this does not necessarily continue in widowhood. Widows are heirs to a set of discriminatory and oppressive customs and practices that compromises their constitutional rights to dignity, equality and freedom. The collective forces continue outdated and illegal practices and customs during widowhood. This includes women and men colluding to the perpetuation of these practices and customs. This will not decline and change overnight. Changes to cultural and religious customs and practices following the death of a male partner will require a restructuring of all basic social arrangements in our society that make democracy possible in all spheres and at all levels of interaction in society.

Our society has traditionally been organised around gender, race and class. The deliberate eradication of these as grounds for inequality, discrimination and oppression and the adoption of constitutional democracy and values of human dignity, equality and freedom as organising principles in our society is still being encouraged, debated and discussed. The transition is clearly difficult and painful. Social institutions can be changed intentionally, but not easily or quickly; and not without widespread discussion and debate.

The following key recommendations emanate from this study:

- Continue monitoring and evaluation of government's compliance to international and regional treaties that protect the rights of widows; and be rigorous in holding government accountable to implementing international and national law.
- Engage widows and stakeholder groups in identifying customs and practices that are unconstitutional and need to be abolished; ensure women's effective participation and input in the law and policy-making process.
- Lobby for the development of case law jurisprudence on the constitutionality of widowhood rites.
- Encourage research to focus not only on elderly women, as little empirical evidence regarding young widows and widowers (notably in the context of young women/widow-headed households) is available.
- Encourage the development and application of new conceptual and practical methodologies that can gather perspectives and information on the situation of widows; and ensure that data is disaggregated not only by gender and age, but also by marital status, to reduce the vulnerability of widows and their families. The exploitation experienced by individual widows in households is often hidden.
- Encourage the drafters of policies and programmes, as well as donors, to give equal weight to quantitative and qualitative information to inform and guide policy-making and programme development. A lack of reliable data is one of the biggest obstacles to influencing policies and programmes that address the situation of widows. The richness and validity of narrative and anecdotal material often goes unpublished or undisseminated and should be tapped to inform policies and programmes.
- Facilitate public education and information campaigns to educate the public on gender equality, equity, the rights of widows and how the South African legal system operates; and encourage widows to assert their rights by reporting unlawful discriminatory activities to their nearest police station and lodging complaints with the CGE.
- Lobby traditional leaders to increase their involvement in the promotion and protection of women's constitutional rights, including those of widows.