

# Provincial Report

Free state



**COMMISSION ON GENDER EQUALITY**

Gender Equality Ensures a Better Life for All

## **PREFACE**

The CGE's widowhood survey was a nationwide survey of public- and private-sector responses to the plight of widows in the different provinces of South Africa. In order to understand the experiences of widows and widowers, the key issue is to understand the concept of widowhood, as this is influenced by different cultures in different geographical areas and language groups. The study also examined the concepts of human rights in the cultural and religious mourning practices and how these practices impact on both men and women. It is also important to note how participants think they can be helped in trying to address the challenges facing widowhood in the respective provinces.

The research in the Free State Province was coordinated by *Mashudu Nefhere*.

### **Contact Details of The Free State Provincial office of The Commission on Gender Equality.**

Free State Province  
49 Maitland Street, 2nd Floor, Fedsure Building,  
Bloemfontein 9300, South Africa  
P.O. Box 3082, Bloemfontein 9300  
Tel: +27 51 430 9348  
Fax: +27 51 430 7372

## **FREE STATE**

### **Background of the province**

The Free State is the third largest province in South Africa. It comprises five district municipalities (Motheo, Xhariep, Lejweleputswa, Thabo Mofutsanyana and Fezile Dabi), which are further subdivided into 20 local municipalities. According to Statistics South Africa's mid-year estimates in 2006, its population is 2 958 800. The main languages spoken are SeSotho, Afrikaans and isiXhosa. Economically, the Free State depends on mining, manufacturing and agriculture. The main agricultural products are field crops, animal products and horticulture products. Mining is the biggest employer in the Free State, followed by the manufacturing sector.

### **Research methodology**

Qualitative and quantitative methodologies were used to collect data. Individual and stakeholders questionnaires were administered and focus group interviews and individual in-depth interviews were conducted in both urban and rural areas. This was done with the aim of assessing the need to review legislation relevant to widowhood, including access to the estate and rightful resources and access to support systems during widowhood.

Samples were designed to target equal numbers of men and women. However, in accordance with the population statistics of the province, more female respondents turned up than males.

The Kopanong Local Municipality, Tshireletso Against Women Abuse (an NGO) and Dinonyanya Tsa Meso Widows' Association of South Africa (NOTSAWESA), based in Botshabelo, helped identify respondents through snowballing. Data was gathered from the rural and urban areas, and included Bloemfontein as an urban area (Mangaung Local Municipality and Motheo District Municipality), Edenburg as a rural area (Kopanong Local Municipality and Xhariep District Municipality), Dewetsdorp as a rural area (Dinaledi Local Municipality and Motheo District Municipality) and Botshabelo as a rural area (Mangaung Local Municipality).

### **Data collection process**

Fifty individual questionnaires were administered to blacks and whites in rural and urban areas. Almost 80% of the questionnaires were completed and returned and about 20% were partly completed.

Three focus group interviews were conducted: two with black people in rural areas and one with black people in an urban area. Responses were given in respondents' first language (English, SeSotho, Tswana, Zulu and Xhosa). Each interview session lasted, on average, one hour. Rich data was collected through the use of two tape recorders and notes where possible. During two of the focus group interviews, after debriefing, the respondents had a chance to seek clarification from the CGE's legal officer who had accompanied the researcher, who was able to explain some of the acts relevant to widowhood, such as the Marriage Act, Act 50 of 1997, the Divorce Amendment Act, Act 65 of 1997, the Maintenance Act, Act 99 of 1998, the Recognition of Customary Marriages Act, Act 120 of 1998 and the Constitution of South Africa, Act 108 of 1996.

After each focus group interview, the researcher selected one respondent for an in-depth interview. Four individual in-depth interviews were conducted. The selection was based on the presentation of unique or painful narratives during the focus group interviews.

Questionnaires specifically designed for stakeholders were distributed to the Department of Home Affairs, the Department of Social Development (the South African Social Security Agency), the Department of Local Government and Housing, the Department of Health and the Office of the Family Advocate. All questionnaires were completed, except those of the Department of Health.

### **Findings**

Gender analysis examines multiple layers of social relations and identities among women and men individually and collectively. It further explores interconnectedness among gender, class and ethnic relations. Based on the nature of the inquiry and the aim of the study, this method was used.

Interviews were transcribed and translated into English. In analysing data, the transcripts were read in detail before coding was done manually to identify themes. Data was connected to show how one concept influences another.



Corroboration/legitimation took place by evaluating alternative explanations and disconfirming evidence and searching for negative cases. Finally, the account was represented.

Society has a way of affirming the status of widowhood such that people adhere to certain definitions of the concept. It is, therefore, most likely that the definition of widowhood can differ according to geographical situations, culture, race and class.

Almost all respondents cited marriage as an important factor in determining widowhood. There is overwhelming evidence that tradition and culture play a role in this definition. In the black culture, lobola endorses marriage. Most respondents argued that to be referred to as a widow, one should have been married to the deceased. Nevertheless, the issue of the two families being on good terms for lobola negotiations is not always the case.

While it is apparent that marriage seems to be the basis for widowhood, some gaps in the definition exist to a certain extent. While the respondents' definition of a widow implies that a widower should have been married to the deceased (lobola having been paid too), it is interesting to note that there was mention of men not really acquiring the status of widowers when they have many wives and only one of them passes away.

It was, however, notable that although a few respondents had had civil unions, the majority had had customary marriages. Their definitions of marriage were based on the payment of lobola. Much as an individual might regard her/himself a widow or a widower and feel such, society – and most importantly the family of the deceased – determines such status.

Evidence reveals society's perception of one's status. It is mainly the in-laws that determine whether one is a widow/widower or not. Good relations with the extended family before one's partner dies also contribute to how one is treated after the spouse's death. If relations were bad, one usually encounters rejection, which also affects access to the estate. This endorses gender-bias in widowhood as it happens to widows and not to widowers.

When it comes to a widow's access to the estate of the deceased, or her inheritance, it is the family and society that determines whether one is a widow or not. In order to have access to the estate, marriage becomes a determining factor. Access to the estate has relevance to the law of succession, which a lot of people are unaware of. Participants' responses showed evidence of lack of information on types of marriages, wills, maintenance and estates. In some cases, the in-laws devise means to access the estate, even by supplying evidence that the deceased was not married, or by helping the deceased's mistress – instead of his wife – to gain access to the estate. Some in-laws would just disregard a widow's right to the inheritance.

Education (or lack thereof) seems to be an obstacle. As most of the respondents had little education, they had little knowledge of how to go



about accessing information and services. The state of widowhood is one stage in which people become vulnerable, and relatives and society tend to take advantage of them. The same cannot be said of widowers, as the patriarchal nature of society enables them to have power and be in control.

Gender stereotypes during widowhood perpetuate inequalities, exclusion and marginalisation. Evidence shows that the mourning process is gender-biased. Widows bear the brunt of going through the mourning process fully, while widowers either mourn willingly or do not mourn at all. When a man dies, a wife would often be accused of having killed him. In contrast, men do not suffer such accusations. Widows are perceived as being outcasts during the period of mourning. This is not done to widowers. These stereotypes lead to loneliness and lack of support from the in-laws and society at large. Society also finds it acceptable for a widower to remarry soon after his wife's death. They will argue that a widower should get another wife to look after him and the children. This is not something that is advocated for widows.

Some widows go through forced sexual intercourse or marriages to uncles or brothers-in-law. The same does not apply to widowers. If they are in polygamous marriages, they will not take the title of a widower. They choose who to marry after their partners' deaths and in a short period of time.

Gender-based rituals during widowhood infringe rights to gender equality. There is evidence of gender discrimination in the way in which mourning takes place, with widows being disadvantaged.

It is notable that the support system that people have access to during widowhood has to do with the family or society's perception and acceptance of whether or not one should be regarded as a widow/widower. Under normal circumstances, the community will lend a helping hand when there is death in a family. Depending on what a particular community has agreed on, they may contribute financially and through human resources. Of course, the immediate support will be from the family, depending on the existence of a healthy relationship. In a situation where there are squabbles in the family, even preparing for a funeral becomes a problem. The type of relationship a widow has with her in-laws usually continues throughout the widowhood process.

Widows experience isolation and rejection during the widowhood period. They are usually looked after by family members, especially their own children. Lately, associations like widows' associations are of much importance for support.

The kind of relationship a widow has with her family determines the kind of support she will receive from them. Sometimes a good relationship that existed all along is ruined when it comes to the division of the estate. When in-laws want a share of the estate that they are not entitled to, it creates a problem. It is under these circumstances that a widow would depend solely on her adult children to prepare for her husband's funeral. It is in times like these that one needs to be surrounded by people one trusts, especially with financial issues. Associations like NOTSAWESA are important support





structures. People in the same predicament give each other support and advice.

Churches also play a huge role during widowhood. This will most likely be the place where people find spiritual, emotional and sometimes financial support during bereavement.

Evidence does not suggest major differences in the experiences of widowhood between urban and rural areas. The mourning processes followed are more or less the same. The only differences are in terms of ethnicity or religious affiliation. Despite the availability of better services in the urban areas, lack of information and poverty impose difficult conditions on both widows and widowers. People in the rural areas suffer from a lack of services and access to transport to urban areas for services. The unemployment rate for widows and widowers is almost the same for both urban and rural dwellers.

### **Interviews with stakeholders**

#### *Department of Social Development and South African Social Security Agency*

The Constitution of South Africa provides that everyone has the right to access social security, including – if they are unable to support themselves and their dependants – appropriate social assistance. Widows are part of the vulnerable section of the population. They are severely affected by the impact of poverty in our society. The government is trying to alleviate poverty through social grants. Elderly widows who qualify for an Old Age Grant find themselves bearing the responsibility of being breadwinners and caring for their children and grandchildren as a result of unemployment and the impact of HIV/AIDS. Young unemployed widows with children who qualify, survive on a Child Support Grant. Unfortunately, this grant is limited to children up to 14 years of age. Seemingly, there is a dependency on social grants due to unemployment and poverty. So far, the Department of Social Development (through the SASSA) does not have a special grant for widows and widowers. This is an issue that impacts negatively on widows as primary caregivers.

#### *Department of Home Affairs*

Procedurally, upon the death of a person, a death certificate has to be obtained. The Department of Home Affairs indicated that they issue death certificates on the spot. They also help widowed people or relatives of the deceased to obtain the necessary documentation (like marriage certificates) on request and refer them to the relevant departments or companies. The problem arises when relatives of the deceased, without delegated authority, approach the Department of Home Affairs requesting documents without the knowledge of the widow/widower. Customary marriages that are not registered are also problematic as in-laws may choose to disown a widow (denying any knowledge of her marriage to the deceased) for financial gain. It is important for customary marriages to be registered. From the information

gathered during this study, information on marriages, deaths, maintenance and estates needs to be clearly communicated to the majority of the population.

#### *Department of Local Government and Housing*

The Department of Local Government and Housing has, among others, a mandate to ensure the provision of services to communities in a sustainable way. The Bill of Rights, as contained in the Constitution of South Africa, states that everyone has the right to have access to adequate housing. The Department of Local Government and Housing disseminates information through Project Consolidate (a departmental newsletter), links with municipalities, community development workers and imbizos. Its special programmes for the vulnerable are for the disabled, women and youths. It identifies vulnerable groups through a special programme manager, the Bill of Rights, the Labour Relation Act, the definition of vulnerable groups according to the constitution and the Employment Equity Act, and through their backgrounds. It does not yet have special programmes in place for widows and widowers as a vulnerable group.

#### *Family Advocate*

The Family Advocate offers services on divorce, access rights, custody, guardianship, maintenance and domestic violence. It has indicated that challenges in executing wills include vagueness and ambiguity, two different wills submitted by two widows or relatives, and relatives demanding a share in the estate. Where there is no will, a widow/widower is referred to the Master's Office where the estate is dealt with intestate. Religion, culture and tradition are taken into account, not forgetting that the constitution is the highest authority. Traditional, cultural and religious values are based on schools of thought that oppress widows/widowers. They make provision for relatives getting a share of the estate, irrespective of the remaining spouse's needs. Family feuds mainly occur because very few people in the black culture have wills. Often the deceased has made a verbal promise of property without the knowledge of his/her partner. Again lack of knowledge and access to information become a hindrance.

### **Recommendations**

The following recommendations emanated from the research:

- Service providers should have sufficient knowledge of the Bill of Rights, as contained in the Constitution of South Africa.
- Information and services should be easily accessible. Pamphlets on information like social grants should be readily available and should be user-friendly.
- Public education programmes on human rights and on acts that affect widows and widowers should be launched (for example, the Marriage Act, Act 50 of 1997, the Divorce Amendment Act, Act 65 of 1997, the Maintenance Act, Act 99 of 1998, the Recognition of Customary Marriages





Act, Act 120 of 1998, and the Constitution of South Africa, Act 108 of 1996).

- Formal support systems for widows and widowers should be established.
- The following of mourning rituals should not be enforced, but allowed voluntarily.
- Social networks should be strengthened and should be gender-aware and informed service providers should be sought.
- Legislative and policy frameworks should be reviewed to become gender sensitive.
- Legislation should be instituted on social grants for widows and widowers. The means test for the Child Support Grant should be reviewed and extended to children up to 18 years of age.
- The Department of Local Government and Housing should devise means to allocate a certain number of houses specifically to widows and widowers.

Unlike widowers, widows are viewed negatively by other women, who are suspicious that they may snatch their husbands away. This leads to some widows leading isolated lives where they are afraid of greeting male neighbours, lest they be accused of luring them. Support networks like NOTSAWESA warn widows against such perceptions. They give support and advice on self-development. Some members of the association have chosen not to engage in relationships with men to avoid disappointment and scorn. Some widows choose to raise their children on their own and not to remarry because of the stigma attached to them and to avoid the rejection of their children by new spouses.

The fact that widows constitute a higher percentage of the widowhood population perpetuates the feminisation of poverty. Much as widowhood affects both genders, widows are more affected as they are caregivers: a role that is gendered. The study revealed that most widows experience difficulties in raising their children due to unemployment. The subordinate status of women accounts for, and aggravates, their apparent inability to access resources, further accentuating their plight.