



COMMISSION ON GENDER EQUALITY

Gender Equality Ensures a Better Life for All

PROVINCIAL WIDOWHOOD SEMINARS 2008

WIDOWHOOD

# KNOW YOUR RIGHTS

## What is the problem?

A widow is defined as 'a woman who has lost her husband by death and has not married again'. Similarly, a man who has lost his wife by death and has not married again will therefore be referred to as a widower. Widow(er)hood is a social role, produced by the often painful transition from the married status to the non-married status by the death of a spouse. Society has a way of affirming this status such that widows and widowers adhere to social role prescriptions. Much as culture plays a role in these definitions, culture is dynamic. It is therefore most likely that the customs and rites associated with the mourning of a spouse can differ according to geographical locations, culture, religion, race and class.

Although some widowhood rites are supposed to be advantageous to widows, they are also being abused for several reasons. These include the psychological domination of women by men. Many widows suffer abuse and exploitation at the hands of community, church and family members, often in the context of property disputes. A widow's in-laws, and even her own adult sons, can be covetous and unscrupulous, often under the cover of "culture" or "religion". Widows are often used as stepping-stones for the acquisition of the estate of the deceased. More often than not, the widows are abandoned when the property dissipates.

Both women and men experience increased social pressure during widow(er)hood, but in opposite ways: widows are pressured to remain “loyal” and “faithful” to the late husband, and to honour his memory, whereas men are often pressured into a quick remarriage regardless of his readiness or wish to remarry.

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 result in removal of children from their father by the extended family after the death of their mother, to be cared for by other women.

Few reported cases of violence and discrimination iproceed successfully through the justice system. In many instances, perpetrators go unpunished. The purpose of this booklet is to provide basic guidance to women and men to assert their constitutional rights to freedom, dignity and equality.

## Examples of violations of widows' and widowers' rights

Legal action can be sought and any individual or organization, who are found guilty by a court of law, may face penalties for one or more of the following violations of the legal rights of widows:

- *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 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, (especially forced marriages for the widower) withholding of food, water and medical treatment.*

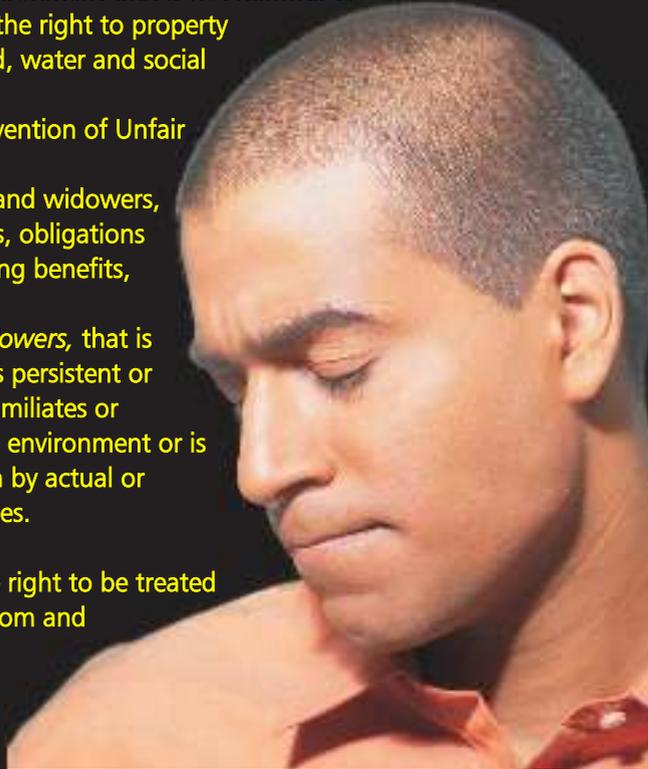
# What are widows' and widowers' rights?

All widows and widowers have the right to full and equal enjoyment of the rights and freedoms as stated in the Constitution. The Bill of Rights of the South African Constitution protects the right to freedom of movement and residence (s21), the right to an environment that is not harmful to one's health and well-being (s24), the right to property (s25), the right to health care, food, water and social security (s27).

The Promotion of Equality and Prevention of Unfair Discrimination Act outlaws:

- *Discrimination against widows and widowers*, including imposition of burdens, obligations or disadvantage, and withholding benefits, opportunities or advantages;
- *Harassment of widows and widowers*, that is any unwanted conduct which is persistent or serious and which demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences.

All widows and widowers have the right to be treated with dignity, and the right to freedom and equality. All forms of unfair discrimination against widows and widowers are prohibited by law.



**the right  
to be treated  
with dignity**

# How do you ensure that you get assistance?

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## **Johannesburg: (Head Office)**

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