

# Provincial Report

Kwazulu Natal



**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 KwaZulu-Natal was coordinated by *Fanyana Ntuli* and *Sithembiso Myeni*.

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## **KWAZULU-NATAL**

### **Background of the province**

KwaZulu-Natal comprises the former KwaZulu homeland areas and the former province of Natal. It is the third smallest province in South Africa and, according to the estimates for the period March 2001 to March 2006, has the largest share of the population (21,9%). It is one of three provinces expected to experience an increase in population due to internal migration patterns. In both men and women, HIV/AIDS is a leading cause of death in the province, giving rise to an increasing number of widows, widowers and orphans. Political violence also contributes to the high death rate in the province.

### **Research methodology**

In order to capture a cross-section of widows' and widowers' situations and experiences, different sites were chosen that represent different kinds of widows and widowers in different communities or municipalities in KwaZulu-Natal.

## Sampling

**Table 1: Individual questionnaires**

Research sites	Category	Race	No of respondents/participants	
			Female	Male
Loskop	Non-urban	Black	38	4
Chatsworth	Urban	Indian	8	0
Durban	Urban	Coloured	8	0
Newlands East	Urban	Black	4	0
		Coloured	4	0
Empangeni	Urban	Black	17	0
Empangeni	Non-urban	Black	35	0
Howick	Peri-urban	Black	14	4
Ugu	Urban	Black	11	0
Ugu	Rural	Black	11	0
KwaMbonambi	Non-urban	Black	10	0
Banana City	Informal settlement	Black	8	0
<b>TOTAL</b>			<b>168</b>	<b>8</b>

## Data collection process

**Table 2: focus group interviews**

Research sites	Category	Race	District municipality	No of focus groups
Empangeni	Non-urban	Black	Uthungulu	1
KwaMbonambi	Non-urban	Black	Uthungulu	1
Durban	Urban	Coloured	Ethekwini Municipality (Metro)	1
Howick	Peri-urban	Black	Umgungundlovu	1
Loskop	Non-urban	Black	Uthukela	1
Port Shepstone	Urban	Black	Ugu	1
Port Shepstone	Non-urban	Black	Ugu	1
Empangeni	Urban	Black	Uthungulu	1
<b>TOTAL</b>				<b>8</b>



## Findings

The data collected from different focus groups was analysed and divided into various themes. The way in which widows and widowers interact with the broader society was examined in detail.

### **Powers and rights to make decisions in the widowhood and mourning process**

Widows and widowers presented two key positions or experiences when it comes to funeral arrangements. One group noted that the powers and rights to make decisions rested with different members of the family, even though some widows and widowers experienced trauma, humiliation and subordination during the process. Some widows who made their own funeral arrangements were challenged by their in-laws.

Another group argued that the right to make decisions should remain with the surviving spouse, assisted by the in-laws or other family members, but with the directive coming from the surviving member. In some instances, arrangements and decisions were taken collaboratively. Such arrangements could work for some, while others had hidden agendas with regard to the assistance they offer widows.

Data gained in this study revealed that even though powers and rights are granted to some widows, the socio-economic conditions with which they are faced make them vulnerable. Some women surrender their rights and decision-making powers to prevent conflict. A thought-provoking question that also arises is the impact of culture when it comes to the surrender of powers and rights.

### **Burden on pensioners due to widowhood and poverty**

Data shows that due to the increase of young widows in South Africa for many reasons, some pensioners seem to face an extra burden. Despite the fact that there are government subsidies and grants aimed at alleviating poverty and inequality, not everyone is benefiting. A vulnerable group is being left out: widows and widowers. Pensioners or elderly widows are often left to look after grandchildren without any assistance.

### **Abuse of widows during widowhood**

The abuse of widows takes place at different times and in different ways. This abuse takes on many forms and cannot be underestimated. Failure to attend to these abuses would impact adversely on our fledging democracy and contribute to social injustices.

- Employers (or the employers of the deceased) not paying out death benefits, such as pensions and other related benefits, seemed to be more prevalent among farm-workers and in organisations that do not comply with labour market policies.



- Where in-laws take assets belonging to the deceased, data seems to suggest that land is the main asset that is taken. Some widows are forced to contribute to the funeral arrangements, but are chased away soon after the funeral. Others are rejected by the family if they refuse to perform traditional rituals because of their religious beliefs. If their husband has died an unnatural death, the widow is blamed. If the death was due to natural causes, the widow is accused of being a witch. Some widows are forced by their in-laws to withdraw all their funds if they are the sole beneficiary of their husband's estate. Some in-laws demand bank cards and identity documents to claim money from the employers of the deceased. Sometimes widows' parenting style is criticised.
- With regard to their relationship with their children, some widows experience blame from their own children. This eventually leads to conflict. Others argued that, due to limited funds, their children resort to criminal activities. This causes them to feel unsafe in the streets and in their houses. Some confirmed that, due to the environment, their children hardly complete high school. This makes them suffer more emotionally.
- As far as criminals in communities are concerned, some widows who start small businesses to supplement their grants and benefits are harassed. Some widows find temporary employment, but they get harassed.

### **Social exclusion and harassment of widows and widowers**

The issue of social exclusion has been one of the key factors that contribute to poverty and inequality. It takes place at community, family and institutional level and affects widows and widowers. Widows are poor in different ways. The tendency of government officials to send people from pillar to post is frustrating. Batho Pele principles need to be effectively implemented. Translating policy into implementation is really problematic. Widows go to government institutions because they feel they have nowhere else to turn.

At family level, widows are sometimes excluded from the mourning ceremony, which causes a deep sense of isolation. Some widows also pointed out that rules are laid down that they find difficult to escape. Widows' human rights are not protected and seem to be ignored by our culture. The government's commitment to women participation in governance structures and issues could be compromised given the experiences widows have in their communities.

### **Institutional support**

There are different institutions that assist widows. The support they provide varies from financial to moral support. Most widows agree that membership of a burial society helps. These societies normally handle all the funeral arrangements, which is a relief. Some churches offer moral support to widows during the funeral arrangements and thereafter.





### **Marriage under customary law**

The different kinds of marriages in South Africa were reviewed because they were not found to be in line with democratic precepts. Before the Customary Marriages Act, Act 120 of 1998, customary marriages were regulated by the Black Administration Act, Act 38 of 1927, the KwaZulu Act on the Code of Zulu Law, Act 16 of 1985, and the Natal Code of Zulu Law Proclamation R151 of 1987.

Many widows of customary marriages were kicked out of their households and stripped of their powers and rights because their in-laws claimed that they had not been legally married to their deceased partners, regardless of them having children. Sometimes their rights were taken by their deceased partners' second wives, who were married according to civil law. Gender stereotypes are embedded in our societies.

Matters were further complicated by labour migration. Many men left their rural homes and customary law wives, and married other wives in the city according to civil law. In essence, these men found themselves in polygamous marriages. Research suggests that the rural wives suffer differently from those in urban areas. Urban wives are also used to claiming more rights.

### **Title deeds**

Apartheid policies treated women differently such that black women were subject to customary law that technically denied them adult status, so they could not own or inherit, or gain credit. In patriarchal societies, women are perceived as minors soon after the death of their partners.

There are widows who are not being given the right to inherit. At a certain level, these predicaments test our legal system, which does not seem to be accommodating of certain circumstances. There seems to be empirical evidence to suggest that what widows experience would be the result of both the colonial and the apartheid regime.

### **Remarriage**

Marriage serves as a way of protection. Accordingly, widows remarry for various reasons, ranging from loneliness to low status, poverty and the isolation they experience. They face double discrimination: both as women and as widows. Data seems to suggest that those who remarry – in particular widows – seem to experience abuse.

Comparatively speaking, widowers do not have to wait long before remarrying. There seems to be a tendency among some men not to accept or consider themselves as widowers. For widows, it seems a dangerous move to remarry, due to the many cases of abuse that are reported. Curiously, some widows argue that they remarry for protection. The decision to remarry seems to be a hard one to take.

## Unequal power relations

Most educated widows complained about inequality, especially during the mourning process. There seem to be very strict rules that only apply to them, especially in rural areas. For people in rural areas, such practices symbolise respecting rituals, but in a modern context they are taken as forms of abuse.

## Forced removal and relocation of widows

Some widows do not enjoy their democratic rights during the mourning process because of the conflict that develops between them and their in-laws, particularly in respect of the deceased's belongings and benefits. Some need to relocate for their own safety and security. Very few cases of this type of abuse are reported.

## Synthesis

In the focus groups discussions, certain general patterns were identified of how widows are affected in different sectors.

The study revealed that most widows were stripped of their decision-making powers, mostly by their in-laws. Such behaviour leads to strained relations between a widow and her late husband's family, who on some occasions seek to claim the late husband's property. This factor seemed to be dominant, especially if the widow is relatively young. This behaviour is traumatic and widows run away to their own families.

Widows who are also pensioners and rely on fixed old age grants have to take care of orphaned grandchildren. These 'granny households' struggle to get these children registered for a Child Support Grant and must also pay for municipal services. They need help from the government.

It was established that social standing does not exclude widows from experiencing difficulties. Even widows of high profile seemed to be victims.

Widows generally agree that government discriminates against them because most vulnerable groups are eligible for grants, except them. Many widows are unemployed and have children. Without a supportive legal framework they have no recourse.

## Conclusions and recommendations

This report has shown various inconsistencies and contradictions experienced by widows and widowers in a democratic state. Widowhood is not just a position inside or outside society. It implies participation in general life, development and decisions of the community. The advent of democracy implied shifts in the meaning and practice of widowhood. As revealed in this report, unequal power relations and the marginalisation and exclusion of widows during the mourning process pose a threat to our fledgling democracy. The harassment of widows by state institutions emerged as one of





the contentious issues in this report. Given that scenario, activism promoting the interests of marginalised groups has for years challenged unequal and oppressive power relations that limit access to full democratic and citizenship rights.

Efforts must be made by state and official policy-makers to more effectively include organisations involved with widowhood in the policy and practice of development. These efforts should include the following:

- The government should institute specific grants for widows and widowers who do not yet qualify for an Old Age Grant. Such grants can have a trickle-down effect as some could immediately open small businesses.
- The government should have special programmes in place for widows and widowers that would serve as an income-generating strategy. These programmes can provide the tools whereby widows' and widowers' concerns can be addressed, and can serve as a commitment to ensure that gender equality is made concrete in all areas of policy.
- Other line function departments should be allowed to intervene when conflict arises that could lead to the abuse of widows and widowers. This could be done through gendered interests.
- Widows as a result of political violence should be assisted. Policies should acknowledge this because victims of political violence expect a lot from government.

Policy-makers and practitioners must ensure that differences between widows and widowers are taken into account in the planning and implementation of policies and interventions. This should involve the following:

- The government should consult with widows and widowers to gain a better understanding of how they should be assisted and protected. In this instance, needs assessments are crucial to enable development initiatives based on the experiences of real people. The process of assessments requires time, resources and commitment.
- From a gender perspective, rules and practices must be accommodating and not oppressive. They should treat people equally. Policy-makers must be able to enact these rules. They must be trained in the technical skills of gender analysis frameworks and planning to adequately understand the roles, responsibilities and experiences of widows and widowers.