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Applied Research Project

Review and Implications of Under-Recognized Widows Inheritance Rights Evaluation in Developing (Un-WIRED) World

by

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Executive summary

This report examines the inheritance rights of widows by analyzing statutory and customary laws in 11 countries. The goal is to understand how widows face systematic discrimination in inheritance law and the challenges they encounter in asserting their rights.

Our research involved extensive desk research and 17 interviews with key informants such as human rights lawyers, activists, academics, and politicians across Afghanistan, China, Dominican Republic, Mexico, Nepal, Nigeria, Pakistan, Senegal, South Africa, and Venezuela. Key questions addressed include the existence and effectiveness of legal protections for widows, and the gap between law and practice.

The study, framed within feminist theory, explores what it means to be a widow, the discrimination they face, and disinheritance as a form of discrimination. It presents the legal frameworks and specific protections for widows in each country, the impact of customary and religious laws, and the challenges faced by widows.

The report concludes with recommendations to better safeguard widows and bridge the gap between legal provisions and actual practice. These include greater visibility for widows, employing community-based frameworks, including men in the systems-change conversation, and further engaging in widows' rights literacy efforts.

Key Words: Widows, statutory law, customary law, inheritance, disinheritance, Afghanistan, China, Dominican Republic, Mexico, Nepal, Nigeria, Pakistan, Senegal, South Africa, Venezuela

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1. Introduction

As of today there are more than 258 million widows in the world—many of which are still children.¹ The World Bank estimates that approximately one in ten African women over the age of fourteen have been widowed.² The rights of women to inherit, own and use property have varied greatly due to cultural and socio-legal changes over time and across cultures. Despite minimal legal protections, many cultures impose restrictive laws, mores, and customs on widows, causing them to lose inherited property and leaving them unable to support themselves after their spouse's death. Challenges faced by widows range from inadequate finances, to difficulty accessing health care and education for themselves and their children.³ Widows often experience isolation and vulnerability, both of which may lead to their experiencing the violence of rape, assault, and abandonment.⁴

Recalling the words of Mahatma Gandhi, who once said that “the true measure of any society can be found in how it treats its most vulnerable members,” one must look to the societies within which these widows find themselves and ask:

1. What legal mechanisms exist to protect widows, and how effective are they?
2. In cases where a gap exists between written law and customary practice, why is this the case and how might it be addressed?

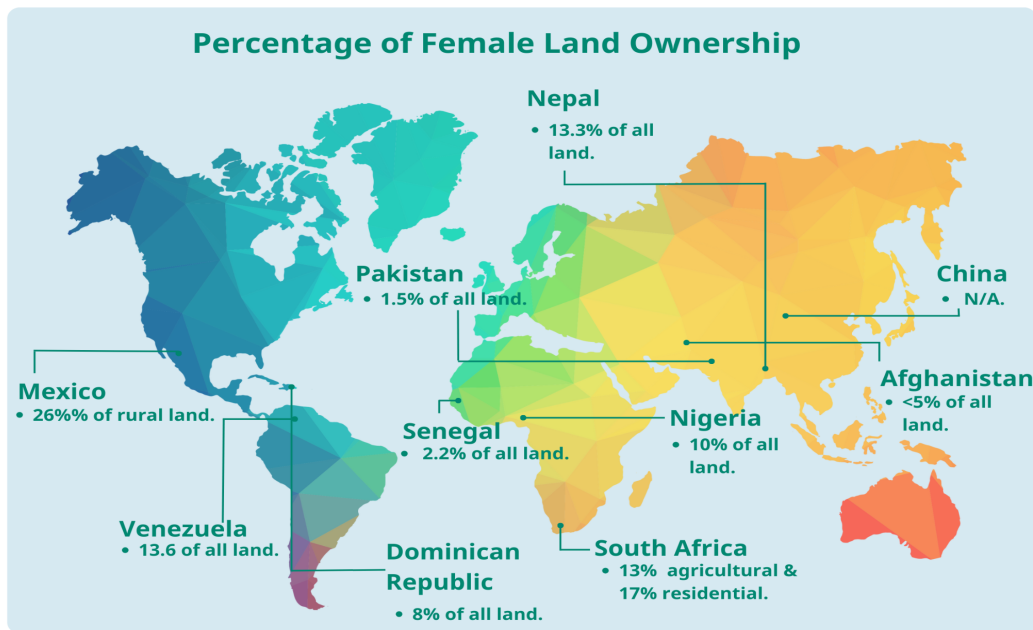
Our research aims to address these questions and shed more light on the shared experiences of widows worldwide by examining the status of inheritance for widows across 11 different countries. Operating within a feminist theoretical framework, our research begins by focusing on what it means to be a widow, the forms of discrimination they face, and disinheritance as one such manifestation of discrimination. Following this, the methodological framework of this report is discussed and limitations established. Our research findings are then presented, sharing first the legal frameworks of each country and specific laws which protect widows. Considering the presence and impact of customary and religious law on the lived experience of disinheritance experienced by widows, this will be looked at in detail. Challenges widows face will then be further explored and discussed. In closing, we share recommendations of practices to be undertaken in order to better safeguard widows and ensure a diminishing of the gap between law and practice.

¹ “International Widows’ Day: 23 June,” un.org, United Nations, accessed 29 November, 2023, <https://www.un.org/en/observances/widows-day>.

² “Invisible and Excluded: The Fate of Widows and Divorcees in Africa,” worldbank.org, World Bank, 20 January, 2018, <https://www.worldbank.org/en/news/feature/2018/01/20/invisible-and-excluded-the-fate-of-widows-and-divorcees-in-africa>.

³ Peterman, A. (2012), Widowhood and Asset Inheritance in Sub-Saharan Africa: Empirical Evidence from 15 Countries. *Development Policy Review*, 30: 543-571. <https://doi.org/10.1111/j.1467-7679.2012.00588.x>.

⁴ “Discrimination against Women”, The Loomba Foundation, accessed 19 November 2023, available at: <https://www.theloombafoundation.org/our-work/research/world-widows-report/issues>.



1.1. Defining widowhood

The view and definition of the “widow” has changed under the influence of cultural and societal development, and can vary across different legal frameworks. Traditionally, the term “widow” is used to refer to a woman whose husband has just passed away. Due to social custom, certain limitations or forms of ostracization are often also associated with the experience of widowhood, such as limited social interaction or periods of physical seclusion.⁵

In terms of legal and socioeconomic rights to property, inheritance and autonomy, widows’ rights have varied greatly across space and time.⁶ With shifting attitudes towards women and gender, there has been an escalated effort to tackle some of the financial, societal, and emotional needs of widows, and to provide cohesion, teaching, and informational options to make their lives better.⁷ However, widowhood remains a severely understudied and underrecognized globally lived experience.

While the conventional notion of widowhood has been primarily linked to women, the modern definition extends it to their male and non-binary counterparts. For the purpose of this research and its audience we are focusing on widows who identify as women, including women and girls of all ages who have lost a partner to age, disease or other causes, been abandoned, or had a partner

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

forcibly disappeared. In many of the countries examined in this report, formal legal marriage is uncommon due to limited access to the judicial system. As a result of this, the definition of widow used here does not rely on the presence of a marriage certificate. However, we recognize widowhood extends far beyond its gender specifications. Widowhood constitutes a historically underrepresented experience as a whole, and every experience falling under this umbrella is worthy of further research and recognition.

Both direct and indirect factors may contribute to the loss of a spouse, such as health issues, prolonged armed conflict, environmental degradation, displacement and migration. Climate change is one of the most important indirect causes of widowhood, as it may result in the death of spouses due to a natural disaster, as well as due to transmitted diseases. Meanwhile, migration and displacement could be unavoidable in the condition of extreme weather events. The above causes have wide-ranging effects on livelihood, health, societal stability and migration, all of which may contribute to situations where individuals lose their spouses.

1.2. Defining discrimination against widows

Widowhood is often considered an ‘invisible problem.’ Just as they are often hidden from public view in society, widows have historically remained unseen in the international human rights discourse.⁸ Even as general visibility regarding international discrimination against women rises, discrimination against widows in particular continues to be a severely underrecognized crisis. This is due to a lack of accurate representation, or to disaggregated data which renders them invisible to much of the broader public.⁹ It also occurs that widows deny this title, due to the stigmatization surrounding widowhood in their communities, perpetuating underrepresentation and a difficulty to articulate the structure around the fight to protect these women.¹⁰

The 1981 Convention on the Elimination of All Forms of Discrimination Against Women defined discrimination against *women* as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”¹¹ This applies to widows as well, who in many areas of the world face restrictions on their

⁸ “International Widows’ Day: 23 June,” un.org, United Nations, accessed 29 November, 2023, <https://www.un.org/en/observances/widows-day>.

⁹ United Nations General Assembly, “Resolution Adopted by the General Assembly on 15 March 2022: Addressing the Situation of Widows,” (2022), UN Doc A/Res/76/252, 2.

¹⁰ Dr. Thatshisiwe Ndlovu, in discussion with the author, March 27, 2024.

¹¹ “Defining Discrimination against Women and Widows,” Stop Violence Against Women: The Advocates for Human Rights, 2014, https://www.stopvaw.org/defining_discrimination_against_women_and_widows.

freedom of movement, access to social, educational and health services, choice of residence, diet, attire, and even citizenship status following the loss of a spouse.¹²

These challenges are reflected in the lived experiences of the 258 million or more widows in the world today, who largely remain “unseen, unsupported, and unmeasured” in the international discourse on gender and security.¹³ A contemporary rise in armed conflicts, displacement, migration, and international pandemics will only add to the crisis—creating tens of thousands of newly widowed women, as well as those whose partners have gone missing—making the recognition and addressal of the discrimination widows face all the more critical.¹⁴ An estimated fifty percent of Congolese women are purported to be widowed due to ongoing regional conflict, an estimated three million in Iraq, and over 70,000 in Kabul, Afghanistan alone.¹⁵

1.3. Defining disinheritance

Inheritance, when looked at from a global level, is a multi-faceted legal process which is shaped by statutory law, customary, religious, common, and/or civil law, depending on which legal system is being focused on.¹⁶ These frameworks outline who is eligible to be an heir, the manner in which property transfer will occur, the rights and responsibilities associated with being the beneficiary, and possible restrictions on specific instances of inheritance.¹⁷ Common to all legal systems is the critique by scholars and development workers over the years of gender bias regarding inheritance laws, especially those pertaining to land inheritance.¹⁸ That being said, legal systems are not one in the same. Where in the global north, for example Europe, inheritance is regulated by a singular system, many southern countries operate with mixed legal systems as a result of colonization.¹⁹ These mixed legal systems encompass common, statutory and customary law, which may regulate inheritance in overlapping and conflicting ways.²⁰

Moving to disinheritance, the critique of gender bias regarding inheritance comes to the fore. In different parts of the world, women have been disinherited from property for centuries.²¹ This is

¹² Ibid.

¹³ ““International Widows’ Day: 23 June,” un.org, United Nations, accessed 29 November, 2023, <https://www.un.org/en/observances/widows-day>.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Zaid Abubakari, Christine Richter, and Jaap Zevenbergen, “Plural Inheritance Laws, Practices and Emergent Types of Property — Implications for Updating the Land Register,” *Sustainability* 11(2019):1.

¹⁷ Ibid., 2.

¹⁸ Ibid., 16.

¹⁹ Ibid., 3.

²⁰ Ibid.

²¹ Shelly Kreiczer Levy and Meital Pinto, “Property and belongingness: Rethinking gender-based disinheritance,” *Texas Journal of Women and the Law* 21(2011): 119.

largely due to patriarchal systems which favor men in inheritance, to the exclusion of women.²² It is important to note, however, that some legal systems, like that of the United States of America, enforce the Spouses Forced Share, wherein the deceased's spouse inherits a fixed amount irregardless of the deceased's wishes.²³ Other states like Brazil, Italy, Saudi Arabia, France, Spain and Japan, operate with a similar system, that of Forced Heirship wherein spouses are also protected.²⁴ That being said, gender-biased disinheritance – where a person is disallowed from inheriting because of their gender – is an issue in many countries, particularly in the global south.²⁵ In Africa, for example, many traditional societies within different national contexts operate under customary law, which in most cases does not view women as legitimate heirs to property and in this way disinherits them.²⁶ This is a great obstacle to the economic independence of women in these societies, who most often find themselves in vulnerable positions where they are in want of food and shelter.²⁷

A report from Widows for Peace Through Democracy details the fact that women's lawyer associations in Africa, parts of the Middle East, South Asia and Eastern Europe have been regularly dealing with cases wherein widows are denied their inheritance rights.²⁸ Many times cases of this nature do not even appear before the courts due to the high costs of litigation, illiteracy and fear of violence should they speak out.²⁹ A major contributing factor to this issue in many countries is the prevalence of customary or religious law.³⁰ In Africa, for example, even though many states have enacted national legislation that prohibits gender discrimination regarding inheritance rights, customary law almost always favors male inheritance to the exclusion of females, and in traditional societies within those states is considered to govern family and personal matters.³¹ This has to do with the presence of mixed legal systems which recognize both statutory and customary law.

The present research aims to identify the discriminatory practices suffered by widows as a source and consequence of a disinheritance process. As it can be identified in the reviewed literature, it is

²² Margaret Owen Obe and Alice Lees, "*Widows Speak Out*," (2020): 3.

²³ John H. Langbein and Lawrence W. Waggoner, "Redesigning The Spouse's Forced Share," *Real Property, Probate and Trust Journal* 22(1987): 304.

²⁴ "Forced heirship or freedom of disposition: which is the better system?" ALM Private Client <https://www.law.com/private-client-global-elite/2021/08/03/forced-heirship-or-freedom-of-disposition-which-is-the-better-system/?slreturn=20231106075923#:~:text=This%20includes%20countries%20like%20Brazil%2C,assets%20as%20they%20choose%2C%20but>

²⁵ Abby Morrow Richardson, "Women's Inheritance Rights in Africa: The Need to Integrate Cultural Understanding and Legal Reform," *Human Rights Brief* 11(2004): 19.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Obe, Margaret Owen, and Alice Lees, "*Widows Speak Out*," 2020.

²⁹ Ibid.

³⁰ Richardson, Abby Morrow, "Women's inheritance rights in Africa: the need to integrate cultural understanding and legal reform," *Human rights brief* 11(2004): 6.

³¹ Ibid.

observed that the driving forces of discrimination against widows are rooted in gender-based violence, which intensifies once the husband dies, leaving widows without protection, nor with any guarantee of her ability to access the economic assets provided by her husband. Discriminatory practices, significantly upheld by customary laws, are often relied upon by the husband's family members, in such a way that they further isolate the widow. This is done while simultaneously perpetuating economic exclusion and creating a vicious cycle of discrimination, accentuating her vulnerabilities. Importantly, the conditions of discrimination against women continue to worsen when they become widows, as their access to public and private life are often tied to their marital status.³²

2. Methodology

This study employs a qualitative approach to delve into the causes of widow disinheritance regions of Latin America, Africa, Middle East and Asia. The methodological approach aims to investigate the socio-cultural factors that lead to the discrimination of widows as well as its functioning in the legal system by common and customary law. For this purpose, qualitative research techniques, such as semi-structured interviews and legal analysis will be used to collect in-depth data on the experiences and discrimination practices of widowhood. In order to address this issue, it is crucial to note that discrimination against widows takes place within the broader context of patriarchy, a system of social structures and practice in which—as defined by Sylvia Walby—men “dominate, oppress, and exploit women.”³³

2.1. Theoretical Framework

Approaching widowhood from a decolonial feminist theory provides an intersectional framework that challenges the colonial and patriarchal structures that have systematically reproduced discrimination against widowhood. At its core, decolonial feminism argues that since forms of domination are not only gendered, the structures of domination faced by women must be considered more holistically in response to a historical past of domination.³⁴ Decolonial feminism as the selected framework for the present work will allow for a comprehensive examination of the legal and customary legislation and practices to delve into the ways in which patriarchal structures

³² “Definitions and Forms of Maltreatment of Widows,” stopvaw.org, The Advocates for Human Rights, 2014, https://www.stopvaw.org/definitions_and_forms_of_maltreatment_of_widows_2.

³³ Gupta M, Madabushi JS, Gupta N., “Critical Overview of Patriarchy, Its Interferences With Psychological Development, and Risks for Mental Health,” *Cureus* 15(2023):6, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10332384/>

³⁴ Manning, J., “Decolonial feminist theory: Embracing the gendered colonial difference in management and organisation studies”, *Gender Work Organ* 28(2021), 1203-1219, <https://doi.org/10.1111/gwao.12673>; Miñoso, Yuderky Espinosa. "Why We Need Decolonial Feminism: Differentiation and Co-Constitutional Domination of Western Modernity." *trans. Livia Prado Martins, MASP Afterall* (2020), 141-71.

manifest themselves in widowhood experiences.³⁵ Traditional feminist theories and methodologies often stem from Western perspectives, which may not accurately represent or address the experiences from the selected countries in this work, highlighting the oppression and discriminatory practices consecrated within the legal instruments and customary practices. Moreover, decolonial feminist theory parts from the “other” women in the Global South in which rather than explaining their experiences engages with the sociocultural local dynamics and allows researchers to adopt a more nuanced and context-specific approach³⁶.

In the context of widowhood and disinheritance, widows face the economic exclusion that in the capitalist system strips them of power, although it is largely due to gender relations that women gain access to economic resources through marriage, subsequently compromised upon the death of their spouse.³⁷

This methodology involves critical reflection on how colonialism has influenced perceptions and legal dispositions of widowed women, often marginalizing them by exerting intersectional violence. It explores the historical and cultural narratives that perpetuate the stigmatization of widowhood, highlighting how these narratives have been instrumentalized through legal mechanisms and customary law to maintain the social and economic control over women that is exacerbated once they become widows.

In addition, analysis of policies and legislation affecting widows is considered critical, assessing the extent to which these laws reflect or challenge existing colonial and patriarchal structures. This assessment includes a review of legal frameworks and their implementation, as well as the role of customary law. Ultimately, the decolonial feminist methodology seeks not only to identify and critique injustices, but also to propose transformative pathways that lead to greater equity and justice for widows, recognizing and valuing their dignity and humanity in all spheres of life.

We conducted 17 interviews. Their profiles varied from academics to activists, lawyers, and civil society members: a sample of stakeholders that have engaged with the topic of widowhood. The interviews were conducted through online platforms due to geographical limitations. The purpose of the interviews was to learn more about the experiences of widowhood through the work done by the interviewees and to expand the existing knowledge of the legal and customary frameworks affecting widows in different contexts, as well as examples of good practices. The questionnaires were read as follow, although tailored and translated as needed:

1. In general, how do you feel female land ownership is received in [Your Country]?

³⁵ CICODE UGR, “Las Claves De Ochy Curiel. Feminismo Decolonial.”

³⁶ Manning, J. A Decolonial Feminist Ethnography: Empowerment, ethics and epistemology, 2022

³⁷ Rojas, Nicanor Moya, et al. "Exclusión social, económica y política de la mujer desde la perspectiva histórica. Estudio de caso en la región Junín." *Horizonte de la Ciencia* 7(2017):12, 73-85.

2. How does the legal and/or organizational framework of [Your Country] typically address inheritance rights of widows, or the status of widows in general?
3. Can you explain the primary gaps that you have observed between state law and what happens in practice regarding widows' inheritance?
4. Are there any recent legal developments or court cases which have influenced widows' inheritance rights? Or more broadly, recent developments which have impacted the treatment and public perception of widows in general.
5. In cases where state law and customary law conflict regarding widows' inheritance rights, which typically take precedence and why?
6. How accessible are courts to widows in [Your Country]? In your knowledge, how aware are women usually of their constitutional rights?
7. How could widows better assert their inheritance rights and how would they?
8. In your understanding of the law, how would you build an argument defending widows in land inheritance disputes? Do you have any particular professional experiences which speak to this?
9. Are there any advocacy efforts or legal reforms underway to address the disparities between state and customary laws regarding widows' inheritance rights?
10. How do you feel the obstacles faced by widows in [Your Country] might differ from those in other countries of which you have knowledge or experience?
11. From your experience, what are some strategies or legal mechanisms that can help widows protect their inheritance rights in situations where customary practices may discriminate against them?

The indicator used for this study in order to exemplify disinheritance practices is *land* understood as the primary asset for the widow and her physical space where she resides. A common denominator in all case studies and contexts, land provides the physical shelter, attending the principles of essential need for human development, shelter is understood as a prime need for survival.³⁸ Furthermore, the measure of land is also a quantitative indicator that can be measured to show the fluctuation of a woman's resources once she becomes a widow. Moreover, various other factors that influence and shape the experiences of widows will be thoroughly examined. These include the age of marriage, the legal frameworks governing their rights, the mechanisms in place for their protection, and a comprehensive analysis of gender-based violence indicators.

2.2. Limitations

Research endeavors are often bound by limitations that shape the extent and depth of our findings. In the pursuit of understanding complex phenomena, such as widowhood experiences across diverse cultural contexts, it becomes imperative to acknowledge and address these constraints to ensure a comprehensive interpretation of the data. One significant limitation inherent in this study pertains to the presence of bias, both inherent and systemic, which can influence the collection, analysis, and interpretation of data. Despite meticulous efforts to maintain objectivity, the researcher's own perspectives, societal norms, and cultural frameworks may inadvertently shape the research process, potentially leading to skewed findings or incomplete understandings of widowhood. Moreover, the definitions employed within the study may be limited in capturing the

³⁸ McLeod, S. A., "Maslow's hierarchy of needs", 2018, <https://www.simplypsychology.org/maslow.html>

multifaceted nature of widowhood, thereby constraining the breadth of insights gleaned from the data. This limitation underscores the need for nuanced and culturally sensitive definitions that can accommodate the diverse manifestations of widowhood across different societies.

Another notable limitation relates to the absence of interviews with widows, a critical stakeholder group whose perspectives and experiences are central to understanding the phenomenon under investigation. While secondary sources and existing literature may offer valuable insights, they may not fully capture the lived experiences, emotions, and challenges faced by widows in various contexts. The lack of direct engagement with widows not only limits the depth of understanding but also raises questions about the authenticity and representativeness of the findings. Future research endeavors should prioritize the inclusion of interviews with widows to provide a more holistic portrayal of their experiences and needs.

Additionally, the absence of responses from certain countries, notably Ethiopia, the Philippines, and Turkey³⁹, poses a significant limitation to the generalizability and cross-cultural applicability of the study findings. Widowhood experiences are deeply embedded within socio-cultural contexts, and variations across geographical regions may influence perceptions, practices, and support mechanisms available to widows. The exclusion of data from these countries not only restricts the diversity of perspectives represented within the study but also undermines the ability to draw meaningful comparisons and identify commonalities or differences in widowhood experiences globally.

3. Research Findings

3.1. Considerations: Variation across social and economic brackets

While being a widow comes with the shared aspect of losing your spouse, several factors affect the living experience of widowhood. As it has been previously noted, the experience of widowhood is not normative as it varies through contexts that are deeply influenced by the social and economic structures. These structures have an effect on the living conditions of individuals as they shape the engagement with the environment and society. In the case of widows, societal norms serve as a platform to replicate gender stereotypes exercised in the significance of the absence of a male counterpart.⁴⁰ Furthermore, having access to economic means transforms their experience, as it can determine access to resources and social and protection services.

³⁹ A Pakistani professor, Noreen Naseer, mentioned Turkey in discussion with the author, as a comparison case for Pakistan. However, we did not manage to hear from country specific (Turkish) informants.

⁴⁰ Barnaby, Mary., “ *The social location of widows*”, Doctoral dissertation, University of Plymouth, 1997.

In the Senegalese context, as emphasized by Dr. Ruth Evans, the experience of widowhood is intricately shaped by the intersectionality of a woman's identity. Geographical differences between rural and urban areas of Senegal result in varying degrees of adherence to either Islamic or customary law, further influencing the lived realities of widows. Customary tradition appeals to a stronger adherence to traditional bilinear inheritance practices, meaning that both lineages are equal regarding wealth transfer. On the other hand, the Muslim population of the country and the significance of widows is transformed, thus access to resources is further restricted attending Islamic principles.⁴¹ It is important to stress that the climate deeply affects land and resource allocation, and therefore has greatly modified what can be inherited, as well as the consideration of inheritance.

Access to economic resources is a factor that needs to be taken into consideration in the conception of widowhood, as the access to financial resources is strongly tied up with the access to social security services a widow may access when claiming her inheritance such as lawyers and access to information. Socioeconomic status strongly influences the social characteristics of an individual's life.⁴² A widow who has no economic resources becomes the head of the family, with the possible variant of children and age that accentuate the vulnerabilities they face. It was observed that in the South African context adequate access to justice is strongly linked to the socioeconomic status of the widow. This observation reflects a complex reality in which widowed women, especially those from marginalized or disadvantaged communities, often face multiple barriers to seeking justice and legal protection. Lack of economic resources, coupled with entrenched gender discrimination in legal and social structures, can prevent widows from accessing legal services and obtaining the support needed to address challenges such as property disputes, inheritance, and domestic violence. In addition, it was also observed in the Venezuelan and Mexican contexts that widowhood added to the lack of economic resources further isolates women from public life, since they spend more time trying to generate income and due to the unequal distribution of household work they have not accumulated a patrimony or achieved full professional development.

The narratives surrounding widowhood are deeply entrenched in cultural, social, and legal contexts, shaping the lived experiences of widows around the world. These narratives often reflect and reinforce gendered expectations and inequalities, perpetuating stereotypes and stigmas that marginalize and disempower widows. In addition, it should be noted that in the cases of Pakistan, Mexico and Venezuela, good practices have been recorded in relation to community support for widows. For instance, Pakistani families have a strong protection system having a sympathetic

⁴¹ Ruth Evans, "Gendered Struggles Over Land: Shifting Inheritance Practices Among the Serer in Rural Senegal," *Gender, Place, and Culture* 23(2016): 1360-1375.

⁴² Quelal, Diana Elizabeth Agualongo, and Alejandra Christina Garcés Alencastro. "El nivel socioeconómico como factor de influencia en temas de salud y educación." *Revista Vínculos ESPE* 5(2020): 2, 19-27.

attitude towards widows.⁴³ If a woman faces widowhood, she may be able to count on the financial support of her family members, Islamic law respected in Pakistan stipulated the duty to protect children who have lost their fathers, thus extending support to the widow as well. In Mexican and Venezuelan societies upon a case of widowhood community support for the woman can also be observed, including the possibility of her returning to her home. Among the support practices recorded are sporadic economic support, as well as care and help with children and household chores.

In the collection of information, it should be noted that there is limited production on data particularly focused on widows. Nevertheless there are strong ongoing civil society movements to attend to this form of discrimination. In Senegal youth-led movements have organized group dialogues to discuss discrepancies between the law and social dynamics and execution of the law, including the topic of widowhood⁴⁴. Nepalese civil society organizations, as well as women's movements have organized to protect widow's rights as the accessibility of the legal system in the country is restricted due to various social and financial constraints.⁴⁵ As the Nepalese legal system is in constant transformation, civil society has gotten together to advocate for the implementation of public policies and measures for the promotion and protection of widows rights leading to the creation of a Widow's Alliance and the Widow Fund, yet to be implemented.

As widowhood has risen on the public policy agenda, the issue has in turn become politicized. As a result, civil society members in Nigeria and Pakistan have called out politicization and patronizing practices that perpetuate patriarchal narratives. Civil society organizations stressed that widowhood, as it grows in relevance in public forums has as well become a "tool for merchandise", and commercialized in which root causes of discrimination are not addressed, rather than utilized for political agendas.

3.2. Legal Frameworks

Understanding the legal framework of a nation is an important part of pursuing justice, as it allows one to understand the specific legal challenges, or potential opportunities, a woman may face in trying to assert her rights as a disinherited widow. It demonstrates the avenues of recourse one may take and the obstacles faced in trying to do so. For example, hybrid legal systems, which encompass more than one body of law, may pose the challenge of contradicting laws and raise questions of which takes precedence. Knowing the level at which a nation's laws protects widows against disinheritance is also important in trying to establish the strength of a case. For example, is there a clear stipulation in the law that widows are to be given a portion of the deceased's estate,

⁴³ Kiran Zubair (founder of TheoriY) in discussion with the author, April 18, 2024.

⁴⁴ Ruth Evans (Professor of Human Geography at the University of Reading), in discussion with the author, 16 April, 2024.

⁴⁵ Upasana Rana (Executive director of WHR Nepal) in discussion with the author, April 16, 2024.

as there is in South Africa, China, Afghanistan and Senegal? Is it rather at the level of the Constitution where equality between genders is often enshrined?

3.2.1 Mixed Legal Systems

Within the context of the countries we have researched, six of them have a mixed legal system. Mixed legal systems vary depending on the legal frameworks combined. For example, South Africa's legal framework combines civil, common, and customary law, whereas that of Nigeria blends common law, Islamic law, and customary law. Two of the countries studied – Senegal and Afghanistan – follow the same mixed system, which encodes civil, customary, and Islamic law. The Pakistani legal system deviates slightly from these two, combining common and Islamic law, and Nepal, the last of the countries studied which has a mixed legal system, encompasses civil law, common law, customary law, and Hindu law.

3.2.2 Singular Legal Systems

Regarding singular legal systems, Mexico is based in Civil law alone, which includes a Federal Civil Code that protects spousal inheritance.⁴⁶ Their Federal Law on Gender Equality and Constitution both protect equality and the right against discrimination. Venezuela also has a civil law system wherein the 1982 Reformed Civil Code stipulates that women have the same right to property as men,⁴⁷ and the Dominican Republic legally operates under a Napoleonic Code with different protections. It is important to highlight that due to the ratification of the 169^o ILO Convention in Mexico and Venezuela, the right to self-determination of Indigenous Peoples is recognized, thus a hybrid element exists.⁴⁸ Finally, China operates with a socialist legal system that encompasses uniquely Chinese characteristics.⁴⁹

3.2.3 Constitutional Protections

Constitutions are most often considered the supreme law of the land, and encompass the rules, ideals, and principles of a nation.⁵⁰ As such, the ways in which they enshrine laws to protect vulnerable groups of citizens is important. Just over half of the nations studied have Constitutions which prohibit discrimination against women and protect their rights to equality. As can be seen in Table 1, South Africa's Constitution has in section 9 of its second chapter a provision that

⁴⁶ [Federal Civil Code \(consolidated text published in the Official Journal of the Federation on March 9, 2018\), Mexico.](#)

⁴⁷ Alba Carosio, in discussion with the author, 12th April 2024.

⁴⁸ "Ratifications of ILO Conventions: Ratifications by Convention."

⁴⁹ [China: Starting Points for Legal Research: Background Information](#)

⁵⁰ Elliot Bulmer, "What is a Constitution? Principles and Concepts," International Institute for Democracy and Electoral Assistance, 11 March 2024, <https://www.idea.int/sites/default/files/publications/what-is-a-constitution-primer.pdf>.

enshrines everyone's right to equality and to protection against any unfair discrimination.⁵¹ Nigeria's Constitution protects this same right in its 17th section, with Senegal, the Dominican Republic, Mexico, and Venezuela all also containing articles which protect women's rights and are displayed in Table 1.

3.2.4 *Specific Legal Protections and Legislation*

Apart from the Constitution, many of these states have specific laws in place which act as safeguards to the position of widows in succession, ensuring that they would be able to inherit equally. Referring again to the table, it can be seen that in China for example, the Republic's Inheritance law stipulates in article 34 that women have equal standing to men in inheritance matters.⁵² Nepal has two Acts which protect widows inheritance rights, namely the Nepal Inheritance Act, and the National Civil Act, and Pakistan's Succession Act protects widows in its second chapter. According to Venezuela's Civil Code, women have equal inheritance rights to men.⁵³ In Mexico the pension system allows a grant to the widow to pay for funeral expenses⁵⁴. In South Africa, the *Bhe and Others v Khayelitsha Magistrate and Others* case sets a precedent in common law, ruling that the customary law of succession promulgating male primogeniture unfairly discriminated against women and is thus unconstitutional and void.⁵⁵ The Reform of Customary Law of Succession & Regulation of Related Matter Act 11 of 2009 was put in place as a result of this, to ensure that women and widows would be protected from disinheritance.⁵⁶ This is a good example of how statutory law was promulgated to ensure customary law's adherence to the Supreme Constitution.

3.2.5 *Legislation Addressing Violence Against Women*

Not only do laws exist protecting widows in succession, but also protecting widows against violence. In Afghanistan, the Elimination of Violence Against Women (EVAW) Law was enacted, although this is currently abolished by the Taliban.⁵⁷ The Dominican Republic also has laws protecting women and children from violence in its Penal Code, which indirectly protects widows from violence.⁵⁸ In Nigeria in 2022, the Widows Protection Bill was added to the Violence Against

⁵¹ Constitution of the Republic of South Africa, 1996.

⁵² Inheritance Law of the People's Republic of China, 1985.

⁵³ Código Civil, 1982.

⁵⁴ Gobierno de México. "Ayuda para Gastos de Funeral ante el IMSS." <https://www.gob.mx/tramites/ficha/ayuda-para-gastos-de-funeral-ante-el-imss/IMSS409>

⁵⁵ *Bhe and Others v Khayelitsha Magistrate and Others* (CCT 49/03) [2004] ZACC 17; 2005 (1) SA 580 (CC); 2005 (1) BCLR 1 (CC) (15 October 2004)

⁵⁶ Reform of Customary Law of Succession & Regulation of Related Matter Act 11 of 2009.

⁵⁷ "9 Facts on Women's Rights in Afghanistan," Medical Mondiale, June 2023,

<https://medicamondiale.org/en/where-we-empower-women/afghanistan#>; Fahima Sirat, "Violence Against Women: Before and After the Taliban," Oxford Human Rights Hub, March 15, 2022,

⁵⁸ Penal code of Dominican Republic, 1884 (as of 2007).

Persons Prohibition Act, and passed by the House of Representative.⁵⁹ This is to protect against the violent mourning rituals, but when it regards specific legal protection which stipulate against disinheritance, one may need to turn to international law.

3.2.6 International Law

In the case of Nigeria and Senegal both nations are signatories to the African Protocol on Women’s Rights. Widows may thus turn to this legislation for protection, as it enshrines specific rights for women, including property and inheritance rights. Above this, every single country studied has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This piece of international legislation mandates the equality of women in various aspects, and importantly, protects their inheritance rights.

There exist similarities across countries, despite differing legal frameworks, which speak to the commitment to protect vulnerable groups like widows. The common ratification of CEDAW is a prime example of this. However, the effectiveness of these laws often depends on local enforcement and cultural contexts, which varies widely. Despite Constitutional protection or legislation, it must be noted that much of these protections exist merely conceptually, with many women being denied these rights, as is being shown throughout this report.

Table 1: Specific Legal Protections By Country:

	Legal Protection
Nigeria	<ul style="list-style-type: none"> ❖ The Constitution section 17(1), 17(2)(a)(b), 17(3)(a).⁶⁰ ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁶¹ ❖ African Protocol on Women’s Rights: article 2.⁶²
Senegal	<ul style="list-style-type: none"> ❖ Constitution (reformed in 2001): Article 7, 8, 15, 17, 18, 19, 22, 25.⁶³ ❖ Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW): article 2,13, 14, 15 & 16.⁶⁴

⁵⁹ Nigeria Widows Protection Bill, 2020.

⁶⁰ Constitution of the Federal Republic of Nigeria, 1999.

⁶¹ United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.

⁶² African Union, 2003, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Maputo: African Union.

⁶³ Constitution of The Republic of Senegal, 2001 (with Amendments through 2016).

⁶⁴ CEDAW.

	<ul style="list-style-type: none"> ❖ The International Covenant on Economic, Social and Cultural Rights.⁶⁵ ❖ The African Charter of Human and People’s Rights.⁶⁶ ❖ Either the Family Code (Code de la famille) or Muslim succession laws are used to navigate inheritance.⁶⁷
South Africa	<ul style="list-style-type: none"> ❖ Constitution Chapter 2 s(9): (1), (2), (3), (4), (5).⁶⁸ ❖ Intestate Succession Act 81 of 1987 section 1.⁶⁹ ❖ Bhe and Others v Khayelitsha Magistrate and Others (CCT 49/03) [2004] ZACC 17; 2005 (1) SA 580 (CC); 2005 (1) BCLR 1 (CC) (15 October 2004).⁷⁰ ❖ Reform of Customary Law of Succession & Regulation of Related Matters Act 11 of 2009.⁷¹ ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁷²
Afghanistan	<ul style="list-style-type: none"> ❖ In 2009, Afghanistan adopted the Elimination of Violence Against Women (EVAW) Law, prohibiting the prevention of women acquiring property but since the Ministry of Women has been abolished by the Taliban, this no longer holds any ground and no similar law exists under the current regime.⁷³ ❖ Under the Shia Personal Status Act (2009), the wife is <i>technically</i> entitled to ¼ of the estate if the deceased has no children, & ⅛ if he does. This is rarely realized in practice. ❖ 1977 Civil Code (based in Sharia law → = both legal and cultural legitimacy for this reason) guarantees right to

⁶⁵ United Nations, 1966, “International Covenant on Economic, Social, and Cultural Rights.” Treaty Series, 999: 171.

⁶⁶ African Union, 1981, African Charter on Human and Peoples' Rights..

⁶⁷ Sénégal, Code de la Famille Sénégalais, 1989.

⁶⁸ Constitution of the Republic of South Africa, 1996.

⁶⁹ South Africa, Intestate Succession Act, 1987.

⁷⁰ Bhe and Others v Khayelitsha Magistrate and Others (CCT 49/03) [2004] ZACC 17; 2005 (1) SA 580 (CC); 2005 (1) BCLR 1 (CC) (15 October 2004).

⁷¹ South Africa, Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009.

⁷² United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.

⁷³ “9 Facts on Women’s Rights in Afghanistan,” Medical Mondiale, June 2023,

<https://medicamondiale.org/en/where-we-empower-women/afghanistan#>; Fahima Sirat, “Violence Against Women: Before and After the Taliban,” Oxford Human Rights Hub, March 15, 2022, <https://ohrh.law.ox.ac.uk/violence-against-women-before-and-after-the-taliban/>.

	<p>inheritance and ownership to both men and women AND right to file a civil suit if their inheritance is unjustly withheld</p> <ul style="list-style-type: none"> ❖ Taliban revoked the 2004 constitution—which had enshrined human rights—in 2020⁷⁴ ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁷⁵
Dominican Republic	<ul style="list-style-type: none"> ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁷⁶ ❖ Dominican Republic ratified CEDAW Optional Protocol in 2001⁷⁷ ❖ The Dominican Constitution article 100 condemns all forms of discrimination⁷⁸ ❖ Rules of Procedure of the Gender Equality Division⁷⁹ ❖ 2009 Jurisprudence: Civil unions and marriages create a financial responsibility for the parties involved. Recognizing the “Uniones de Hecho” and the parental responsibility for child support⁸⁰ ❖ Law No. 24-97 which introduces modifications to the Penal Code and the Code for the Protection of Children and Adolescents.⁸¹ ❖ Protection of Children and Adolescents⁸².
Mexico	<ul style="list-style-type: none"> ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁸³ ❖ Mexico ratified CEDAW Optional Protocol in 2002.⁸⁴ ❖ Mexican Constitution Art. 2 Right to non-discrimination of

⁷⁴ “Women’s Rights in Parliament: an ongoing battle,” European Parliament, April 2023,

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747084/EPRS_BRI\(2023\)747084_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747084/EPRS_BRI(2023)747084_EN.pdf).

⁷⁵ United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.

⁷⁶ United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.

⁷⁷ Ibid

⁷⁸ [Capítulo X, Situación de la Mujer en la República Dominicana](#), n.d

⁷⁹ [Reglamento de la División de Igualdad de Género](#), n.d

⁸⁰ [Tribunal Constitucional reitera que las relaciones de hecho generan derechos](#), 2020

⁸¹ [Penal code of Dominican Republic, 1884 \(as of 2007\)](#).

⁸² [Ley No. 24-97 que introduce modificaciones al Código Penal y al Código de Protección de Niños y Adolescentes. Protección de Niños, Niñas y Adolescentes](#), 1997

⁸³ United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.

⁸⁴ [Report on Mexico produced by the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico](#), 2005

	<p>indigenous women and self-determination of indigenous communities.⁸⁵</p> <ul style="list-style-type: none"> ❖ Mexican Constitution Art. 27 Right and stipulation of private property.⁸⁶ ❖ Federal Civil Code Art. 1599 - 1606 on inheritance.⁸⁷ ❖ General Law on Gender Equality.⁸⁸ ❖ General Law on Women's Access to a Life Free from Violence.⁸⁹
Venezuela	<ul style="list-style-type: none"> ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁹⁰ ❖ Venezuela ratified CEDAW Optional Protocol in 2002.⁹¹ ❖ Civil code, as reformed in 1982, which states that women have the same right to property as men.⁹² ❖ Law on Partial Reform to the Organic Law on the Right of Women to a Life Free of Violence.⁹³
China	<ul style="list-style-type: none"> ❖ Article 34 - Women's right to inherit property equal to men shall be protected by law.⁹⁴ Women shall not be discriminated against among the legal heirs in the same order. ❖ A widowed woman has the right to dispose of inherited property, and no one may interfere with it. ❖ Article 35 If a widowed woman has fulfilled her main support obligations to her parents-in-law and mother-in-law, as the first-order legal heir, her inheritance rights shall not be affected by the subrogation of her children. ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁹⁵

⁸⁵ Constitución Política de los Estados Unidos Mexicanos, 2008.

⁸⁶ Ibid

⁸⁷ Justicia México, "Capítulo I - Disposiciones Preliminares," Código Civil Federal

⁸⁸ Ley General para la Igualdad entre Mujeres y Hombres, 2006

⁸⁹ Ley General [de Acceso de las Mujeres a una Vida Libre de Violencia](#), 2007

⁹⁰ United Nations, 1988, "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)," Treaty Series 1249: 13.

⁹¹ Ibid

⁹² Código Civil, 1982.

⁹³ Ley de Reforma parcial a la ley Orgánica sobre el derecho de las mujeres a una vida libre de violencia, 2021

⁹⁴ Inheritance Law of the People's Republic of China, 1985.

⁹⁵ United Nations, 1988, "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)," Treaty Series 1249: 13.

Nepal	<ul style="list-style-type: none"> ❖ Nepal Inheritance Act 2020, Chapter 17.⁹⁶ ❖ National Civil (Code) Act, 2017, Section 205-206.⁹⁷ ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.⁹⁸
Pakistan	<ul style="list-style-type: none"> ❖ Pakistan Succession Act 1925, Chapter 2, Section 33.⁹⁹ ❖ Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 & 16.¹⁰⁰

3.3. Impacts of Customary and Religious Law

As with any other label affecting one’s social standing and interactions with peers, widowhood is a multifaceted issue, bleeding into every aspect of a woman’s life as it changes not only how she views herself but how she is perceived by her friends and family. No matter the legal framework surrounding widowhood in a country, there are almost always separate customary practices attached to it, of which the degree of separation from statutory law varies from country to country.

We have separated our findings regarding customary and religious law affecting the experience of widows into four broad categories: (1) harmful marriage practices affecting experience of widowhood, (2) discriminatory customary inheritance practices, (3) harmful mourning practices ascribed to widows, and (4) stigmatization of widows.

3.3.1. Harmful marriage practices affecting experience of widowhood

3.3.1.1. Child marriage

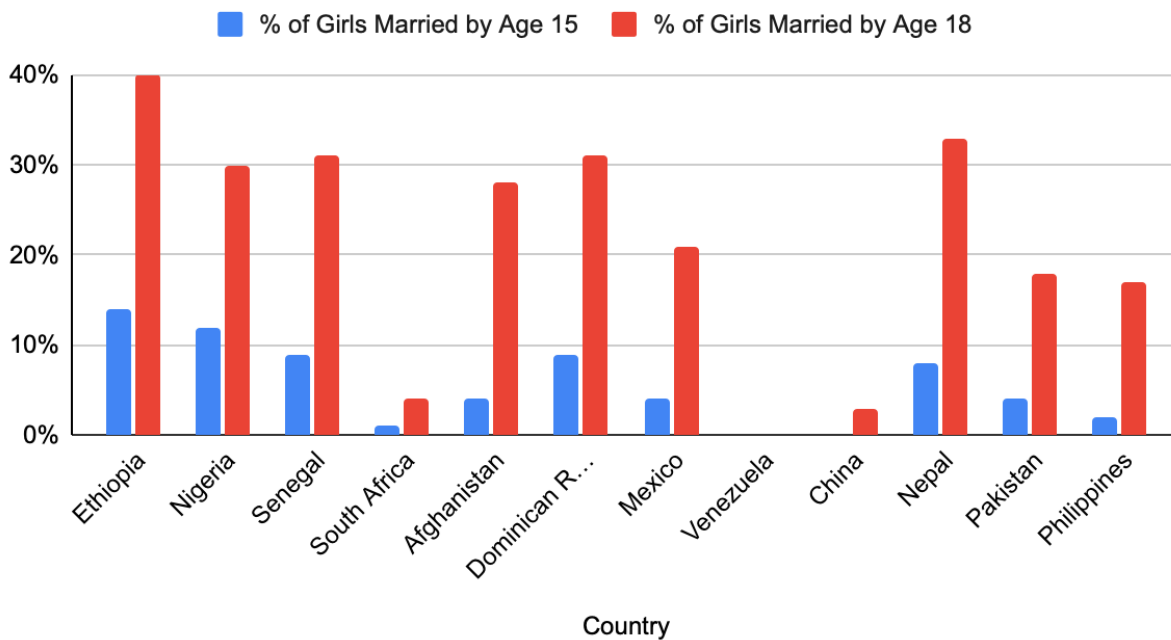
In many cases, the challenges of widowhood begin long before they actually lose their husband, with the customs surrounding marriage. Child marriage remains a dangerously common practice throughout the world, which often disrupts education, greatly increases a bride’s likelihood of widowhood (as the marriage is often to an older man), and can exacerbate their susceptibility to manipulation by family and society after widowhood. We found that the custom was present to

⁹⁶ Nepal Inheritance Act, 2020.
⁹⁷ Nepal, National Civil (Code) Act, 2017.
⁹⁸ United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.
⁹⁹ Pakistan, The Succession Act, 1925.
¹⁰⁰ United Nations, 1988, “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” Treaty Series 1249: 13.

varying degrees in every country we studied, as shown in the table below (**Table 2**). 5 out of the 12 countries examined have a rate of child marriage higher than 30%.

Table 2: Child Marriage Frequency by Country

% of Girls Married by Age 15 and % of Girls Married by Age 18



3.3.1.2. Levirate marriage

Another common custom across our countries of interest was levirate marriage: the practice of marrying widows to their deceased husband’s brother.¹⁰¹ Traditionally done for the purpose of keeping the woman in the family as both an asset and a matter of family pride, it is often posed to women as their only option following widowhood.

The term ‘widow’ in the Senegalese context is only used to refer to the period of mourning directly after the husband’s death (often lasting approximately four months), after which she can be remarried.¹⁰² Woppa Diallo, a Senegalese human rights lawyer, author and women’s rights activist, told us the story of a case she had worked on, in which a girl who was married at the age of 13 to

¹⁰¹ “Levirate,” Britannica, accessed 15 May, 2024, <https://www.britannica.com/topic/levirate>.

¹⁰² Evans, 2024.

a 65 year old man. He died two years later, and she had made plans of escape (in her own words). But before she could, his 50 year old brother claimed her as his right and forced her to marry him.¹⁰³

Samira Omari, an Afghan women's rights activist and graduate of the American University of Afghanistan, goes so far as to refer to levirate marriage as "prize hoarding." Even if a son does not wish to marry his widowed sister-in-law, his family will often force him to.¹⁰⁴ Freshta Karimi, a former human rights lawyer in Afghanistan, shared with us a common saying among Afghan women, that upon marriage a woman leaves her parent's house in a white cloth, and she returns in a white cloth: the shroud she is covered in when she dies.¹⁰⁵ Essentially, women are expected to tolerate everything in their husband's family until death. For those who do successfully return to their natal family, widows often also face hostility from their sisters-in-law (the wives of their brothers), as Omari explained that a girl cannot rejoin her natal family without the permission of her sister-in-law.¹⁰⁶

Levirate marriage is often explained as a method of keeping property within the family, as women are compelled to marry a brother-in-law in order to maintain access to land which they acquired rights to by marrying their late husband. However, a more sinister form of insurance often used is the widow's children. Omari describes children as both "the strength point and the weak point at the same time" of widowed women.¹⁰⁷ In current Afghan customs, upon widowhood a woman's in-laws will first try to marry her to a brother-in-law. If she refuses and tries to leave or marry someone else, they will try to take her children from her.

3.3.2. Discriminatory inheritance practices

Regardless of whether or not a woman immediately remarries following the loss of her husband, there are many discriminatory customary inheritance practices which limit their ability to inherit. In Nepal, for example, an only recently outlawed policy required that widows wait 35 years before collecting their inheritance. The reason for this policy was a widespread communal belief that 35 or more years following widowhood is too old to remarry, and therefore the law was an effective mechanism for families to avoid their property transferring into the hands of a new husband.¹⁰⁸ In Nigeria, customary law, while varying, usually excludes widows from inheriting from their husbands. While alive & married, all assets are in the name of the husband, who has full control over them. Once the husband passes, according to the Igbo tradition, inheritance follows male

¹⁰³ Diallo, 2024.

¹⁰⁴ Samira Omari (former lawyer) and Firoza Mirzad (student in political science & activist) in discussion with the authors, May 10, 2024.

¹⁰⁵ Freshta Karimi (lawyer) in discussion with the authors, April 12, 2024.

¹⁰⁶ Omari and Mirzad, 2024.

¹⁰⁷ Ibid.

¹⁰⁸ Rana, 2024.

primogeniture.¹⁰⁹ The eldest son thus inherits the largest share of the deceased, with younger brothers dividing the remains between themselves. Widows & daughters are left out of this (again, in the Igbo tradition).¹¹⁰ In the Yoruba tradition, the widow is still excluded from inheriting, but both male & female children may inherit equally. That is with the stipulation that the eldest son manages the estate.¹¹¹

The space for widows to negotiate their agency in traditional communities in South Africa is also limited.¹¹² Although the Constitution bars discrimination on the basis of sex and gender, and the precedent set in the *Bhe* case prohibits male primogeniture in customary law, Ndlovu tells us that “most of the disputes are settled between traditional leaders and in the families and the communities.”¹¹³ These leaders follow their own traditional prescripts, which often leave widows in very vulnerable positions.¹¹⁴ Above this, while some widows may know their rights to inherit are valid, they face immense difficulty in trying to vindicate this right.¹¹⁵ Not only would they be jeopardizing their position in the community, but the state may apply deference to their community chief in land matters, and the police often form part of that same community and are culturally shaped by it.¹¹⁶

Similarly, Senegalese land is customarily passed down under the ‘family name,’ meaning that of the father and husband. Upon marriage and the taking of their husband’s name, women therefore become associated with the land attached to that name and do gain some claim to the property, but this stake is often lost upon losing their husband.¹¹⁷ Men therefore often express a preference for having sons, as they say their name otherwise disappears, because daughters will ultimately marry and take their husband’s name.¹¹⁸ There is often no centralized implementation of statutory law in rural communities managed by local councils and elders, heavily influenced by religious interpretation. And Diallo explains that because Senegalese men are traditionally the ones to learn the Quran and to translate it, the rights of men are often favored over those of women, as with the power of translation comes the power of interpretation.¹¹⁹ This trend in the succession process is

¹⁰⁹ Mujibat Oshodi, “The Inheritance Rights of Women in Nigeria,” 11 July, 2023, https://www.iawj.org/content.aspx?page_id=2507&club_id=882224&item_id=4986.

¹¹⁰ Ibid.

¹¹¹ Micheal Takim Otu and Miebaka Nabiebu, “Succession to, and Inheritance of Property Under Nigerian Laws: A Comparative Analysis,” *European Journal of Social Sciences* 62, no. 2 (2021): 50-63, https://www.europeanjournalofsocialsciences.com/issues/PDF/EJSS_62_2_05.pdf.

¹¹² Ndlovu, 2024.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Diallo, 2024.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

demonstrated in the numbers presented by LEAD Afrique Francophone (LAF), which found that approximately 95% of households in Senegal attached to land are headed by men.¹²⁰

Practices also tend to vary greatly across geography. In the case of Senegal, inheritance customs vary greatly between rural and urban locations, as the former generally is associated with a stronger adherence to Islam and the latter with a stronger adherence to traditional bilineal inheritance practices.¹²¹ Despite any promises in civil law of equal access to land ownership, many customary provisions prevent land inheritance by women, and statutory law is primarily applied in urban courts, leaving customary law to prevail in rural areas.¹²²

There are in some cases certain practices ensuring land to women. One group of the Serer people in Senegal have a practice of inheriting rice paddies from mother to daughter, as these small portions of land are seen as women's land.¹²³ However, they are much smaller portions of land than the ones often disputed in cases of succession.

In the case of Afghanistan, a decreasing functionality of the legal system has facilitated an increasing reliance on informal mechanisms, which often practice notably discriminatory justice. The ensuing human rights abuses against Afghan women has quickly amounted to a crime against humanity.¹²⁴ While the right to inheritance does exist in the Constitution, Karimi explains that tradition assigns women great shame in exercising this right, so widows rarely do actually ask; and if they do, they face conflict with their in-laws and the already discussed issue of family claims to children.¹²⁵

In the Latin American context widows face exacerbated economic distress rather than disinheritance practices. Upon losing their husbands, widows also lose economic security. While they may not face disinheritance per se, the challenges faced are connected to the unequal distribution of resources, unpaid domestic labor, and limited access to employment opportunities.¹²⁶ These factors are compounded by inadequate social safety nets and legal barriers that hinder their financial independence. Additionally, patriarchal cultural norms and gender

¹²⁰ Sall, Fatou Diop, "Gender and Access to Land in Senegal," LEAD Afrique, August 2010, <https://idrc-crdi.ca/sites/default/files/sp/Documents%20EN/idrc-ict4d-article-gender-land-en.pdf>.

¹²¹ Diallo, 2024.

¹²² Joy Imbuye, "Implementing Progressive Laws Can Accelerate Securing Women's Land Rights in Francophone Africa," 20 September, 2021, <https://www.landesa.org/implementing-progressive-laws-can-accelerate-securing-womens-land-rights-in-francophone-africa/>.

¹²³ Evans, 2024.

¹²⁴ UNHCR, "Situation of Human Rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett," 2023, <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur>.

¹²⁵ Karimi, 2024.

¹²⁶ Deere, Carmen Diana, and Magdalena León. "La brecha de género en la propiedad de la tierra en América Latina." *Estudios Sociológicos* (2005), 397-439.

discrimination further exacerbate their economic vulnerabilities. Consequently, widows often find themselves struggling to secure basic necessities and maintain their livelihoods.

3.3.3. Harmful mourning practices ascribed to widows

Separate from the issues of inheritance, widows are also often subject to harmful mourning practices following the death of their husband. In Pakistan, according to Islamic tradition, a widow must observe a mourning period called "iddat" for four months and ten days. During this period, she is expected to stay at home, refrain from wearing decorative clothing or jewelry, and avoid social gatherings. After the death of a husband, the family often holds religious gatherings such as Qul (a gathering for prayer and Quran recitation on the third day) and Chehlum (observed on the 40th day after death).¹²⁷

In certain cases, such practices are even incorporated into law. For example, in Senegal, a certain practice under Christian law—under which women were previously required to remain covered and secluded in a room for 12 months—has recently come under great criticism by certain communities. A committee of women complained in 2014 to the diocese of Ziguinchor, citing the extreme stress put on families during this period, as the restrictions placed on their ability to manage household expenses, feed their children, or take them to school were too great for so long a period of time. The diocese ultimately reduced it to a shorter period of 3 to 4 months, after which widows can remarry and re-enter society. Muslim women face a similar period of isolated and enforced mourning after being widowed, lasting 4 months and 10 days.¹²⁸

3.3.4. Stigmatization of widows

Lastly, widows may also be subject to various forms of stigmatization, long after the end of their mourning period, which permeate virtually every area of life. Across many of the countries we examined, women who lose their husbands risk being called witches by their communities. In the case of Senegal, many men emigrate to neighboring countries such as the Democratic Republic of the Congo, Gabon, and Côte d'Ivoire in search of work, and return home with HIV/AIDS. Diallo explains how they then infect their wives and often die soon after, leaving their wives to be accused of witchcraft and denied their inheritance.¹²⁹ In her own research on shifting land practices in rural Senegal, Dr. Ruth Evans encountered similar cases. She shared with us one instance in which a woman had been widowed twice in short succession—she had been married to the brother of her late husband, who soon after also died—and afterwards faced accusations of witchcraft.¹³⁰ In Nepal, stigmatization is so extreme that according to Upsana, widows are called the 'living dead'

¹²⁷ Noreen Naseer (Professor of the University of Peshawar) in discussion with the author, April 19, 2024.

¹²⁸ Diallo, 2024.

¹²⁹ Ibid.

¹³⁰ Evans, 2024.

if they have no male guardians left, and are deemed inauspicious and unlucky.¹³¹ Similar societal associations between widows and bad luck are also present in China.¹³²

Along with this stigmatization often also comes exploitation, as having fewer protections or connections to society makes many widows far more vulnerable. In Nigeria for example, the marginalization of widows has become something for businesses to profit off of. Hope Hope Nwakwesi, the founder of several initiatives focused on widows rights including the African Widows Summit, explains that once a woman's husband dies and she loses her right to any property attached to the marriage, she loses the ability to make any income off of it, and businesses are able to step into that vacuum.¹³³ Some scholars, like Austin Obinna Ezejiofor, have likened the state of widowhood in Nigeria to an institution because of the systematic way widows are marginalized as a result of patriarchal norms and customs.¹³⁴ Similarly, Nwakwesi mentions that a recent issue is that the agenda of "empowering widows," has become a trade, such that while more people in the nation are realizing the position of widows is a pressing issue, their way of dealing with it is more about the merit they get in doing something small, than actually addressing the deeper issues of rights to land and the policies that should be in place to protect those rights.¹³⁵

A Mexican academic interviewed noted that widows are discriminated against due to their status of "lone woman," and for going against traditional societal norms in which women are perceived as property.¹³⁶ The same prejudices are exacerbated when the widow is of age and facing economic distress. Interviewees of the region agreed on the lack of spaces, tailored policies and academic production focused on widowhood experiences.

3.4. Challenges faced by widows

Widowhood can be a profoundly destabilizing event for women globally, exacerbated by patriarchal systems, limited access to justice, inadequate education, poverty, and external/ national crises.¹³⁷ Examining the circumstances faced by widows in specific countries illuminates the multifaceted challenges that widows encounter and highlights the pervasive nature of gender-based inequalities.

3.4.1. Patriarchal systems

In many societies, patriarchal systems significantly influence the rights and status of women,

¹³¹ Rana, 2024.

¹³² Chinese Government official in discussion with author, March 27, 2024.

¹³³ Hope Nwakwesi in discussion with the author, March 1, 2024.

¹³⁴ Austin Obinna Ezejiofor, "Patriarchy, marriage and the rights of widows in Nigeria." *UJAH: Unizik journal of arts and humanities* 12(2011): 140.

¹³⁵ Nwakwesi, 2024

¹³⁶ Verónica Montes de Oca, 2024.

¹³⁷ Rana, 2024; Omari and Mirzad, 2024; Naseer, 2024; Karimi, 2024.

particularly concerning land inheritance. Land titles and inheritance customs that prioritize men reinforce the economic dependence of widows on their male relatives and undermine their financial stability.

In Senegal, for example, land is customarily passed down through the family name, which is rooted in male primogeniture.¹³⁸ This practice often excludes women from owning or inheriting land.¹³⁹ Consequently, widows may find themselves without property or means to sustain themselves after their husband's death, leaving them vulnerable to poverty and exploitation.

Similar issues arise in the African continent, where customary laws and practices often overshadow statutory laws that might otherwise protect widows' inheritance rights. The entrenched nature of these patriarchal systems means that even when laws exist to safeguard women's rights, they are frequently ignored or poorly enforced at the local level, perpetuating the disenfranchisement of widows. According to a governmental report at the end of 2017 revealed in South Africa that only 13% of agricultural and farmland is owned by women, while only 17% of erven land is owned by women.¹⁴⁰ The cause of these low percentages lies in the truth that although the Constitution prohibits any form of unfair discrimination based on sex and gender, customary law very often enshrines male primogeniture when it comes to land inheritance. As Dr. Ndlovu, a specialist in gender issues in South Africa who has worked closely with rural communities on issues regarding widows' inheritance rights, puts it: “..... Patriarchal society.....”.¹⁴¹ In Ethiopia, although women's inheritance rights are protected on paper, they remain marginalized in reality because inheritance by custom operates on a patriarchal basis.¹⁴² Issues like biases against women, and an ignorance of gender considerations on the part of state officials leading land registrations impact a widow's ability to inherit.

In Nepal, the outdated policy,¹⁴³ as has been discussed above, provides a significant insight into the socio-cultural dynamics and legal frameworks governing inheritance and remarriage. The underlying rationale for this policy was rooted in the belief that women, once they reach the age of 35, are considered too old to remarry.¹⁴⁴ This belief reflects deeply ingrained cultural norms regarding age and marital desirability. By enforcing this age threshold, the policy aimed to reduce the likelihood of widows remarrying and, consequently, protect the deceased husband's family property from being transferred outside the family lineage. This policy had profound implications

¹³⁸ See the example about Senegal for details on p.23.

¹³⁹ Diallo, 2024.

¹⁴⁰ “LAND AUDIT REPORT - South African Government,” South African Government, 19 May 2024, https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf.

¹⁴¹ Dr. Thatshisiwi Ndlovu, 2024.

¹⁴² “Ethiopia: CIFOR-ICRAF”, CIFOR, 14 February 2023, https://www.cifor-icraf.org/publications/pdf_files/Books/Socio-legal-review-Ethiopia.pdf.

¹⁴³ See the example about Nepal for details on p.22.

¹⁴⁴ Rana, 2024.

for widows, affecting their social and economic well-being. Young widows were effectively placed in a precarious position, where their access to financial resources and property rights was severely restricted until they reached the designated age. This not only limited their economic independence but also reinforced their vulnerability within the social hierarchy. Recent changes to this policy reflect a shift towards more equitable legal frameworks, acknowledging the rights of widows regardless of their age. These reforms aim to dismantle the discriminatory barriers that have historically marginalized women, promoting gender equality and social justice.¹⁴⁵

In the Dominican Republic only 25% of women own land.¹⁴⁶ This can be credited due to the patriarchal structures and gender inequality. The inequality has devastating effects on widows in the Dominican Republic. There have been some advancements in relation to gender equality in the island, yet in terms of distribution of wealth upon widowhood, customary practices may not comply with the international human rights standards. According to different studies 36% of Dominican girls and adolescents are married or in free union by the time they are 18 and 12% of these union girls are younger than 15 years old, making it the highest rate in Latin America, yet this number drastically increases in rural settings.¹⁴⁷ The process of inheritance of Dominican widows may be influenced by their migration status, age, or context setting, in which distribution of wealth may not follow common law.

3.4.2. Limited access to justice

Access to justice is another critical issue affecting widows. Legal systems in many countries are often inaccessible to women due to a combination of socio-cultural barriers, financial constraints, lack of legal literacy, and the changing definitions of widows, as has been discussed above. So far, based on the changing circumstances and societal frameworks of widowhood, certain general perspectives have been outlined, and multiple cross-cultural differences from general patterns are also needed to be identified. This, together with the fact that the gender-specific consequences of widowhood lead to an unequal distribution of sources of widows, ultimately leading to limitations to justice faced by generalized ‘widows’.¹⁴⁸

The lack of education for girls has a direct and devastating impact on widows. Without education,

¹⁴⁵ Ibid.

¹⁴⁶ “Un 25% de Mujeres Es Propietaria de Tierras En RD,” Oficina de Estadística (ONE), 19 Feb. 2019, <https://www.one.gob.do/noticias/2019/un-25-de-mujeres-es-propietaria-de-tierras-en-rd/#:~:text=Un%2025%25%20de%20mujeres%20es.%20Accessed%206%20Mar.%202024.>

¹⁴⁷ “Estudio Revela Que 60% de Hombres Adultos Unidos En Zonas Rurales Se Casaron O Unieron Con Menores de Edad,” UNFPA República Dominicana, 9 March 2020, dominicanrepublic.unfpa.org/es/news/estudio-revela-que-60-de-hombres-adultos-unidos-en-zonas-rurales-se-casaron-o-unieron-con.

www.elmundo.es/internacional/2020/12/31/5fed8798fc6c83be738b46a8.html. Accessed 6 Mar. 2024.

¹⁴⁸ Ida Blom, ‘The History of Widowhood: A Bibliographic Overview,’ *Journal of Family History*, Volume 16, Issue 2, <https://doi.org/10.1177/036319909101600206>

women are less likely to have the knowledge or skills needed to find employment or understand their legal rights, perpetuating cycles of dependency and poverty. In Senegal, the high illiteracy rate among women limits their economic opportunities and ability to claim inheritance rights. For instance, about 33% of women are illiterate, significantly impeding their ability to navigate the legal system and advocate for their rights.¹⁴⁹

In Afghanistan, the situation is further compounded by ongoing conflict, which disrupts educational systems and leaves many women and girls without access to schooling. The intersection of poverty, inadequate education, and ongoing armed conflict creates an environment where legal recourse is practically unattainable for many women.¹⁵⁰ Widows, particularly those without formal education, are often unaware of their legal rights or how to pursue them, leaving them dependent on in-laws or community structures that may not have their best interests at heart.

The same issue arises in Nepal. Although the legal age of marriage for women is 21, many girls are forced to enroll in early marriage under legal age because the poverty that they face pushes them to seek economic support from their spouses. According to Upasana, executive director of Women for Human Rights (WHR) in Nepal, no compulsory basic education system is provided in the country, thus, most girls get no opportunity to receive education. If by any chance they enroll in certain levels of education, they will immediately terminate the study process and start to serve their family. Widows in these contexts often struggle to support themselves and their children, relying on the goodwill of extended family members once they become financially and psychologically dependent on in-laws, which can sometimes lead to exploitation and abuse.¹⁵¹

In China, a positive situation could be that the state implements the universal nine years of compulsory education and it shall be received by all school-age individuals. However, in practice, the basic legal knowledge is barely included in the course curriculums, which means the related and well-targeted legal literatures could not be used by the so-called ‘educated widows’ to argue for their own legal rights.¹⁵² Additionally, appealing to a court is time-consuming, as well as money-consuming in China. The Chinese government official explains that the contentious procedures are generally complicated and in low effectiveness, which would probably fritter away widows’ determinations. Especially when they are not certain of the outputs from the court, widows are generally not willing to spend their time and money.¹⁵³

Poverty is both a cause and consequence of the limited access to justice faced by widows. In countries like Nepal, the limited resources available for inheritance mean that what little can be

¹⁴⁹ Diallo, 2024.

¹⁵⁰ Karimi, 2024.

¹⁵¹ Rana, 2024

¹⁵² Chinese lawyer in discussion with the author, April 21, 2024.

¹⁵³ Chinese government official, 2024.

passed down is often insufficient to support a widow and her children.¹⁵⁴ Even if the widow manages to appeal to the court, whatever can be inherited is little. This scarcity is exacerbated by the fact that many widows are stigmatized if they assert their rights in court, leading to social isolation and further economic hardship. In an interview with a former female Afghan lawyer, we were told that the situation of supreme court in Afghanistan is so extreme that “nobody will listen to women on the court,” especially within a society where “women should always go out following a man (her husband, father, cousin etc.), otherwise they would be regarded as indecent.”¹⁵⁵

In Ethiopia, despite laws requiring the inclusion of both spouses' photographs on land titles to prevent disputes, customary practices often prevail. These practices can deny widows access to land and property, leaving them destitute. The situation is particularly dire in rural areas, where poverty is more pervasive, and legal protections are less likely to be enforced. It triggers another common issue within rural areas in some countries, particularly Ethiopia, Nigeria, and China. Widows tend to have no marriage certificate to prove right to inheritance.¹⁵⁶

3.4.3. External / national crises

National crises, including poverty, violence, and armed conflict, intersect with and exacerbate the difficulties faced by widows.

The impact of armed conflict on widows is profound. Many women lose their husbands to violence and must then contend with the loss of family members, displacement, and the constant threat of further violence. In Afghanistan, decades of conflict have not only destroyed infrastructure and disrupted social services but have also created a significant population of widows who must navigate a war-torn society with limited support.¹⁵⁷ In such environments, widows are particularly vulnerable to exploitation and abuse, both economically and physically.

Widows around the world face numerous challenges rooted in patriarchal systems, limited access to justice, inadequate education, poverty, and external/ national crises. The specific cases above illustrate the pervasive nature of these issues and the ways in which they intersect to marginalize widows. Addressing these challenges requires a multifaceted approach that includes legal reform, education, economic support, and efforts to shift cultural norms.¹⁵⁸ Only by tackling these issues comprehensively can we hope to improve the lives of widows and promote widows' rights globally.

¹⁵⁴ Rana, 2024.

¹⁵⁵ Omari and Mirzad, 2024.

¹⁵⁶ Chinese government official, 2024.

¹⁵⁷ Karimi, 2024.

¹⁵⁸ Naseer, 2024; Rana, 2024; Zubair, 2024.

V. Recommendations



Although widows account for 9.1% of the overall global female marital age population, this group still remains largely under-recognized, both in legislation and in discourse.¹⁵⁹ As this report has shown, although widows may be protected in theory, there is a significant gap between what is provided for in legislation and what occurs in practice. This then leads to the question: what can be done to improve the situation and protect an important sector of the population that is vulnerable in many ways?

The first thing that can be done is to give visibility to the issue, and to place it on the agenda of pressing issues. We have seen a boom in the movement for women's rights. From women in business, to women in the political sphere, to women standing up against gender based violence, issues all of which are interlinked and key to protecting women at large, both research and mobilization are lacking when it comes to protecting widows from violent mourning and disinheritance practices. As many have mobilized around women's voting rights, for example, and pressure was put on nation states as a result of this to change legislation, the same could be done for widows rights. This point was raised by several experts during this research process, and is a point of departure that is accessible to us all. In becoming more vocal about the issues that widows alone face, more pressure will be put on the state to protect these women.

¹⁵⁹ [Number of widows and poverty.](#)

Above this, a key point for further work is that of prevention. One important aspect of prevention in the case of widows inheritance rights, is ensuring that women understand the importance of their marriage being officially registered and documented. This legal documentation will facilitate their efforts to take legal recourse should they ever be dispossessed of property upon the death of their spouse.¹⁶⁰ This also encompasses engaging in the rights literacy of widows. How aware are these women of their rights to inheritance and of protection from harmful mourning practices? This is a key step in empowering them and giving them the tools to begin accessing justice in each of their unique contexts.

Alongside this, as the research has shown, many of the women lacking protection and facing disinheritance, and possible destitution, are rural women from traditional communities. Dean Peacock, Co-Founder of Sonke Gender Justice and of the MenEngage Alliance, shared valuable insights regarding the ways in which communities could be approached from a place of attentiveness and respect. When Sonke approached rural communities to share with them the importance and value of protecting women's rights, they did so through persons that the community respected and trusted.¹⁶¹ Not only this, but they approached these communities from a framework that was familiar to them, so that they might be empowered to engage in the discussion and have full agency in choosing whether, and how, to come onboard.¹⁶²

To end on an important area for continued work and research, including men in these processes is key in creating real systems change. As has been seen throughout this report, patriarchal systems are still very much in place across the majority of the countries studied, thus meaning that men still hold the majority of the power. In order to balance out the scales, a level of understanding and compassion ought to be established. Including men in the process of fighting for widows inheritance rights, and helping them understand the importance of women and mothers and grandmothers in our societies, is key in being able to trigger broader systems change.

VI. Conclusions

Widows' rights remain a pressing issue, experiences that vary according to the intersectionalities they present and the context in which they develop. Despite the different manifestations of widowhood discrimination, the common denominator lies in the patriarchal structures that shape power relations. Throughout this report, we have explored the multifaceted challenges faced by widows, such as economic insecurity, social marginalization, legal discrimination and gender-

¹⁶⁰ Thatshisiwe Ndlovu, "Silent victims or agents of change? An exploration of the lived experiences of African widows confronted with the practice of customary law of succession and inheritance in South Africa," Masters diss., 2015.

¹⁶¹ A South African specialist in women's rights, in discussion with the author, *date*

¹⁶² *Ibid.*

based violence. Going forward, it is imperative to prioritize the holistic protection and empowerment of widows through the implementation of comprehensive legal reforms, social programs, and support services that address their unique needs and vulnerabilities. This requires not only challenging discriminatory norms and practices, but also promoting gender equality, social justice and addressing the root causes. By recognizing and upholding the rights of widows, we can contribute to building more inclusive, equitable and just societies in which all women can live with dignity, security and autonomy.

Appendix

Descriptive Tables

1.1. Indicators Table

To view the full table in proper formatting, see [here](#) (“Appendix - Descriptive Table”). Or see below.

	Nigeria	Senegal	South Africa	Afghanistan	Dominican Republic	Mexico	Venezuela	China	Nepal	Pakistan
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<p>Age of Marriage</p>	<p>- 19 Years old. - 43% of women are married before 18 y.o.a - 16% of women are married before 16 y.o.a</p>	<p>- Child Marriage: 30% - Legal age of marriage for women is 16 (vs. 18 for men) - Family Code 1989, Article 111 - BUT exceptions to this law are allowed (more than anything, families decide when girls get married) ex. in Kolda region, >68% of girls = married before 18 (2x the national average of 31%) - (Girls not Brides) by</p>	<p>- For civil marriage the median age for women to get married is 33 yo as of 2020. - For customary marriages, brides married between the ages of 27-30 y.o.a as of 2020. - While marriages on the decline, civil unions increased from 2016-2019. However, decreased from 2019-2020.</p>	<p>- legal age of marriage for girls: 16 (18 for boys) - exceptions allowed below 16 y/o with permission of father or judge - 28% girls married before age 18 & 4% before 15 - massive provincial variation in child marriage rates (highest = 66% in Paktia province) - Factors in early marriage: gender inequality, education level, societal attitudes, harmful practices, poor legal framework, adolescent pregnancy,</p>	<p>- El Mundo (2020) 36% of dominican girls and adolescents are married or in free union by the time they are 18, 12% of these unions the girls are younger than 15 years old - 2020: Law project to raise the minimum age of consent - UNFPA (2020) 60% of men in rural areas is married/ got married by the time the bride was a minor - The percentage changed in a total average to 48.5% adding urban settings data</p>	<p>- According to the National Institute of Statistics and Geography (INEGI) the average age for women to get married as of 2021 is 30.5 years old. 20% of women are registered in "Unión Libre" - An increase of 35.0% of registered marriages regarding 2020 - It was reported by INEGI that in 2022, 33 minors got married - 2024: 17.8% of couples were in "Unión Libre" - 2023: 1 of 100 girls is reported to be forced to marry</p>	<p>- According to the Instituto Nacional de Estadística (INE) in 2014 the average age for women to get married is 22.9 years old. - In the year 2021, 77,537 new marriages were registered. - Minimum age of consent 14 years old</p>	<p>- Legal age of marriage for boys: 22; while for girls: 20 - 2020: average age of first marriage for girls: 28 - 2023: 55.9% of decrease in the proportion of first marriage (factors including: the decrease in the number of marriageable people, the delayed age of first marriage, and changes in the concept of marriage and love) - Child marriage (before 18): 2.85% for girls. - A big difference between inland provinces (where ethnic minorities</p>	<p>- percentage of women aged 20-24 years who were first married or in union before 15: 8% ----- percentage of women aged 20-24 years who were first married or in union before 18: 33% - legal age of marriage (min): 20yo</p>	<p>- percentage of women aged 20-24 years who were first married or in union before 15: 4% - percentage of women aged 20-24 years who were first married or in union before 18: 18% - legal age of marriage (min): 18yo</p>
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age 15 9% of girls are married, and by 18 31% are
- Factors in early marriage include: poverty, education level, parental fear of adolescent pregnancy, FGM/C, Ethnicity

poverty, COVID-19, displacement, returnees
- Child Marriage: [28.3%](#)

occupy the larger part of the population) and eastern provinces.
- [Ethnic autonomous region](#): different laws in legal marriage age
- Big difference between the date when a couple has their wedding ceremony and begins cohabiting and the date when their marriage is registered, especially in rural [area](#).

<p>Age of Schooling</p>	<p>- Between ages 6-11, 61% regularly attend primary education. - Net attendance rates for the primary education of girls is 47.5%. - In North East Nigeria, just below 2 '000 classrooms have been damaged or destroyed.</p>	<p>- Dropout rate in last year of primary school is 26.7% for girls (vs. 22.2% for boys) - cost of schooling as an obstacle (payment for materials & transport; preference of boys if have to choose to send 1 to school</p>	<p>"- Percentage of girls in primary school is 98.86%. - Percentage of young women in upper secondary school is 72.274%."</p>	<p>- Since Taliban takeover, girls schooling beyond age 11 (6th grade) is forbidden</p>	<p>- The Constitution mandates 12 years of mandatory schooling years - SITEAL: 2016 → 86.9% of children were attending school 97.2% of children between 6-11 was enrolled in school 92.7% of adolescents was enrolled Education Ministry: 577,252 boys enrolled in primary education 539,552 girls enrolled in primary school</p>	<p>-2020: Average years of schooling of the population 15 years of age and older is 9.6 years -2023: 25- 65 year old have an average of 10.3 years of schooling</p>	<p>-97.21 women are literate (DatosMacro, 2021) -UNDP (2019) in average the population has 10.3 years of schooling, women have an average of 10.6</p>	<p>- From 1986: mandated nine-year education from elementary school to primary middle school - proportion of children and young people achieving a minimum proficiency level in reading and mathematics: 79.6% - literacy rate: 99.83% (2021) - gross enrollment ratio in primary school for girls: 99.7%</p>	<p>- out-of-school children (female) rate (2019): 7% - female youth literacy rate (15-24yo): 91%</p>	<p>- out-of-school children (female) rate (2019): 27% - female youth literacy rate (15-24yo): no statistics</p>
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<p>GBV Indexes</p>	<p>- “Almost one in three (31%) women aged 15- 49 have experienced physical violence in Nigeria” - 2 in 3 women and girls experience violence by their husbands and boyfriends. - Close to 15% of Nigerian women have been circumcised, nation accounts for 3rd highest number of women & girls with female genital mutilation.</p>	<p>- Lifetime physical and/or sexual Intimate Partner Violence (IPV): 21.5 % - Physical and/or sexual IPV in the last 12 months: 12.2% - FGM/C: 24%</p>	<p>- Percentage of ever-partnered women & girls between 15-49 y.o.a subjected to physical &/or sexual violence by a current or former intimate partner in previous 12 months: 13.1%.</p>	<p>- lifetime physical and/or sexual IPV: 50.8% - IPV in last 12 months: 46.1% - Ranked #170 (out of 170 countries → last place) on Women, Peace and Security Index</p>	<p>-Cepal (2020) 2nd place in femicides in the region, registering 2.4 femicides per 100,000 inhabitants -CNN (2023): 42 femicides registered in the first six months of 2023 -Centro de Investigación de Políticas Públicas has registered 67,698 cases per year of gender based violence and domestic violence -UN Women: Lifetime Physical and/or Sexual Intimate Partner Violence: 28.5 % -UNDP + USAID: $\frac{2}{3}$ women have/ will experience GBV in their</p>	<p>- Between 10-11 women are murdered everyday - INEGI: 70.1% of women over 15 years old have experienced gender-based violence throughout their lives, 45.6% of that violence coming from family and 39.9% from a romantic partner. -Mexican Congress: 2023 that on average 243 women are raped everyday, most of crimes remain unpunished -45% of women in Mexico has suffered from any form of</p>	<p>In 2020, the Fiscalía General de la Nación registered more than 110,000 reports of domestic violence, 75% of these responses were from women CEPAZ, 2022 reported that by the end of the year 2022, 37 femicides of girls were registered Swissinfo (2023) reported (UTOPIX) that during the first 4 months of 2023 63 femicides were registered in Venezuela Amensty International (2023) regarding Venezuelan women refugees:</p>	<p>- Child brides: adverse sexual and reproductive health outcomes, undernutrition, intimate partner violence, and mental health disorders, discontinuation of education, some of them are facing the sex-selective abortion - child marriage (before 18yo): 3% - Hukou (national household registration): wedding ceremony is much more important than its registration. But if the girl is married under the legal age, she cannot report the marriage so</p>	<p>- female sexual violence in childhood (under 15): 3% - Percentage of women aged 20-24 who gave birth before age 18: 13.8%</p>	<p>- female sexual violence in childhood (under 15): 1% - Percentage of women aged 20-24 who gave birth before age 18: 7.4%</p>
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					lifetime	gender based violence	<p>Comprehensive System on Gender-Based Violence (SIVIGE) reported in Colombia 122,758 cases of gender-based violence in 2020: 58,904 cases of physical violence 31,635 cases of sexual violence 18,967 cases of neglect and desertion 9,782 cases of psychological violence.</p> <p>In Peru, the Aurora Programme, via the Women's Emergency Centres (CEMs), registered 114,495 cases of gender- based violence in 2020</p>	<p>that she cannot be on the Hukou of her husband. Once she gets pregnant, she cannot get the basic medical insurance for herself and her child. - physical and/or sexual violence: 7.6%</p>		
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<p>Age of Widows</p>	<p>N/A</p>	<p>- 2015 = est. 245,088 widows of ages 10+ - 2010: 7.2% of women of marital age = widows - (2017) At least 18.5% of ever-married women have been widowed</p>	<p>- In a general household survey in 2022, 78.8% of women in the age group 75 years & older single or widowed.</p>	<p>- (2009) average widow age: 35</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>- the prevalence of ever-marriage (being currently married, divorced or widowed) among women aged 15–19 decreased from 4.7 percent in 1990 to 1.2 percent in 2000 but rebounded to 2.4 percent in 2015. - The wife is expected to serve all members of an extended family. When her husband died, her loyalty and servitude to his family and to her widowed mother-in-law remained. - the proportion of widowers among people aged 15 and above:</p>	<p>N/A</p>	<p>N/A</p>
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								5.51% (2015)		
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<p style="text-align: center;">Land Ownership</p>	<p>- Only 10% of women own land in Nigeria.</p>	<p>- 2 dominant models of land ownership: 'modern model' of national legislation & 'traditional model' of customary laws - land ownership processes = largely decentralized → more at local level (dependent on customary law) - 94.53% of households w/land are headed by men, vs. 5.47% by women</p>	<p>- 13% of agricultural & farm land is owned by women. - 17% of even land is owned by women.</p>	<p>- < 5% of all land ownership documents in Afghanistan include a woman's name - Process of appealing/challenging land-ownership laws is made more difficult by laws forbidding women from entering public (including health centers) w/out a male guardian (especially difficult for widows)</p>	<p>N/A</p>	<p>-El Universal: 26% of the ejidos are owned by women -Will prevails under common law</p>	<p>The nature of the State → poses around 80% of the land , yet can be adjudicated and women are in charge of around 13.6% The database of Universidad de los Andes based on Censo 90 recorded a number of widows in 245.503 starting from 12 years and older -</p>	<p>- Article 34 Women's right to inherit property equal to men shall be protected by law. Women shall not be discriminated against among the legal heirs in the same order. - A widowed woman has the right to dispose of inherited property, and no one may interfere with it. - Article 35 If a widowed woman has fulfilled her main support obligations to her parents-in-law and mother-in-law, as the first-order legal heir, her inheritance rights shall not be affected by the subrogation</p>	<p>- Under Nepalese law, including the Muluki Ain (General Code), which governs civil matters, widows are generally entitled to inherit a share of their deceased husband's property. The specific share may depend on factors such as the presence of other heirs and the relationships between them. In addition to statutory laws, Nepal also recognizes customary laws that may vary among different ethnic and cultural groups within the country. - Proportion of</p>	<p>- Pakistan Succession Act 1925, Chapter 2, Section 33. - According to Islamic inheritance laws, a widow is entitled to a share of her deceased husband's property. The specific share depends on the presence of other heirs and the relationships between them. Generally, widows are entitled to a share known as the "widow's share" or "mahr," which is a portion of the deceased husband's estate.</p>
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									of her children .	people with ownership or secure rights over agricultural land (out of total agricultural population), by sex : 13.3%	
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1.2. Legislation

To view the full table in proper formatting, see [here](#) (“Appendix - Descriptive Table”). Or see below.

	Nigeria	Senegal	South Africa	Afghanistan	Dominican Republic	Mexico	Venezuela	China	Nepal	Pakistan
gislation	<p>- The Constitution section 17(1), 17(2)(a)(b), 17(3)(a).</p> <p>- Convention on the Elimination of All Forms of Discrimination Against Women (1979) CEDAW: article 2,13, 14, 15 &16.</p> <p>- African Protocol on Women's Rights: article 2.</p>	<p>- Constitution (reformed in 2001): Article 7, 8, 15, 17, 18, 19, 22, 25</p> <p>- Senegal signed the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1985</p> <p>- Senegal has agreed to the International Covenant on Civil and Political</p>	<p>- Constitution Chapter 2 s(9): (1), (2), (3), (4), (5).</p> <p>- Intestate Succession Act 81 of 1987 section 1.</p> <p>- Bhe and Others v Khayelitsha Magistrate and Others (CCT 49/03) [2004] ZACC 17; 2005 (1) SA 580 (CC); 2005 (1) BCLR 1 (CC) (15 October 2004) - Reform of Customary Law of Succession & Regulation of Related Matters Act 11 of 2009.</p>	<p>- In 2009, Afghanistan adopted the Elimination of Violence Against Women Law, prohibiting the prevention of women acquiring property but since the Ministry of Women has been abolished by the Taliban, this no longer holds any ground.</p> <p>- Under the Shia Personal Status Act (2009), wife is entitled to ¼ of the estate if</p>	<p>Marriage Laws and property: Dominican Civil Code recognizes marriages in the following two forms, it is important to note that religious marriages do have validation against the law: Comunitaristas marriages: In which assets acquired during the marriages are perceived as</p>	<p>-The Mexican Constitution (Art. 2) recognizes the right to self-determination of indigenous communities, thus recognizing a multiplicity of legal systems, in which the role of widows varies.</p> <p>Marriage laws and property</p>	<p>Marriage laws and property: The Venezuelan Civil code recognizes both parties the ability and capacity to administer their wealth, and grants the couple the freedom to stipulate their own distribution regime.</p> <p>Distribution upon widowhood:</p>	<p>Constitution of the People's Republic of China: Article 33 of the Constitution: The state guarantees the legitimate rights and interests of women and implements the principle of gender equality.</p> <p>Law of the People's Republic of China on the</p>	<p>- Constitution of Nepal (2015 Amendment): Nepal's constitution was amended in 2015, emphasizing the principle of gender equality. Article 11 of the constitution specifically states that all citizens are equal before the law, regardless of gender.</p> <p>- Nepal Women Rights,</p>	<p>- Constitution of Pakistan: The Constitution of Pakistan lays down principles of gender equality. Particularly, Article 25 emphasizes the equality of all citizens before the law, without any discrimination based on gender.</p> <p>- Pakistan Labour Laws: The labor laws encompass provisions</p>

<p>Customary Legislation</p>	<p>- Customary law, while varying, usually excludes widows from inheriting from their husbands. While alive & married, all assets are in the name of the husband, who has full control over them. Once the husband passes, according to the Igbo tradition, inheritance follows male primogeniture.</p> <p>- The eldest thus inherits the largest share of the deceased, with younger brothers dividing the remains between themselves. Widows & daughters are left out of this (again, in the Igbo tradition).</p> <p>- In the Yoruba tradition, the</p>	<p>- A 'reserved portion' (⅓) of the estate is left to be distributed after death: distribution rules differ btwn Muslim Sharia law & common rules of the Family Code:</p> <p>- Sharia (Islamic law accommodate within Family Code for those wishing to follow it instead):</p> <p>Father receives ⅓, mother ⅓, surviving spouse(s) ⅓, all other descendants: men each receive 1 share of residual & women half a share</p> <p>- Family Code (originally passed in 1973)</p>	<p>- Whilst customary law often provides for male primogeniture, this is not in alignment with the Constitution, and the case of Bhe in 2005 sets precedent for this.</p> <p>- Following this, the Reform of Customary Law of Succession & Regulation of Related Matters Act 11 of 2009 was enacted and it specifies that widows must receive a portion of the deceased's estate. This would be either the child's portion or the amount fixed in the government gazette at the time of the husband's passing, whichever is greater. This Act notes how "a widow in a</p>	<p>- In reality, it is estimated that less than 5% of Afghan land ownership documents include the name of a woman</p> <p>- Most ethnic/religious groups have their own laws regarding inheritance → ex. Jafary principles allow a widow ⅓ of her late husband's estate BUT this is rarely claimed in practice because of the stigma surrounding women inheriting property</p> <p>- An Afghan woman's relationship to land is typically "secondary" (ie. through a male relative, likely a husband)</p> <p>- Land as a "source of cultural prestige and influence" → further</p>	<p>Haitian widows</p> <p>Dominican laws have harshen as haitian immigration has increased. Haitian widows residing in the Dominican Republic have reported that they are actively being denied the access to their deceased husband pensions due to lack of migration status recognition.</p> <p>-Widowhood is not perceived with a negative connotation</p> <p>-Multiple widows of a single men in practice have been granted of protectin regarding legal marraige in contraposition of in-practice marriage</p>	<p>the Mexican Constitution (Art. 2) recognizes the right to self-determination of indigenous communities, thus recognizing a multiplicity of legal systems, in which the role of widows varies.</p> <p>Declaration on Indigenous Peoples Rights</p> <p>Agrarian reform brief (land repartition)</p> <p>Examples (widowhood):</p> <p>Yaqui Community (State of Sonora)</p> <p>The widow</p>	<p>It is widely reported that widows in indigenous communities in Venezuelan territory are systematically excluded and discriminated against.</p> <p>Furthermore, it has been noted that widows are specially vulnerable against large corporations, State actors and local dynamics (Yukpa community). Yet have been active in their role of reclaiming land from the mentioned actores in form of colectivos.</p> <p>Due to mass destruction of land, women (including</p>	<p>- In China, although there are some traditional social and cultural practices that may influence the rights of widows, these practices do not constitute a formal legal system.</p> <p>Traditionally, in certain regions, there may be societal customs related to women's inheritance rights, remarriage rights, and other aspects, but these are not specific legal provisions.</p> <p>- Some traditional societal concepts that might be relevant to the rights of</p>	<p>- Inheritance of Family Joint Property: In certain communities, joint family property may be passed on to widows after the death of their husbands to ensure their financial interests in the property.</p> <p>- Remarriage Considerations: Traditionally, widows' remarriage may be influenced by societal and cultural beliefs. In some communities, there might be encouragement or restrictions on the remarriage rights of widows.</p> <p>- Community Consultation: Some communities may prefer resolving</p>	<p>- A study on customary marriages in rural Pakistan revealed various traditional marriage practices, including those related to widows. - Some issues have been highlighted including issues related to religion, customary laws, caste, and the question of remarriage.</p>
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<p>Gap Between Paper and Practice and Why</p>	<p>- While widows rights are protected under national legislation, most women are married under Customary or Islamic law. They are thus not as adequately protected, because in Nigeria, the devolution of someone’s estate is impacted by whether they follow customary or Islamic law. Customary law rarely allows for widows to inherit from their husbands. - The gap between national law &</p>	<p>- Many argue that the inheritance rules of Muslim law within family law are highly discriminatory against women (ie. widows) & call for the removal of all reference to religious law in civil law - 2016 establishment of a “Technical Committee” to revise all discriminatory laws but not much development - Despite any promises in civil law of equal access to land ownership,</p>	<p>- Customary law in rural South Africa continues to reflect patriarchal tendencies & to favour male primogeniture. - Government programs surrounding land tenure & land reform have never had women as a core target. - Access to courts is difficult in rural settings & expensive. Literacy is also a factor. - Seeking justice regarding land inheritance as a widow is often frowned upon by the community. - “Educational attainment, financial independence,</p>	<p>- The 3 main sources of law in Afghan property disputes are state law, Sharia law, and customary law. There is some overlap, but often disagreement between the 3 - Under both state and Islamic law, women are entitled to inherit, but under customary law, they often are not—particularly if there are male heirs - On paper, women have equal property rights to those of men (2017 Land Management Law), and are allowed an income separate from their</p>	<p>-With the ongoing deterioration of the Haitian scenario the condition of migrant women in the Dominican Republic has worsened, ths access to their inheritance. -The multiplicity of natures of marriages (due to the recognition of religious marriages) may lead to an incoherence with the law</p>	<p>In order to comprehend disinheritance of widows in the Mexican context it is crucial to highlight the percentage of people that are not insured through the "official" system and to acknowledge the multiplicity of unique legal and social organizations . Historical gender-based discrimination that is exacerbated once the</p>	<p>-Due to the massive destruction of the lands that widows have encountered a way to reclaim back the territory thorough the passing of knowledge. -Historically land had been under masculine rule, yet the collective threat to indigenous and has challenged the narrative. -In the urban contexts the process of disinheritance has been challenging due to local dynamics that</p>	<p>- Regional Disparities in Legal Enforcement: Despite national legal provisions for the rights of widows, the enforcement and practices of the law may vary across different regions, especially between urban and rural areas. Some remote or rural areas, due to cultural and traditional factors, may not adequately protect the rights of widows. - Cultural and Traditional</p>	<p>Beliefs: Nepalese society remains strongly influenced by cultural and traditional beliefs. In certain regions, especially within more conservative communities, traditional beliefs may perceive widows as having a lower status within the family, potentially impacting their property distribution and within society. - Regional Disparities: Nepal is a</p>	<p>- Customary laws in certain regions of Pakistan can lead to injustices and discrimination against widows. For example, in the Customary Law of Lampung Pepadun Marga Anak Tuha, widows may not be entitled to inheritance rights and may face restrictions on remarriage, with the requirement for the husband to perform traditional ceremonies and the risk of customary sanctions if these are not fulfilled. - widows in</p>
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<p>what is practised is thus very closely imitates the gaps found in the South African context, e.g. access to courts, seeking justice being frowned upon etc.</p>	<p>many customary provisions prevent land inheritance by women - In Senegal's dual system, a majority of citizens choose to follow Sharia law over statutory law - Statutory law is primarily applied in urban courts</p>	<p>and religious beliefs of the widows determine whether the widow accepts or resists disinheritance."</p>	<p>husband's, according to Islamic customs. However, in reality, the work available to women is confined to unpaid domestic labor, leaving most Afghan women with far less money to purchase land than their male peers. - The Civil Code grants women inheritance rights and Sharia law promises female heirs half the inheritance of male heirs. But in practice, women are often pressured by social norms and family to surrender their share of the</p>		<p>woman becomes a widow. Disinheritance in practice in contraposition with disinheritance de facto. Widowhood strongly affected by the internal displacement, violence and the conception of "ejidos" (form of communitarian ownership)</p>	<p>difficult this process (Military widows)</p>	<p>Beliefs: Some traditional cultural beliefs persist in certain regions, influencing the practical implementation of widow rights. For instance, societal norms in certain areas may perceive widows as having lower status within the family, potentially resulting in inadequate protection of their rights in everyday life. - Economic Factors : Property rights and livelihood issues for</p>	<p>culturally diverse and multilingual country, and differences exist across regions. In some remote or secluded areas, traditional practices may be deeply ingrained, while urban areas might be more progressive. - Economic Factors: The economic status of widows is a significant factor. In impoverished regions, widows may rely more on family support, and a lack of economic independence</p>	<p>Pakistan encounter difficulties related to social norms, religion, and caste, which can impact their rights and social status. The intersection of religion, customary laws, and caste creates a complex web of challenges for widows, including issues related to remarriage and social acceptance.</p>
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			<p>inheritance altogether. Widows therefore often give their inheritance to sons or brothers, and it is often only women without brothers or a new husband who retain their inheritance</p> <p>- The Civil Code entitles women to Mahr: the dowry which only they own upon entering into a marriage → the marriage contract ensures further proof of this, as it includes the details of the Mahr. But marriages are not often registered in Afghanistan, making it difficult</p>				<p>widows may be correlated with economic conditions. In economically disadvantaged areas, widows may be more susceptible to social and familial pressures, leading to infringements on their rights.</p> <p>- Educational Disparities: Differences in educational levels may also impact the understanding and practice of widow rights. In some areas, lower levels of education may result in a lack of awareness of legal provisions,</p>	<p>can affect their ability to advocate for their rights.</p> <p>- Legal Enforcement and Awareness Levels: The enforcement of laws may be influenced to some extent. Factors such as a lack of awareness about legal provisions, societal attitudes towards laws, and the capacity of law enforcement agencies can impact the effective protection of widows' rights.</p> <p>- Social Support and Education Levels: Widows</p>	
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				for widows to prove their legal rights to their inheritance or land following their husband's death				affecting the exercise of rights. - Key reasons for these disparities include the complexity of social culture, regional economic differences, insufficient legal awareness, and the persistence of certain traditional beliefs.	may face varying challenges based on the level of social support they receive. Higher levels of education generally contribute to a better understanding of their rights, potentially prompting increased societal attention to the issue.	
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Interview Template

Interview Structure:

(semi-structured; approx. 45 min-1 hour long)

1. Introduce ourselves & the Global Fund for Widows (5 minutes max.)
2. Ask guest to very briefly describe themselves and what they do
3. Briefly describe our project, objectives, report & audience. (5 minutes max.)
4. Begin open-ended questions, leaving room for spontaneity.

General Questions (For all or most interviews):

(A) = Academic

(L) = Lawyer

INTRODUCTION

- In your words, how would you describe yourself and what you do in the context of women's rights?
1. How do you feel female land ownership is received in [country name]?
 2. How does the legal framework of [insert country name] typically address inheritance rights of widows?
 3. Can you explain the primary gaps that you have observed between state law and what happens in practice regarding widows' inheritance?
 4. Are there any specific legal provisions in state law which protect widows' inheritance rights? If so, how effective are these protections in practice?
 5. How do customary laws impact widows' ability to inherit property?
 6. In cases where state law and customary law conflict regarding widows' inheritance rights, which typically take precedence and why?
 7. Are there any recent legal developments or court cases which have influenced widows' inheritance rights?
 8. How accessible are courts to widows in [insert country]?
 9. What challenges do widows face in asserting their inheritance rights—both in terms of written and customary law?
 - a. How could widows better assert their inheritance rights and how would they?
 10. (A) In your understanding of the law, how would you build an argument defending widows in land inheritance disputes?
 - a. Do you have any particular professional experiences which speak to this?
 11. Are there any advocacy efforts or legal reforms underway to address the disparities between state and customary laws regarding widows' inheritance rights?

12. How do you feel the obstacles faced by widows in [name of country] might differ from those in other countries of which you have knowledge or experience?
13. From your experience, what are some strategies or legal mechanisms that can help widows protect their inheritance rights in situations where customary practices may discriminate against them?
 - a. Can you think of anything that could be helpful not only on the national but the international scale which could improve the situation for widows?