



ISSUES OF DISCRIMINATION IN WIDOWHOOD IN CENTRAL AFRICAN REPUBLIC

THAT REQUIRE ADDRESSING IN THE CONTEXT OF THE CEDAW

Margaret Owen, WPD (Widows for Peace through Democracy) Director

Laura Castellán, WPD Research Assistant

WPD hopes that this report will assist the Committee in its examination of the Government of the Central African Republic's report on its implementation and compliance with the articles of the Convention.

As in many countries, especially those in conflict and post conflict situations, the status of their widows – and wives of those forcibly disappeared or missing – is often ignored. Yet it is widows and their children, particularly their daughters, who so often suffer the most discrimination, direct and indirect, and this discrimination, resulting in extreme poverty, marginalisation, and exposure to violence, requires visibility so that it can be addressed by governments.

Since shortly after its independence, the history of the Central African Republic has been characterized by extreme instability, military coups, authoritarianism, rebellions. No official statistics on the number of widows in the country and on their living conditions seem to be available. However, considering the ongoing widespread violence that has characterized the history of the country (which has recently been addressed to by Secretary General Ban Ki-moon in his appeal for peace and unity in C.A.R.),¹ and the high incidence of HIV, it is clear that the number of widows is significant, especially among the refugees and displaced population. Their situation is characterized by disadvantages, deprivations, violation of human rights and freedoms.

WPD hopes that this brief submission will assist the Committee in its consideration of the Central African Republic's State Report during its 58th Session.

1. In the Central African Republic **gender roles are rigid**. Consequently, **women lack opportunities to have education, income, decision power in private and public life;**² they are expected to take exclusive care of all domestic work and child rearing. They are thus put in a position of extreme **vulnerability to all kind of abuse** (physical, mental, sexual), and **widowhood can leave them completely destitute** and unable to sustain themselves and their family. This is evident, although **no reliable statistics** concerning the number and life circumstances of widows and their children, especially among displaced people (and of their children), seem to be available.³

→ The Government should clarify what its efforts are, in conformity with Article 5 of the CEDAW, to prevent widows from being victim of stereotypes and social pressures that impede the full enjoyment of their rights and freedoms.

→ The Government should be required to explain what it has done and is doing to prevent and tackle gender based violence, to protect women, to support them, to make them conscious of their rights and to foster their empowerment.

→ The Government should in particular be asked to explain the measures undertaken so far to ensure widows can enjoy their right to work (Article 11 of CEDAW) and to

¹ www.unmultimedia.org/radio/english/2014/02/un-chief-broadcasts-peace-appeal-in-central-african-republic/#.U4aw4_lWSo ; www.bbc.com/news/world-africa-26982136

² It must be pointed out that an important step has been taken in January 2014, with the election of Catherine Samba-Panza as President of the C.A.R. www.womeninandbeyond.org/?p=7091

³ www.mercycorps.org/articles/central-african-republic/violence-vocation-fear-freedom

property (Article 15 of CEDAW), and the strategies put in place to improve the rapidity and accessibility – so far insufficient - of the measures to support widows and their children in all the fields covered by Part III of the CEDAW.

→ The Government should be called to provide as soon as possible official and reliable statistics about widows and their living conditions, to be used as a basis to design and implement effective measures. The failure of the Government to attempt to identify this huge category of women in all sections of society, or to instigate any systematic research and analysis of their needs and roles, is itself a form of discrimination which requires attention according to Article 2 of the CEDAW.

2. As underlined in the State Report, **dowry customs** are still observed in the Central African Republic, and contribute to create a situation in which men marry at an older age, when they can afford to pay, thus promoting great age differences between the spouses that leave so many women widowed at a young age. Husbands who pay dowry tend to consider their wives as their property, on whom they can have full decisional power. Moreover, Articles 254 and 255 of the Family Code state that the **husband is the head of the family**. Marital status can affect women's rights to conclude contracts or make commercial transactions, including the acquisition and administration of property. Law No. 97.13 of 11 November 1997, establishing the Family Code, recognizes to widows the capacity to inherit. However, being the Central African society a traditionally patrilinear one, **women face difficulties in exercising their succession rights**, due to customs and to ignorance of their rights. Inheritance passes from man to man, from father to eldest son, or even to uncles or male cousins. Being the recognized social role of women an inferior one, completely connected to their marital status (as wives, mothers and housewives), they can lose everything in case of death of their husbands.⁴ Widows and their children are often evicted from their property by the deceased husband's family. The situation is even more complicated in case of polygamy, which is legal in the Central African Republic.

→ The Government should explain what steps it has taken to eradicate the custom of early and forced marriages, to amend discriminatory laws, to reach gender equality and to improve and increase women's access to justice so that they can claim and exercise their rights. It should indicate the measures undertaken to ensure that all women, widows included, can enter into marriage only with their free and full consent (Article 16 of CEDAW).

→ According to Article 6 of the CEDAW, the Government should be held responsible to undertake all efforts possible in order to impede that widow's coping strategies lead them and their families towards illegality, exploitation, marginalization and extreme

⁴ CEDAW/C/CAF/1-5, parr. 5.1, 5.4 and 15.1.

poverty; both material and psychological support strategies are to be taken into account.

3. **Widowhood rites** are still practiced in the Central African Republic, being strongly connected to beliefs, customs and traditions. They generally involve acts that can be considered as physical and moral violence and abuse. Confiscation of property and levirate are also common.⁵ Widowhood rites are widely tolerated, despite the fact that the Family Code and the Criminal Code provide that abuse and ill-treatment of widows and mourning ceremonies are prohibited and punished.⁶

→ The Government should clarify what its efforts are, in conformity with Article 5 of the CEDAW, to prevent widows from being victim of stereotypes and social pressures that impede the full enjoyment of their rights and freedoms.

→ The Government should be asked to explain how it is working to eradicate stereotypes and traditional harmful practices, and to empower and support widows who assert their rights. It should relate how the National Committee to Curb Traditional Practices Harmful to the Health of Women and Girls and Violence against Women (*Comité National de Lutte contre les Pratiques Traditionnelles Néfastes à la Santé de la Femme et de la Petite Fille et les Violences à leur égard*), set up in 2001,⁷ is working. In particular, it should explain: if the Committee is conducting research and collecting data on harmful practices and violence affecting widows; if it is raising awareness about these practices and proposing measures to eradicate them, and if so which ones; if it is evaluating and promoting legal instruments for the protection of widows; if it is implementing the National Action Plan to fight against harmful practices and violence against women and girls which it has developed according to the functions for which it has been created.

4. **Widows living in rural areas** in the Central African Republic experience even stronger discrimination. The social position women hold in rural areas strongly depends on their marriage status: married women are more respected by their community than single or divorced ones, and married women without children have to face more hostilities than the ones

⁵ CEDAW/C/CAF/1-5, par. 4.7.

⁶ CEDAW/C/CAF/1-5, par. 16.6.

⁷ CEDAW/C/CAF/1-5, par. 3.3.1.

with children. As underlined in the State Report, widows in rural areas are often left to their fate: they often lose the inheritance, which is passed to relatives of the deceased husband.⁸

→ The Government should report on the condition of widows in rural areas and the measures undertaken to guarantee they can fully enjoy their rights. It should describe what measures it has put in place to implement Article 14 of the CEDAW, which requires all countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities, and social equity schemes.

WPD thanks the Committee for inviting it to submit this report. Please contact us if you require any further information.

WPD (Widows for Peace through Democracy)

Telephone: 020 7 603 9733

Email: director.wpd@gmail.com

⁸ CEDAW/C/CAF/1-5, par. 14.1.